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Pages 10043–10147
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Atomic Energy Commission
Budget Bureau
Business and Defense Services Administration
Civil Aeronautics Board
Commodity Credit Corporation
Consumer and Marketing Service
Customs Bureau
Economic Opportunity Office
Education Office
Federal Aviation Administration
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Treasury Department

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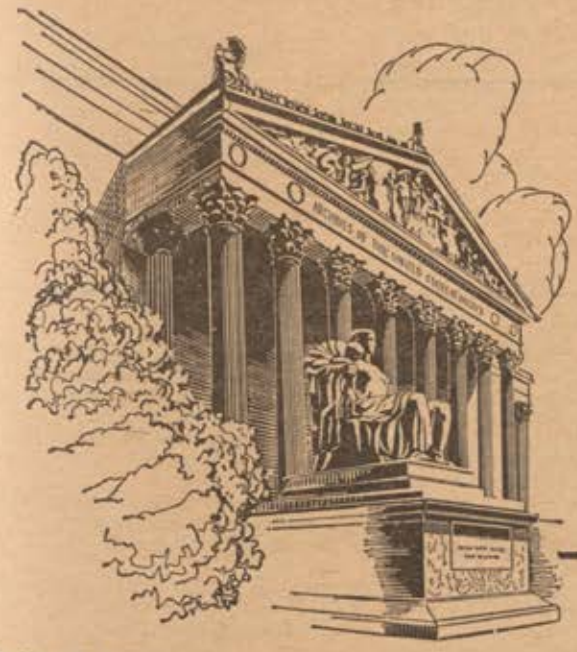

No. 131—Pt. I——1

Announcing First 10-Year Cumulation

TABLES OF LAWS AFFECTED in Volumes 70–79 of the

UNITED STATES STATUTES AT LARGE

Lists all prior laws and other Federal instruments which were amended, repealed, or otherwise affected by the provisions of public laws enacted during the years 1956–1965. Includes index of popular name acts affected in Volumes 70–79.

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Title 3—THE PRESIDENT

Proclamation 3791

WORLD LAW DAY, 1967

By the President of the United States of America
A Proclamation

Our Nation is committed to the Rule of Law. A government of laws, rather than of men, is the very essence of our society.

The Rule of Law, in our tradition, demands that

—Men be entitled to the government and the representatives of their choice.

—No citizen be above the law.

—Justice be administered by an independent judicial system.

—Disputes be fairly resolved by peaceful means.

We wish that relations among nations, as among individual citizens, were always governed by the Rule of Law—that disputes among nations were always adjudicated peacefully—that nations could learn to live with their differences as law-abiding neighbors.

One step in making this vision a reality is the joining together of the best judicial and legal minds of many nations. Many men of such eminence will assemble in Geneva on July 10, 1967, for the World Conference of World Peace Through Law. While other meetings will command more headlines, none will meet for a more important purpose.

It is especially fitting in these times of strife that we salute those who seek to establish the Rule of Law as a standard for the world.

Our best wishes are with this conference, as it assembles to promote the role of law and legal institutions in the resolution of international disputes and the maintenance of world peace. We join our fellow men throughout the world in reaffirming our commitment to the principles of international justice—and our hope that all men may find the wisdom to implement them.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, in order to advance the great goal of achieving and securing world peace, do hereby proclaim July 10, 1967, as World Law Day, and I call upon all public and private officials, members of the legal profession, citizens, and all men of good will to demonstrate the importance of the law in mankind's quest for world peace by appropriate observances and ceremonies in courts, schools, universities, and other public places.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of July in the year of our Lord nineteen hundred and sixty-seven, and of the Independence of the United States of America the one hundred and ninety-first.

Lyndon B. Johnson

[F.R. Doc. 67-7971; Filed, July 7, 1967; 10:35 a.m.]

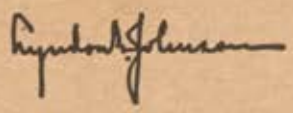
Executive Order 11359A

ADDING THE SECRETARY OF TRANSPORTATION TO THE MEMBERSHIP OF THE PRESIDENT'S COUNCIL ON RECREATION AND NATURAL BEAUTY

By virtue of the authority vested in me as President of the United States, Executive Order No. 11278 of May 4, 1966, entitled "Establishing a President's Council and a Committee on Recreation and Natural Beauty", is hereby amended as follows:

(1) By inserting in section 101(a) thereof, after "the Secretary of Housing and Urban Development,", the following: "the Secretary of Transportation,".

(2) By substituting for "and the Secretary of Housing and Urban Development,", in section 101(b) thereof, the following: "the Secretary of Housing and Urban Development, and the Secretary of Transportation,".



THE WHITE HOUSE,
June 29, 1967.

[F.R. Doc. 67-7931; Filed, July 6, 1967; 2:11 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

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

[Orange Reg. 56]

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 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 regulation 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 regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple and Murcott Honey oranges, 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 regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 905.494 Orange Regulation 56.

(a) *Order.* (1) Orange Regulation 55 (31 F.R. 15189, 15584, 32 F.R. 4567, 8761, 9081) is hereby terminated July 10, 1967.

(2) During the period July 10, 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 oranges, except Temple and Murcott Honey oranges, grown in the production area, which do not grade at least U.S. No. 2, Russet; or

(ii) Any oranges, except Temple and Murcott Honey oranges, grown in the production area, which are of a size smaller than $2\frac{4}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Oranges and Tangelos: *Provided*, That in determining the percentage of oranges in any lot which are smaller than $2\frac{4}{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $2\frac{10}{16}$ inches in diameter or smaller.

(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 applicable meaning given to the respective term in the U.S. Standards for Florida Oranges and Tangelos (7 CFR 51.1140–51.1178).

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

Dated: July 6, 1967.

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

[F.R. Doc. 67-7959; Filed, July 7, 1967; 8:49 a.m.]

[Valencia Orange Reg. 210]

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

Limitation of Handling

§ 908.510 Valencia Orange Regulation 210.

(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 July 6, 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 9, 1967, through July 15, 1967, are hereby fixed as follows:

(i) District 1: 150,000 cartons;

(ii) District 2: 350,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "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: July 7, 1967.

F. L. SOUTHERLAND,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-7975; Filed, July 7, 1967; 11:40 a.m.]

[Lemon Reg. 275]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.575 Lemon Regulation 275.

(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 regulation, 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 July 5, 1967.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period July 9, 1967, through July 15, 1967, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 325,500 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated: July 7, 1967.

F. L. SOUTHERLAND,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-7974; Filed, July 7, 1967; 11:40 a.m.]

[Avocado Reg. 15, Amdt. 1]

PART 944—FRUIT; IMPORT REGULATIONS

Avocados

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), the provisions of paragraph (a) of § 944.7 (Avocado Reg. 15; 32 F.R. 7245) are hereby amended to read as follows:

§ 944.7 Avocado Regulation 15.

(a) On and after the effective time of this section, the importation into the United States of any avocados is prohibited unless such avocados are inspected and meet the following requirements:

(1) All avocados imported during the period May 20, 1967, through April 30, 1968, shall grade not less than U.S. No. 3.

(2) Avocados of the Pollock variety shall not be imported prior to July 10, 1967, and from July 10, 1967, through July 30, 1967, shall not be imported unless the individual fruit in each lot of such avocados weighs at least 18 ounces or measures at least $3\frac{11}{16}$ inches in diameter;

* * * * *

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective time of this regulation beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), which makes such regulation mandatory; (b) such regulation imposes the same grade and comparable maturity requirements on imports of avocados as are being made applicable to the shipment of avocados grown in Florida under Avocado Regulation 9, as amended, which becomes effective July 10, 1967; (c) such domestic and import restrictions should become effective at as near the same time as practicable; (d) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time hereof; (e) notice hereof in excess of 3 days, the minimum prescribed by said section 8e, is given with respect to this import regulation, insofar as it imposes added restrictions and (f) such notice is hereby determined, under the circumstances, to be reasonable.

Dated: July 7, 1967, to become effective July 10, 1967.

F. L. SOUTHERLAND,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-7972; Filed, July 7, 1967; 11:40 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1967-Crop Barley Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1967 Crop Barley Loan and Purchase Program

The General Regulations Governing Price Support for the 1964 and Subsequent Crops (Revision 1) (31 F.R. 5941) and the 1966 and Subsequent Crop Barley Supplement (31 F.R. 7984 and 32 F.R. 9151) which contain regulations of a general nature with respect to price support operations are further supplemented for the 1967 crop of barley as follows:

Sec.
1421.2281 Availability.
1421.2282 Warehouse charges.
1421.2283 Maturity of loans.
1421.2284 Support rates and discounts.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 63 Stat. 1072, secs. 105, 401, 63 Stat. 1051 as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.2281 Availability.

A producer desiring a price support loan must request a loan on his eligible barley on or before April 30, 1968, on

barley stored in Alaska, Idaho, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming, and on or before March 31, 1968, on barley stored in all other States. To obtain price support through a sale to CCC, a producer must give the appropriate ASCS county office notice of his intent to sell his eligible barley to CCC on or before May 31, 1968, for barley stored in the States named in this section and on or before April 30, 1968, for barley stored in all other States.

§ 1421.2282 Warehouse charges.

Subject to the provisions of § 1421.2269, the schedules of deductions set forth in this section shall apply to barley stored in an approved warehouse operating under the Uniform Grain Storage Agreement and operated by an Eastern common carrier.

(a) *Warehouses approved under the Uniform Grain Storage Agreement.*

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES BY MATURITY DATES

Maturity date of April 30, 1968	Deduction (cents per bushel)	Maturity date of May 31, 1968
(1)		(1)
Prior to May 17, 1967	13	Prior to June 17, 1967.
May 17–June 13, 1967	12	June 17–July 14, 1967.
June 14–July 11, 1967	11	July 15–Aug. 11, 1967.
July 12–Aug. 8, 1967	10	Aug. 12–Sept. 8, 1967.
Aug. 9–Sept. 5, 1967	9	Sept. 9–Oct. 6, 1967.
Sept. 6–Oct. 3, 1967	8	Oct. 7–Nov. 3, 1967.
Oct. 4–Oct. 31, 1967	7	Nov. 4–Dec. 1, 1967.
Nov. 1–Nov. 28, 1967	6	Dec. 2–Dec. 29, 1967.
Nov. 29–Dec. 26, 1967	5	Dec. 30, 1967–Jan. 26, 1968.
Dec. 27, 1967–Jan. 23, 1968.	4	Jan. 27–Feb. 23, 1968.
Jan. 24–Feb. 20, 1968	3	Feb. 24–Mar. 22, 1968.
Feb. 21–Mar. 19, 1968	2	Mar. 23–Apr. 19, 1968.
Mar. 20–Apr. 30, 1968	1	Apr. 20–May 31, 1968.

[1] Date storage charges start, all dates inclusive.

(b) *Warehouses operated by Eastern common carriers.* (1) Eligible barley stored in the following approved Eastern common carrier warehouses may be placed under loan or offered for sale to CCC: (i) Canadian National Railway Co., Portland Elevator, Warehouse Code 9-2101, Portland, Maine, and (ii) Pennsylvania Railroad Co. Canton Elevator, Warehouse Code 9-2151, Baltimore, Md.

(2) Schedule of deductions for storage charges:

Maturity date of April 30, 1968 (1)	Deduction (cents per bushel) (2)
Prior to June 26, 1967	16
June 26–July 15, 1967	15
July 16–Aug. 4, 1967	14
Aug. 5–Aug. 24, 1967	13
Aug. 25–Sept. 13, 1967	12
Sept. 14–Oct. 3, 1967	11
Oct. 4–Oct. 23, 1967	10
Oct. 24–Nov. 12, 1967	9
Nov. 13–Dec. 2, 1967	8
Dec. 3–Dec. 22, 1967	7
Dec. 23, 1967–Jan. 11, 1968	6
Jan. 12–Jan. 31, 1968	5
Feb. 1–Feb. 20, 1968	4
Feb. 21–Mar. 11, 1968	3
Mar. 12–Mar. 31, 1968	2
Apr. 1–Apr. 30, 1968	1

[1] Storage commence date, all dates inclusive.

[2] Charges shall be reduced by 2 cents per bushel if producer presents evidence that elevation charges were prepaid.

§ 1421.2283 Maturity of loans.

Loans mature on demand but not later than: May 31, 1968, on barley stored in the States of Alaska, Idaho, Minnesota, Montana, North Dakota, South Dakota, Oregon, Washington, Wisconsin, and Wyoming and April 30, 1968, on barley stored in all other States.

§ 1421.2284 Support rates and discounts.

(a) *Basic support rates (terminals).* Basic support rates for loan and settlement purposes for grade No. 2 or better barley stored in approved warehouses at the terminal markets listed below are as follows:

Terminal market	Rate per bushel
Atchison, Kans	$1.09
Kansas City, Mo	1.09
Saint Joseph, Mo	1.09
Omaha, Nebr	1.07
Sioux City, Iowa	1.07
Minneapolis, Minn	1.10
Duluth, Minn	1.10
Superior, Wis	1.10
St. Paul, Minn	1.10
Galveston, Tex	1.19
Houston, Tex	1.19
Port Arthur, Tex	1.19
Baton Rouge, La	1.19
New Orleans, La	1.19
Beaumont, Tex	1.19
Chicago, Ill	1.14
Saint Louis, Mo	1.14
Milwaukee, Wis	1.14
Memphis, Tenn	1.13
Cairo, Ill	1.13
Longview, Wash	1.14
Tacoma, Wash	1.14
Vancouver, Wash	1.14
Seattle, Wash	1.14
Kalama, Wash	1.14
Portland, Oreg	1.14
Astoria, Oreg	1.14
San Francisco, Calif	1.18
Stockton, Calif	1.18
Oakland, Calif	1.18
Los Angeles, Calif	1.18
Long Beach, Calif	1.18
Wilmington, Calif	1.18
Albany, N.Y	1.23
Philadelphia, Pa	1.23
Baltimore, Md	1.23
New York, N.Y	1.23
Norfolk, Va	1.23

(b) *Basic support rates (counties).* Basic county support rates for loan and settlement purposes for farm-stored and country warehouse-stored barley are established for barley grading No. 2 or better and are as follows:

County	Rate per bushel
ALABAMA	
All counties	$0.96
ALASKA	
All counties	$1.80
ARIZONA	
Apache	$0.81
Cochise	.95
Coconino	.81
Gila	.76
Graham	.88
Greenlee	.76
Maricopa	1.00
Mohave	$0.81
Navajo	.81
Pima	.98
Pinal	1.00
Santa Cruz	.95
Yavapai	.81
Yuma	1.02
ARKANSAS	
Arkansas	$0.99
Ashley	.97
Baxter	.90
Benton	.87
Boone	.89
Bradley	.92
Calhoun	.91
Carroll	.88
Chicot	.97
Clark	.91
Clay	.99
Cleburne	1.00
Cleveland	.94
Columbia	.89
Conway	.97
Craighead	1.01
Crawford	.88
Crittenden	1.02
Cross	1.02
Dallas	.92
Desha	.99
Drew	.97
Faulkner	.98
Franklin	.89
Fulton	.94
Garland	.91
Grant	.92
Greene	1.01
Hempstead	.89
Hot Spring	.92
Howard	.89
Independence	.96
Izard	.92
Jackson	.99
Jefferson	.99
Johnson	.89
Lafayette	.89
Lawrence	1.00
Lee	$1.02
Lincoln	.98
Little River	.89
Logan	.89
Lonoke	.99
Madison	.87
Marion	.89
Miller	.89
Mississippi	1.02
Monroe	1.01
Montgomery	.89
Nevada	.89
Newton	.89
Ouachita	.90
Perry	.91
Phillips	1.01
Pike	.89
Poinsett	1.02
Polk	.87
Pope	.90
Prairie	1.00
Pulaski	.99
Randolph	1.00
St. Francis	1.02
Saline	.94
Scott	.87
Searcy	.89
Sebastian	.88
Sevier	.88
Sharp	.94
Stone	.92
Union	.89
Van Buren	.97
Washington	.87
White	1.00
Woodruff	1.01
Yell	.90
CALIFORNIA	
Alameda	$1.07
Alpine	.98
Amador	1.07
Butte	1.04
Calaveras	1.07
Colusa	1.06
Contra Costa	1.07
El Dorado	1.04
Fresno	1.05
Glenn	1.05
Humboldt	.93
Imperial	1.03
Inyo	.93
Kern	1.04
Kings	1.05
Lake	1.02
Lassen	.92
Los Angeles	1.06
Madera	1.07
Marin	1.07
Mariposa	1.07
Mendocino	.99
Merced	1.07
Modoc	.96
Monterey	1.04
Napa	1.06
Orange	1.05
Placer	1.06
Plumas	$0.98
Riverside	1.03
Sacramento	1.06
San Benito	1.05
San Bernardino	1.05
San Diego	1.02
San Joaquin	1.08
San Luis Obispo	1.02
San Mateo	1.07
Santa Barbara	1.01
Santa Clara	1.06
Santa Cruz	1.04
Shasta	.96
Sierra	.91
Siskiyou	.96
Solano	1.06
Sonoma	1.06
Stanislaus	1.07
Sutter	1.05
Tehama	1.01
Tulare	1.04
Tuolumne	1.07
Ventura	1.05
Yolo	1.06
Yuba	1.05
COLORADO	
Adams	$0.86
Alamosa	.81
Arapahoe	.86
Archuleta	.81
Baca	$0.86
Bent	.86
Boulder	.86
Chafee	.81

COLORADO—Continued

County	Rate per bushel	County	Rate per bushel
Cheyenne	$0.86	Lincoln	$0.86
Conejos	.81	Logan	.86
Costilla	.81	Mesa	.81
Crowley	.86	Moffat	.81
Custer	.86	Montezuma	.81
Delta	.81	Montrose	.81
Denver	.86	Morgan	.86
Dolores	.81	Otero	.86
Douglas	.86	Ouray	.81
Eagle	.81	Phillips	.86
Elbert	.86	Pitkin	.81
El Paso	.86	Prowers	.86
Fremont	.86	Pueblo	.86
Garfield	.81	Rio Blanco	.81
Grand	.81	Rio Grande	.81
Huerfano	.86	Routt	.81
Jackson	.81	Saguache	.81
Jefferson	.86	San Miguel	.81
Kiowa	.86	Sedgwick	.86
Kit Carson	.86	Summit	.81
La Plata	.81	Washington	.86
Larimer	.86	Wild	.86
Las Animas	.86	Yuma	.86

CONNECTICUT

All counties $1.00

DELAWARE

All counties $1.00

FLORIDA

All counties $0.99

GEORGIA

All counties $0.99

IDAHO

County	Rate per bushel	County	Rate per bushel
Ada	$0.91	Gem	$0.91
Adams	.91	Gooding	.91
Bannock	.90	Idaho	.92
Bear Lake	.89	Jefferson	.89
Benewah	.94	Jerome	.91
Bingham	.89	Kootenai	.94
Blaine	.90	Latah	.94
Boise	.91	Lemhi	.89
Bonner	.89	Lewis	.93
Bonneville	.89	Lincoln	.91
Boundary	.88	Madison	.89
Butte	.89	Minidoka	.91
Camas	.90	Nez Perce	.94
Canyon	.91	Oneida	.90
Caribou	.89	Owyhee	.91
Cassia	.91	Payette	.91
Clark	.89	Power	.90
Clearwater	.93	Shoshone	.85
Custer	.90	Teton	.89
Elmore	.91	Twin Falls	.91
Franklin	.90	Valley	.91
Fremont	.89	Washington	.91

ILLINOIS

County	Rate per bushel	County	Rate per bushel
Adams	$0.98	Franklin	$0.96
Alexander	.96	Fulton	.99
Bond	.98	Gallatin	.92
Boone	1.02	Greene	.98
Brown	.98	Grundy	1.02
Bureau	1.01	Hamilton	.95
Calhoun	.97	Hancock	.97
Carroll	1.00	Hardin	.92
Cass	.96	Henderson	.98
Champaign	1.00	Henry	1.00
Christian	.97	Iroquois	1.02
Clark	.95	Jackson	.96
Clay	.96	Jasper	.97
Clinton	1.00	Jefferson	1.02
Coles	.97	Jersey	.98
Cook	1.02	Jo Daviess	.99
Crawford	.96	Johnson	.92
Cumberland	.97	Kane	1.02
De Kalb	1.02	Kankakee	1.02
De Witt	.98	Kendall	1.02
Douglas	.98	Knox	.99
Du Page	1.02	Lake	1.01
Edgar	.96	La Salle	1.02
Edwards	.97	Lawrence	.94
Effingham	.97	Lee	1.02
Fayette	.96	Livingston	1.01
Ford	1.01	Logan	.98

ILLINOIS—Continued

County	Rate per bushel	County	Rate per bushel
McDonough	$0.97	Randolph	$0.96
McHenry	1.02	Richland	.95
McLean	.99	Rock Island	1.00
Macon	.98	St. Clair	.99
Macoupin	.98	Saline	.93
Madison	.99	Sangamon	.97
Marion	.97	Schuyler	.98
Marshall	1.01	Scott	.98
Mason	.97	Shelby	.96
Massac	.95	Stark	1.00
Menard	.98	Stephenson	1.01
Mercer	.99	Tazewell	.98
Monroe	.98	Union	.96
Montgomery	.97	Vermilion	1.00
Morgan	.98	Wabash	.97
Moultrie	.98	Warren	.99
Ogle	1.02	Washington	.96
Peoria	.99	Wayne	.98
Perry	.96	White	.93
Piatt	.98	Whiteside	1.01
Pike	.98	Will	1.02
Pope	.94	Williamson	.96
Pulaski	.96	Winnebago	1.01
Putnam	1.00	Woodford	1.00

INDIANA

County	Rate per bushel	County	Rate per bushel
Adams	$0.92	Lawrence	$0.92
Allen	.92	Madison	.93
Batholomew	.90	Marion	.92
Benton	.96	Marshall	.94
Blackford	.94	Martin	.91
Boone	.92	Miami	.94
Brown	.89	Monroe	.94
Carroll	.95	Montgomery	.93
Cass	.95	Morgan	.90
Clark	.87	Newton	.99
Clay	.95	Noble	.93
Clinton	.94	Ohio	.88
Crawford	.97	Orange	.95
Daviess	.90	Owen	.90
Dearborn	.88	Parke	.93
Decatur	.90	Perry	.97
De Kalb	.93	Pike	.94
Delaware	.92	Porter	.98
Dubois	.98	Posey	.95
Elkhart	.94	Pulaski	.96
Fayette	.90	Putnam	.92
Floyd	.87	Randolph	.93
Fountain	.93	Ripley	.88
Franklin	.90	Rush	.91
Fulton	.95	St. Joseph	.95
Gibson	.95	Scott	.88
Grant	.93	Shelby	.90
Greene	.90	Spencer	.97
Hamilton	.92	Starke	.96
Hancock	.92	Steuben	.92
Harrison	.88	Sullivan	.95
Hendricks	.92	Switzerland	.86
Henry	.92	Tippecanoe	.95
Howard	.94	Tipton	.93
Huntington	.93	Union	.90
Jackson	.89	Vanderburgh	.99
Jasper	.98	Vermillion	1.00
Jay	.93	Vigo	.99
Jefferson	.87	Wabash	.94
Jennings	.89	Warren	.97
Johnson	.91	Warrick	.99
Knox	.93	Washington	.88
Kosciusko	.94	Wayne	.92
Lagrange	.93	Wells	.92
Lake	1.00	White	.97
La Porte	.96	Whitley	.94

IOWA

County	Rate per bushel	County	Rate per bushel
Adair	$0.89	Calhoun	$0.88
Adams	.90	Carroll	.90
Allamakee	.90	Cass	.90
Appanoose	.91	Cedar	.93
Audubon	.91	Cerro Gordo	.90
Benton	.91	Cherokee	.88
Black Hawk	.90	Chickasaw	.90
Boone	.87	Clarke	.88
Bremer	.90	Clay	.89
Buchanan	.90	Clayton	.91
Buena Vista	.88	Clinton	.94
Butler	.90	Crawford	.91

IOWA—Continued

County	Rate per bushel	County	Rate per bushel
Dallas	$0.88	Marion	$0.89
Davis	.91	Marshall	.89
Decatur	.88	Mills	.92
Delaware	.91	Mitchell	.90
Des Moines	.94	Monona	.91
Dickinson	.89	Monroe	.90
Dubuque	.92	Montgomery	.92
Emmet	.90	Muscatine	.94
Fayette	.90	O'Brien	.88
Floyd	.90	Osceola	.88
Franklin	.89	Page	.92
Fremont	.92	Palo Alto	.89
Greene	.88	Plymouth	.89
Grundy	.89	Pocahontas	.88
Guthrie	.89	Polk	.88
Hamilton	.88	Pottawattamie	.92
Hancock	.90	Poweshiek	.90
Hardin	.89	Ringgold	.87
Harrison	.92	Sac	.89
Henry	.92	Scott	.94
Howard	.90	Shelby	.92
Humboldt	.88	Sioux	.89
Ida	.89	Story	.88
Iowa	.91	Tama	.90
Jackson	.95	Taylor	.89
Jasper	.88	Union	.89
Jefferson	.91	Van Buren	.91
Johnson	.92	Wapello	.90
Jones	.92	Warren	.88
Keokuk	.90	Washington	.91
Kossuth	.89	Wayne	.90
Lee	.95	Webster	.88
Linn	.92	Winnebago	.90
Louisa	.92	Winneshiek	.90
Lucas	.88	Woodbury	.90
Lyon	.87	Worth	.90
Madison	.87	Wright	.89
Mahaska	.90		

KANSAS

County	Rate per bushel	County	Rate per bushel
Allen	$0.93	Johnson	$0.93
Anderson	.93	Kearny	.86
Atchinson	.93	Kingman	.91
Barber	.90	Kiowa	.90
Barton	.90	Labette	.93
Bourbon	.93	Lane	.88
Brown	.93	Leavenworth	.93
Butler	.92	Lincoln	.91
Chase	.93	Linn	.93
Chautauqua	.93	Logan	.87
Cherokee	.93	Lyon	.93
Cheyenne	.86	McPherson	.91
Clark	.87	Marion	.92
Clay	.93	Marshall	.93
Cloud	.92	Meade	.87
Coffey	.93	Miami	.93
Comanche	.88	Mitchell	.92
Cowley	.92	Montgomery	.93
Crawford	.93	Morris	.93
Decatur	.88	Morton	.84
Dickinson	.92	Nemaha	.93
Doniphan	.93	Neosho	.93
Douglas	.93	Ness	.90
Edwards	.90	Norton	.90
Elk	.93	Osage	.93
Ellis	.90	Osborne	.91
Ellsworth	.91	Ottawa	.92
Finney	.87	Pawnee	.90
Ford	.89	Phillips	.90
Franklin	.93	Pottawatomie	.93
Geary	.93	Pratt	.90
Gove	.88	Rawlins	.87
Graham	.90	Reno	.91
Grant	.86	Republic	.92
Gray	.88	Rice	.91
Greeley	.86	Riley	.93
Greenwood	.93	Rooks	.90
Hamilton	.86	Rush	.90
Harper	.91	Russell	.90
Harvey	.92	Saline	.92
Haskell	.87	Scott	.87
Hodgeman	.90	Sedgwick	.92
Jackson	.93	Seward	.86
Jefferson	.93	Shawnee	.93
Jewell	.92		

KANSAS—Continued

County	Rate per bushel	County	Rate per bushel
Sheridan	$0.88	Trego	$0.90
Sherman	.86	Wabaunsee	.93
Smith	.91	Wallace	.86
Stafford	.90	Washington	.93
Stanton	.85	Wichita	.86
Stevens	.86	Wilson	.93
Sumner	.92	Woodson	.93
Thomas	.87	Wyandotte	.93

KENTUCKY

All counties $0.94

LOUISIANA

All parishes $0.87

MAINE

All counties $1.00

MARYLAND

All counties $1.00

MASSACHUSETTS

All counties $1.00

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Alcona	$0.82	Keweenaw	$0.83
Alger	.85	Lake	.86
Allegan	.91	Lapeer	.90
Alpena	.80	Leelanau	.82
Antrim	.80	Lenawee	.92
Arenac	.86	Livingston	.91
Baraga	.86	Luce	.81
Barry	.91	Mackinac	.81
Bay	.89	Macomb	.91
Benzie	.84	Manistee	.86
Berrien	.94	Marquette	.85
Branch	.92	Mason	.86
Calhoun	.94	Mecosta	.86
Cass	.95	Menominee	.88
Charlevoix	.79	Midland	.89
Cheboygen	.79	Missaukee	.84
Chippewa	.81	Monroe	.92
Clare	.87	Montcalm	.89
Clinton	.90	Montmorency	.81
Crawford	.83	Muskegon	.89
Delta	.86	Newaygo	.86
Dickinson	.87	Oakland	.90
Eaton	.91	Oceana	.86
Emmet	.79	Ogemaw	.85
Genesee	.91	Ontonagon	.84
Gladwin	.87	Osceola	.87
Gogebic	.88	Oscoda	.83
Grand Traverse	.82	Otsego	.81
Gratiot	.90	Ottawa	.91
Hillsdale	.91	Presque Isle	.79
Houghton	.83	Roscommon	.85
Huron	.89	Saginaw	.90
Ingham	.91	St. Clair	.91
Ionia	.91	St. Joseph	.94
Iosco	.84	Sanilac	.89
Iron	.85	Schoolcraft	.82
Isabella	.89	Shiawassee	.91
Jackson	.94	Tuscola	.89
Kalamazoo	.94	Van Buren	.93
Kalkaska	.82	Washtenaw	.91
Kent	.90	Wayne	.91
		Wexford	.89

MINNESOTA

County	Rate per bushel	County	Rate per bushel
Aitkin	$0.94	Douglas	$0.91
Anoka	.96	Faribault	.98
Becker	.89	Fillmore	.96
Beltrami	.89	Freeborn	.98
Benton	.93	Goodhue	.98
Big Stone	.93	Grant	.90
Blue Earth	.98	Hennepin	.97
Brown	.98	Houston	.95
Carlton	.95	Hubbard	.89
Carver	.98	Isanti	.94
Cass	.91	Itasca	.92
Chippewa	.95	Jackson	.96
Chisago	.95	Kanabec	.93
Clay	.88	Kandiyohi	.93
Clearwater	.88	Kittson	.84
Cottonwood	.97	Koochiching	.86
Crow Wing	.92	Lac Qui Parle	.94
Dakota	.98	Lake of the Woods	.86
Dodge	.98		

MINNESOTA—Continued

County	Rate per bushel	County	Rate per bushel
Le Sueur	$0.98	Renville	$0.98
Lincoln	.94	Rice	.98
Lyon	.94	Rock	.90
McLeod	.97	Roseau	.86
Mahnomen	.87	Saint Louis	.93
Marshall	.86	Scott	.98
Martin	.97	Sherburne	.95
Meeker	.94	Sibley	.98
Mille Lacs	.94	Stearns	.93
Morrison	.92	Steele	.96
Mower	.98	Stevens	.91
Murray	.95	Swift	.92
Nicollet	.98	Todd	.91
Nobles	.93	Traverse	.90
Norman	.88	Wabasha	.98
Olmsted	.98	Wadena	.91
Otter Tail	.90	Waseca	.98
Pennington	.86	Washington	.97
Pine	.95	Watonwan	.98
Pipestone	.92	Wilkin	.89
Polk	.87	Winona	.98
Pope	.91	Wright	.95
Ramsey	.96	Yellow Medicine	.97
Red Lake	.87		
Redwood	.98		

MISSISSIPPI

All counties $0.96

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$0.92	Lewis	$0.94
Andrew	.93	Lincoln	.98
Atchison	.91	Linn	.92
Adurain	.95	Livingston	.92
Barry	.93	McDonald	.93
Barton	.93	Macon	.93
Bates	.93	Madison	1.00
Benton	.91	Maries	.95
Bollinger	.99	Marion	.95
Boone	.94	Mercer	.90
Buchanan	.93	Miller	.92
Butler	.99	Mississippi	.98
Caldwell	.93	Moniteau	.93
Callaway	.95	Monroe	.94
Camden	.97	Montgomery	.96
Cape Girardeau	.99	Morgan	.92
Carroll	.92	New Madrid	.99
Carter	.90	Newton	.93
Cass	.93	Nodaway	.91
Cedar	.93	Oregon	.93
Chariton	.92	Osage	.95
Christian	.93	Ozark	.91
Clark	.94	Pemiscot	1.00
Clay	.93	Perry	1.01
Clinton	.93	Pettis	.91
Cole	.94	Phelps	1.00
Cooper	.93	Pike	.95
Crawford	1.01	Platte	.93
Dade	.93	Polk	.93
Dallas	.95	Pulaski	.98
Daviess	.92	Putnam	.89
De Kalb	.93	Ralls	.95
Dent	.99	Randolph	.94
Douglas	.92	Ray	.93
Dunklin	.99	Reynolds	.97
Franklin	.98	Ripley	.99
Gasconade	.96	St. Charles	1.01
Gentry	.91	St. Clair	.93
Greene	.94	St. Francois	1.01
Grundy	.91	Ste. Genevieve	1.02
Harrison	.90	St. Louis	1.02
Henry	.93	Saline	.92
Hickory	.93	Schuyler	.92
Holt	.91	Scotland	.93
Howard	.94	Scott	.98
Howell	.92	Shannon	.90
Iron	1.01	Shelby	.94
Jackson	.93	Stoddard	.98
Jasper	.93	Stone	.93
Jefferson	1.03	Sullivan	.90
Johnson	.93	Taney	.92
Knox	.93	Texas	.91
Laclede	.97	Vernon	.93
Lafayette	.93	Warren	.99
Lawrence	.93	Washington	1.02

MISSOURI—Continued

County	Rate per bushel	County	Rate per bushel
Wayne	$0.98	Worth	$0.90
Webster	.95	Wright	.92

MONTANA

County	Rate per bushel	County	Rate per bushel
Beaverhead	$0.79	McCone	$0.72
Big Horn	.69	Madison	.84
Blaine	.70	Meagher	.80
Broadwater	.83	Mineral	.85
Carbon	.77	Missoula	.85
Carter	.73	Musselshell	.76
Cascade	.77	Park	.83
Chouteau	.75	Petroleum	.72
Custer	.72	Phillips	.67
Daniels	.70	Pondera	.76
Dawson	.72	Powder River	.70
Deer Lodge	.84	Powell	.84
Fallon	.73	Prairie	.72
Fergus	.75	Ravalli	.83
Flathead	.83	Richland	.73
Gallatin	.84	Roosevelt	.73
Garfield	.71	Rosebud	.72
Glacier	.77	Sanders	.85
Golden Valley	.77	Sheridan	.72
Granite	.83	Silver Bow	.84
Hill	.72	Stillwater	.77
Jefferson	.82	Sweet Grass	.80
Judith Basin	.75	Teton	.76
Lake	.83	Toole	.76
Lewis and Clark	.76	Treasure	.73
Liberty	.73	Valley	.69
Lincoln	.83	Wheatland	.77
		Wibaux	.74
		Yellowstone	.77

NEBRASKA

County	Rate per bushel	County	Rate per bushel
Adams	$0.91	Jefferson	$0.93
Antelope	.92	Johnson	.93
Arthur	.85	Kearney	.90
Banner	.81	Keith	.85
Blaine	.88	Keya Paha	.88
Boone	.92	Kimball	.82
Box Butte	.84	Knox	.92
Boyd	.92	Lancaster	.93
Brown	.88	Lincoln	.87
Buffalo	.91	Logan	.88
Burt	.92	Loup	.90
Butler	.92	McPherson	.87
Cass	.93	Madison	.92
Cedar	.92	Merrick	.92
Chase	.85	Morrill	.83
Cherry	.86	Nance	.92
Cheyenne	.82	Nemaha	.93
Clay	.92	Nuckolls	.92
Colfax	.92	Otoe	.93
Cuming	.92	Pawnee	.93
Custer	.90	Perkins	.85
Dakota	.92	Phelps	.90
Dawes	.82	Pierce	.92
Dawson	.90	Platte	.92
Deuel	.85	Polk	.92
Dixon	.92	Red Willow	.88
Dodge	.92	Richardson	.93
Douglas	.92	Rock	.88
Dundy	.85	Saline	.93
Fillmore	.93	Sarpy	.93
Franklin	.90	Saunders	.93
Frontier	.88	Scotts Bluff	.81
Furnas	.89	Seward	.93
Gage	.93	Sheridan	.83
Garden	.84	Sherman	.91
Garfield	.91	Sioux	.82
Gosper	.89	Stanton	.92
Grant	.84	Thayer	.93
Greeley	.92	Thomas	.87
Hall	.92	Thurston	.92
Hamilton	.92	Valley	.91
Harlan	.90	Washington	.92
Hayes	.85	Wayne	.92
Hitchcock	.86	Webster	.91
Holt	.91	Wheeler	.92
Hooker	.86	York	.92
Howard	.92		

NEVADA

All counties $0.91

New Hampshire

County	Rate per bushel
All counties	$1.00

New Jersey

All counties	$1.00

New Mexico

Bernalillo	$0.83	Mora	$0.83
Catron	.83	Otero	.83
Chaves	.89	Quay	.91
Colfax	.83	Rio Arriba	.81
Curry	.92	Roosevelt	.91
De Baca	.87	Sandoval	.83
Dona Ana	.83	San Juan	.81
Eddy	.87	San Miguel	.83
Grant	.83	Santa Fe	.83
Guadalupe	.84	Sierra	.83
Harding	.88	Socorro	.83
Hidalgo	.84	Taos	.81
Lea	.90	Torrance	.84
Lincoln	.83	Union	.90
Luna	.84	Valencia	.83
McKinley	.83		

New York

All counties	$1.00

North Carolina

All counties	$1.00

North Dakota

Adams	$0.78	McLean	$0.80
Barnes	.86	Mercer	.79
Benson	.82	Morton	.80
Billings	.77	Mountrail	.78
Bottineau	.79	Nelson	.84
Bowman	.77	Oliver	.80
Burke	.78	Pembina	.83
Burleigh	.83	Pierce	.81
Cass	.87	Ramsey	.83
Cavalier	.82	Ransom	.86
Dickey	.85	Renville	.78
Divide	.76	Richland	.88
Dunn	.77	Rolette	.81
Eddy	.83	Sargent	.87
Emmons	.81	Sheridan	.82
Foster	.84	Sioux	.79
Golden Valley	.74	Slope	.78
Grand Forks	.86	Stark	.78
Grant	.78	Steele	.86
Griggs	.85	Stutsman	.85
Hettinger	.78	Towner	.82
Kidder	.83	Traill	.86
La Moure	.84	Walsh	.84
Logan	.83	Ward	.79
McHenry	.81	Wells	.83
McIntosh	.82	Williams	.77
McKenzie	.75		

Ohio

Adams	$0.91	Geauga	$0.95
Allen	.92	Greene	.91
Ashland	.93	Guernsey	.93
Ashtabula	.95	Hamilton	.91
Athens	.92	Hancock	.92
Auglaize	.92	Hardin	.92
Belmont	.93	Harrison	.93
Brown	.91	Henry	.92
Butler	.91	Highland	.91
Carroll	.93	Hocking	.92
Champaign	.91	Holmes	.93
Clark	.91	Huron	.92
Clermont	.91	Jackson	.91
Clinton	.91	Jefferson	.94
Columbiana	.94	Knox	.93
Coshocton	.93	Lake	.94
Crawford	.92	Lawrence	.91
Cuyahoga	.93	Licking	.93
Darke	.94	Logan	.91
Defiance	.92	Lorain	.93
Delaware	.92	Lucas	.92
Erie	.92	Madison	.91
Fairfield	.92	Mahoning	.95
Fayette	.91	Marion	.92
Franklin	.92	Medina	.93
Fulton	.92	Meigs	.91
Gallia	.91	Mercer	.92

Ohio—Continued

County	Rate per bushel	County	Rate per bushel
Miami	$0.92	Sandusky	$0.92
Monroe	.93	Scioto	.91
Montgomery	.91	Seneca	.92
Morgan	.93	Shelby	.92
Morrow	.92	Stark	.93
Muskingum	.93	Summit	.93
Noble	.93	Trumbull	.95
Ottawa	.92	Tuscarawas	.93
Paulding	.92	Union	.92
Perry	.92	Van Wert	.92
Pickaway	.92	Vinton	.92
Pike	.91	Warren	.91
Portage	.93	Washington	.93
Preble	.91	Wayne	.93
Putnam	.92	Williams	.92
Richland	.93	Wood	.92
Ross	.92	Wyandot	.92

Oklahoma

Adair	$0.90	Le Flore	$0.88
Alfalfa	.91	Lincoln	.92
Atoka	.92	Logan	.92
Beaver	.91	Love	.93
Beckham	.92	McClain	.92
Blaine	.92	McCurtain	.88
Bryan	.91	McIntosh	.92
Caddo	.92	Major	.91
Canadian	.92	Marshall	.92
Carter	.92	Mayes	.93
Cherokee	.92	Murray	.92
Choctaw	.88	Muskogee	.92
Cimarron	.91	Noble	.91
Cleveland	.92	Nowata	.93
Coal	.92	Okfuskee	.92
Comanche	.92	Oklahoma	.92
Cotton	.92	Okmulgee	.92
Craig	.93	Osage	.91
Creek	.92	Ottawa	.93
Custer	.91	Pawnee	.92
Delaware	.93	Payne	.92
Dewey	.91	Pittsburg	.92
Ellis	.91	Pontotoc	.92
Garfield	.92	Pottawatomie	.92
Garvin	.92	Pushmataha	.88
Grady	.92	Roger Mills	.89
Grant	.90	Rogers	.93
Greer	.92	Seminole	.92
Harmon	.92	Sequoyah	.90
Harper	.90	Stephens	.92
Haskell	.88	Texas	.91
Hughes	.92	Tillman	.92
Jackson	.92	Tulsa	.92
Jefferson	.92	Wagoner	.92
Johnston	.92	Washington	.93
Kay	.91	Washita	.92
Kingfisher	.92	Woods	.90
Kiowa	.92	Woodward	.91
Latimer	.88		

Oregon

Baker	$0.94	Lake	$0.95
Benton	1.01	Lane	.97
Clackamas	1.02	Lincoln	.92
Clatsop	.97	Linn	1.00
Columbia	.99	Malheur	.90
Coss	.89	Marion	1.02
Crook	1.00	Morrow	1.00
Curry	.91	Multnomah	1.03
Deschutes	1.00	Polk	1.02
Douglas	.92	Sherman	1.03
Gilliam	1.01	Tillamook	1.04
Grant	1.00	Umatilla	1.00
Harney	.87	Union	.95
Hood River	1.04	Wallowa	.93
Jackson	.92	Wasco	1.04
Jefferson	1.02	Washington	1.04
Josephine	.92	Wheeler	1.00
Klamath	.96	Yamhill	1.03

Pennsylvania

All counties	$1.00

Rhode Island

All counties	$1.00

South Carolina

County	Rate per bushel
All counties	$1.00

South Dakota

Aurora	$0.88	Jackson	$0.85
Beadle	.90	Jerauld	.89
Bennett	.84	Jones	.87
Bon Homme	.89	Kingsbury	.91
Brookings	.91	Lake	.90
Brown	.90	Lawrence	.80
Brule	.88	Lincoln	.90
Buffalo	.88	Lyman	.88
Butte	.80	McCook	.89
Campbell	.82	McPherson	.86
Charles Mix	.89	Marshall	.87
Clark	.91	Meade	.81
Clay	.90	Mellette	.88
Codington	.91	Miner	.90
Corson	.81	Minnehaha	.89
Custer	.82	Moody	.92
Davison	.89	Pennington	.83
Day	.91	Perkins	.78
Deuel	.91	Potter	.89
Dewey	.84	Roberts	.91
Douglas	.89	Sanborn	.89
Edmunds	.89	Shannon	.83
Fall River	.80	Spink	.91
Faulk	.90	Stanley	.88
Grant	.92	Sully	.89
Gregory	.90	Todd	.88
Haakon	.85	Tripp	.89
Hamlin	.91	Turner	.88
Hand	.89	Union	.90
Hanson	.89	Walworth	.87
Harding	.81	Washabaugh	.85
Hughes	.88	Yankton	.88
Hutchinson	.89	Zieback	.83
Hyde	.89		

Tennessee

Shelby	$0.99	All other counties	$0.97

Texas

Anderson	$1.04	Coryell	$1.01
Archer	.93	Cottle	.92
Armstrong	.92	Crane	.88
Atascosa	1.00	Crockett	.86
Austin	1.08	Crosby	.92
Bailey	.92	Dallam	.91
Bandera	.99	Dallas	.99
Baylor	.92	Dawson	.92
Bee	1.03	Deaf Smith	.92
Bell	1.03	Delta	.96
Bexar	1.02	Denton	.97
Blanco	1.02	De Witt	1.05
Borden	.92	Dickens	.92
Bosque	1.00	Donley	.92
Bowie	.96	Eastland	.96
Brazoria	1.08	Ector	.91
Brazos	1.06	Edwards	.92
Brewster	.83	Ellis	1.00
Briscoe	.92	El Paso	.82
Brown	.97	Erath	.97
Burleson	1.06	Falls	1.04
Burnet	1.01	Fannin	.96
Callahan	.95	Fayette	1.06
Cameron	.95	Fisher	.92
Camp	.98	Floyd	.92
Carson	.92	Foard	.92
Cass	.97	Fort Bend	1.08
Castro	.92	Franklin	.98
Chambers	1.06	Freestone	1.03
Cherokee	1.03	Gaines	.92
Childress	.92	Garza	.92
Clay	.95	Gillespie	.99
Cochran	.92	Goliad	1.05
Coke	.92	Gonzales	1.04
Coleman	.95	Gray	.92
Collin	.98	Grayson	.96
Collingsworth	.92	Gregg	1.00
Comal	1.03	Grimes	1.07
Comanche	.97	Guadalupe	1.03
Concho	.97	Hale	.92
Cooke	.96	Hall	.92
		Hamilton	.98

TEXAS—Continued

County	Rate per bushel	County	Rate per bushel
Hansford	$0.91	Ochiltree	$0.91
Hardeman	.92	Oldham	.92
Hardin	1.06	Orange	1.06
Harris	1.08	Palo Pinto	.96
Harrison	.99	Panola	1.01
Hartley	.91	Parker	.98
Haskell	.92	Parmer	.92
Hays	1.04	Pecos	.83
Hemphill	.91	Polk	1.07
Henderson	1.02	Potter	.92
Hidalgo	.95	Presidio	.82
Hill	1.01	Rains	.99
Hockley	.92	Randall	.92
Hood	.97	Reagan	.86
Hopkins	.96	Red River	.95
Houston	1.05	Reeves	.84
Howard	.92	Roberts	.91
Hudspeth	.83	Robertson	1.04
Hunt	.97	Rockwall	.97
Hutchinson	.91	Runnels	.95
Irion	.87	Rusk	1.01
Jack	.95	Sabine	1.03
Jackson	1.06	San Augustine	1.03
Jasper	1.05	San Jacinto	1.08
Jeff Davis	.83	San Saba	.97
Jefferson	1.07	Schleicher	.87
Jim Wells	1.01	Scurry	.92
Johnson	.99	Shackelford	.94
Jones	.93	Shelby	1.03
Karnes	1.03	Sherman	.91
Kaufman	.99	Smith	1.01
Kendall	.99	Somervell	.98
Kenedy	.98	Starr	.95
Kent	.92	Stephens	.95
Kerr	.98	Sterling	.88
Kimble	.97	Stonewall	.92
King	.92	Sutton	.86
Kinney	.95	Swisher	.92
Knox	.92	Tarrant	.99
Lamar	.95	Taylor	.93
Lamb	.92	Terrell	.87
Lampasas	1.00	Terry	.92
Leon	1.05	Throckmorton	.94
Liberty	1.08	Titus	.98
Limestone	1.04	Tom Green	.92
Lipscomb	.91	Travis	1.04
Live Oak	1.01	Trinity	1.07
Llano	1.00	Tyler	1.05
Loving	.84	Upshur	.99
Lubbock	.92	Upton	.84
Lynn	.92	Uvalde	.98
McCulloch	.97	Val Verde	.93
McLennan	1.03	Van Zandt	.99
Madison	1.06	Victoria	1.05
Marion	.98	Walker	1.07
Martin	.92	Waller	1.08
Mason	.97	Ward	.87
Maverick	.95	Washington	1.06
Medina	1.00	Wharton	1.07
Menard	.97	Wheeler	.92
Midland	.91	Wichita	.93
Milam	1.04	Wilbarger	.92
Mills	.99	Willacy	.95
Mitchell	.92	Williamson	1.04
Montague	.95	Wilson	1.02
Montgomery	1.08	Winkler	.90
Moore	.91	Wise	.97
Morris	.98	Wood	.99
Motley	.92	Yoakum	.92
Nacogdoches	1.03	Young	.95
Navarro	1.02		
Newton	1.05		
Nolan	.92		

UTAH

County	Rate per bushel	County	Rate per bushel
Beaver	$0.86	Juab	$0.86
Box Elder	.91	Kane	.86
Cache	.91	Millard	.86
Carbon	.86	Morgan	.91
Daggett	.86	Piute	.86
Davis	.91	Rich	.91
Duchesne	.86	Salt Lake	.91
Emery	.86	San Juan	.86
Garfield	.86	Sanpete	.86
Grand	.86	Sevier	.86
Iron	.86	Summit	.86

UTAH—Continued

County	Rate per bushel	County	Rate per bushel
Tooele	$0.91	Washington	$0.86
Uintah	.86	Wayne	.86
Utah	.86	Weber	.91
Wasatch	.86		

VERMONT

All counties $1.00

VIRGINIA

All counties $1.00

WASHINGTON

County	Rate per bushel	County	Rate per bushel
Adams	$0.98	Lewis	$0.97
Asotin	.94	Lincoln	.97
Benton	1.01	Mason	.96
Chelan	.99	Okanogan	.97
Clallam	.90	Pacific	.96
Clark	1.03	Pend Oreille	.85
Columbia	.98	Pierce	1.01
Cowlitz	1.00	San Juan	.98
Douglas	.98	Skagit	.98
Ferry	.94	Skamania	1.03
Franklin	.99	Snohomish	1.00
Garfield	.97	Spokane	.95
Grant	.98	Stevens	.92
Grays Harbor	.96	Thurston	.98
Island	1.00	Wahkiakum	1.00
Jefferson	.91	Walla Walla	1.00
King	1.02	Whatcom	.98
Kitsap	.95	Whitman	.95
Kittitas	1.03	Yakima	1.02
Klickitat	1.03		

WEST VIRGINIA

All counties $0.97

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	$0.91	Marathon	$0.89
Ashland	.91	Marinette	.89
Barron	.92	Marquette	.92
Bayfield	.91	Menominee	.91
Brown	.92	Milwaukee	.99
Buffalo	.92	Monroe	.91
Burnett	.94	Oconto	.91
Calumet	.93	Oneida	.88
Chippewa	.91	Outagamie	.92
Clark	.89	Ozaukee	.95
Columbia	.93	Pepin	.93
Crawford	.91	Pierce	.95
Dane	.94	Polk	.94
Dodge	.94	Portage	.91
Door	.87	Price	.89
Douglas	.95	Racine	.99
Dunn	.93	Richland	.92
Eau Claire	.92	Rock	.95
Florence	.88	Rusk	.91
Fond du Lac	.94	Saint Croix	.94
Forest	.88	Sauk	.92
Grant	.91	Sawyer	.92
Green	.94	Shawano	.91
Green Lake	.93	Sheboygan	.94
Iowa	.92	Taylor	.89
Iron	.90	Trempealeau	.90
Jackson	.90	Vernon	.90
Jefferson	.95	Vilas	.85
Juneau	.92	Walworth	.96
Kenosha	1.00	Washburn	.92
Kewaunee	.89	Washington	.95
La Crosse	.90	Waukesha	.95
Lafayette	.92	Waupaca	.92
Langlade	.89	Waushara	.92
Lincoln	.88	Winnebago	.93
Manitowoc	.93	Wood	.91

WYOMING

County	Rate per bushel	County	Rate per bushel
Albany	$0.86	Natrona	$0.86
Big Horn	.86	Niobrara	.77
Campbell	.74	Park	.86
Carbon	.86	Platte	.80
Converse	.74	Sheridan	.72
Crook	.75	Sublette	.86
Fremont	.86	Sweetwater	.86
Goshen	.80	Teton	.86
Hot Springs	.86	Uinta	.86
Johnson	.72	Washakie	.86
Laramie	.82	Weston	.77
Lincoln	.86		

(c) *Discounts.* The basic support rate shall be adjusted as applicable by discounts as follows:

Reason:	Discount (cents per bushel)
Class—Mixed Barley	2
Grade:	
No. 3	3
No. 4	6
No. 5	15
Total damage (percent):	
10.1–11	1
11.1–12	2
12.1–13	3
13.1–14	4
14.1–15	5
15.1–16	6
16.1–17	7
17.1–18	8
18.1–19	9
19.1 and above	10
Garlicky	10
Weed Control Law (where required by § 1421.74)	10

Other factors: CCC may establish discounts for other quality factors not specified above which affect the value of the barley, such as (but not limited to) thin barley, moisture, foreign material, test weight, heat damage, musty, sour, smutty, stained, weevily, ergoty, and bleached. The discounts established will be based upon the market discounts for the factors at the time the barley is delivered to CCC, as determined by CCC. Producers may obtain schedules of such factors and discounts at ASCS county offices approximately one month prior to the loan maturity date.

NOTE: Discounts are cumulative except only one grade discount shall be applied. The discounts for total damage in excess of 10 percent are in addition to the discount of 15 cents for barley grading No. 5. For the purpose of applying discounts, factors which cause barley of the subclass Malting Barley or Blue Malting Barley to have a lower numerical grade than if the barley were graded under a different subclass shall be disregarded.

Effective date: Upon publication in the FEDERAL REGISTER.

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

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

[F.R. Doc. 67-7734; Filed, July 7, 1967, 8:45 a.m.]

[CCC Grain Price Support Regs., 1966 and Subsequent Crops Rice Supp. Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1966 and Subsequent Crops, Rice Loan and Purchase Program

COMPLIANCE REQUIREMENTS AND DETERMINATION OF QUANTITY

The regulations issued by the Commodity Credit Corporation, published in

31 F.R. 8346 and setting forth requirements with respect to price support for the 1966 and subsequent crops of rice, are hereby amended as follows:

1. Section 1421.2753 is amended to restate price support compliance provisions and reads as follows:

§ 1421.2763 Compliance requirements.

An eligible producer shall be a producer on whose farm the rice acreage allotment established for the farm under the provisions of the Rice Acreage Allotment Regulations of Part 730 of this title has not been knowingly exceeded. If the farm is determined to be in compliance with the farm rice acreage allotment under the provisions of Parts 718 and 730 of this title, the farm rice acreage allotment will not be considered to have been knowingly exceeded. If a producer has an interest in a rice crop produced on more than one farm in the same county, he must also, in order to be eligible for price support, be entitled to market rice produced on each such farm as penalty free rice under the provisions of the Rice Marketing Quota Regulations of Part 730 of this title and any amendments thereto. If a producer is engaged in the production of rice in more than one county (in the same State or in two or more States) and the requirements of Rice Marketing Quota Regulations of Part 730 of this title, and any amendments thereto, are applied to such multiple farming unit, he must also, in order to be eligible for price support, be entitled to market rice produced on each such farm, wherever situated, as penalty free rice under the provisions of such regulations. Notwithstanding the provisions of this section, rice produced on a farm shall be considered as available for marketing as penalty free rice for price support purposes if such rice was produced on a farm for which a certification is furnished under § 718.21(f) of this title of the Determination of Acreage and Compliance Regulations and subsequent measurement of the rice acreage on such farm indicates that the acreage planted in excess of the farm rice acreage allotment does not exceed the larger of 0.5 of an acre, or 5 percent of the farm rice acreage allotment but not to exceed 15 acres.

2. Section 1421.2765(a)(2) is amended to provide for expressing weights in whole units of 100 pounds and reads as follows:

§ 1421.2765 Determination of quantity.

(a) *In warehouse.*

* * * * *

(2) *Identity preserved or modified commingled.* The amount of a loan on the quantity of eligible rice stored identity preserved or modified commingled in an approved warehouse shall be based on a percentage, as determined by the State committee, of the weight specified on the warehouse receipt representing such rice which is pledged as security for the loan, or on the supplemental certificate if applicable. Such percentage shall not exceed 95 percent of the weight so specified. The State committee's determination shall be made on a statewide basis or for specified areas within the State. The county committee may lower such percentage on an individual basis when determined to be in the best interest of CCC. Weights determined on the basis of such percentages shall be expressed in terms of whole units of 100 pounds.

* * * * *

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 62 Stat. 1051, as amended, 1054, sec. 302, 72 Stat. 988; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective date: Upon publication in the FEDERAL REGISTER.

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

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 67-7899; Filed, July 7, 1967; 8:49 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1216]

PART 13—PROHIBITED TRADE PRACTICES

Continental Scarf Corp., Inc., et al.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060; Importing, selling, or transporting flammable wear.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 67 Stat. 111, as amended; 15 U.S.C. 45, 1191)

[Cease and desist order, Continental Scarf Corp., Inc., trading as Continental Scarf & Novelty Co., New York, N.Y., Docket C-1216, June 16, 1967]

In the Matter of Continental Scarf Corp., Inc., a corporation, and Isaac M. Topol, Individually, as an Officer of said Corporation, and Trading as Continental Scarf & Novelty Co.

Consent order requiring a New York City manufacturer of wearing apparel to cease importing and selling scarves and other items made from dangerously flammable fabrics.

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

It is ordered, That the respondents Continental Scarf Corp., Inc., a corporation, and its officers, and Isaac M. Topol, individually, as an officer of said corporation, and trading as Continental Scarf & Novelty Co., or under any other name or names, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from:

1. (a) Importing into the United States; or

(b) Manufacturing for sale, selling, offering for sale, introducing, delivering for introduction, transporting or causing to be transported in commerce, as "commerce" is defined in the Flammable Fabrics Act; or

(c) Transporting or causing to be transported, for the purpose of sale or delivery after sale in commerce;

Any article of wearing apparel which, under the provisions of section 4 of the Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

2. Manufacturing for sale, selling, or offering for sale any article of wearing apparel made of fabric, which fabric has been shipped or received in commerce, and which under section 4 of the Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

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

Issued: June 16, 1967.

By the Commission.

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

[F.R. Doc. 67-7865; Filed, July 7, 1967; 8:46 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER F—ENROLLMENT

PART 41—PREPARATION OF ROLLS OF INDIANS

Requirements for Enrollment and Deadlines for Filing Applications

That portion of Part 41 of Title 25 of the Code of Federal Regulations regulating the preparation of a roll of Tlingit and Haida Indians of Alaska, authorized by the Act of June 19, 1935 (49 Stat. 388), as amended by the Act of August 19, 1965 (79 Stat. 543), is amended to extend the deadline date for filing applications for enrollment with the Tlingit and Haida Indians of Alaska to December 31, 1967.

In § 41.3, paragraph (b) is revised to read as follows:

§ 41.3 Qualifications for enrollment and the deadline for filing applications.

* * * * *

(b) Tlingit and Haida Tribes in Alaska: All persons of Tlingit or Haida Indian blood residing in the various local communities or areas in the United States or Canada on August 19, 1965, shall be eligible for enrollment provided they were legal residents of the Territory of Alaska on June 19, 1935, or prior thereto, or they are descendants of persons of Tlingit or Haida Indian blood who were legal residents of the Territory of Alaska on June 19, 1935, or prior thereto. Applications for enrollment must be postmarked no later than December 31, 1967.

* * * * *

No further changes are made in the text of Part 41.

Notice of proposed rule making would cause undue delay in the preparation of the roll and would be contrary to the public interest. Therefore, notice and public procedure imposed by section 4 of the Administrative Procedure Act of June 11, 1946 (5 U.S.C. 1003), are dispensed with under the exceptions provided in that section. Accordingly, this amendment shall become effective on June 30, 1967.

CHARLES F. LUCE,
Acting Secretary of the Interior.

JUNE 30, 1967.

[F.R. Doc. 67-7866; Filed, July 7, 1967; 8:46 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

PART 1—DISCLOSURE OF RECORDS

Correction

In F.R. Doc. 67-7610, appearing in the issue for Saturday, July 1, 1967, at page 9562, make the following changes:

1. In amendatory paragraph 3, the last word in line 4, and all of line 5, should read "constituting Part 1 to read as follows:".
2. In the authority citation, insert "5" preceding "U.S.C.".
3. In § 1.4(d), line 3, the word "from" should read "room".

Title 29—LABOR

Chapter I—National Labor Relations Board

PART 101—STATEMENTS OF PROCEDURE, SERIES 8

Miscellaneous Amendments

Correction

In F.R. Doc. 67-7411, appearing in the issue for Saturday, July 1, 1967, at page 9547, make the following change: In § 101.9(c)(2), line 17, should read "agreement to the board, the charging".

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 8]

PART 101—ADMINISTRATION

Miscellaneous Amendments

Part 101 of Title 13 of the Code of Federal Regulations is hereby amended by adding a new § 101.4 thereto. The new § 101.4 reads as follows:

§ 101.4 List of public-use SBA forms.

No.	Date	Reference [1]	Title	Code [2]
1	7-66	ND 135-5	Purchase order	P
1A	1-58	ND 135-5	Purchase order (continuation sheet)	P
1B	7-66		Purchase order	PC
4(I)	4-66	ND 510-1	Application for loan	P
4(II)	11-65	ND 510-1	Application for loan (statement of personal history)	P
4	8-66	ND 510-1	Schedule A—summary of collateral offered by applicant as security for loan and SBA appraiser's evaluation report.	P
4A	2-67	ND 510-1	Instruction sheet (Form 4, Part 1, and Schedule A)	P
4B	4-66	ND 510-1	Essential information required for loans to producers of minerals, metals, fuel except oil, and gas (mining loans).	P
4C	9-64	ND 560-1	Essential information for substantial economic injury disaster loans.	P
4H	3-65		Convalescent nursing homes	P
5	7-65	ND 560-1	Application for disaster loan—business	P
5B	12-65	ND 560-1	Application for disaster loan of $2,500 or less	P
5C	6-65	ND 560-1	Application for disaster loan—home	P
6B	1-67	ND 510-1	Application for loan	P
74	3-66	ND 615-1	Application for certificate of competency	P
74A	10-66	ND 615-1	Instructions for the preparation of SBA Form 74	P
113	3-67		Biographical data—proposed members of SBA advisory councils.	RC
115ML	2-67		Mailing application—free management assistance publications.	P
136	2-66	ND 510-1	Participation agreement (immediate-serviced by bank)	P
136B	12-66	ND 510-1	Simplified early maturities participation agreement	P
137	8-65	ND 510-1	Participation agreement (immediate—serviced by SBA)	P
138A	1-67	ND 560-1	Disaster participation agreement (immediate)	P
138B	12-66	ND 560-1	Disaster participation agreement program (immediate)	P
139	12-66	ND 520-1	Standby agreement	P
143	11-64	ND 560-1	Request for credit information	R
147	9-63	ND 560-1	Note (direct disaster in excess of $1,000)	P
147A	7-65		Note—Direct and SBA serviced immediate participation loans—over $25,000.	P
148	12-66	500-M-503	Guaranty (direct)	P
148A	9-63	500-M-503	Guaranty	P
148B	2-64	500-M-503	Guaranty (loan guaranty plan)	P
152	1-66	500-M-503	Participation certificate	P
152A	4-66	500-M-503	do	P
153	10-66	500-M-503	Loan agreement	P
153a	4-66	500-M-503	Loan agreement (loan guaranty plan)	P
154	1-65	500-M-503	Note (participation)	P
154B	7-65		Note—loan agreement—bank serviced immediate participation loans—over $25,000.	P
155	12-66	ND 520-1	Standby agreement (participation loan)	P
156	1-65	500-M-503	Certificate of interest	P
156A	10-66	500-M-503	do	P
156B	12-66	500-M-503	do	P
157	8-65	500-M-503	Participation certificate	P
159	10-63	ND 1100-4	Compensation agreement for services in connection with application and loan from (or participation with) Small Business Administration.	P
160	9-64	ND 560-1	Resolution of board of directors of (applicant)	P
160A	9-64	ND 560-1	Certificate as to partners	P
161	12-66	ND 560-1	Loan agreement (direct)	P
166	10-65	ND 620-1	Registration of manufacturing facilities for small business concerns.	R
166B	3-65	ND 620-1	Registration of contruction—General contractor or service facilities for small business concerns.	R
166C	8-59	ND 620-1	Registration of facilities—timber	R
166D	6-66	ND 620-1	Registration of small business research and development concerns.	R
172	4-66	ND 520-1	Report of transactions on loans serviced by banks	P
172d	12-66	500-M-503	Report of transactions on loan serviced by bank (EMP-SEMP).	P
175	7-54	200-M-206	Notice of assignment (contract)	P
203	4-66	ND 205-1	Notice of loan payment past due	P
225	2-66	ND 520-1	Substitution of assigned accounts receivable	P
226	4-56	ND 205-1	Notice of loan payment due	P
230	6-65	ND 205-1	Receipt for payment	P
303	12-66	ND 560-1	Confidential bank credit report	P
304	9-64	ND 560-1	Authorization (disaster-residential—direct)	P
305	7-65	ND 560-1	Authorization (disaster business loan—direct)	P
316	12-65	ND 213-1	Blanket bond	PC
319	12-66		Report and confirmation of loan	P
326A	12-66	200-M-212	Note (for all immediate participation loans not over $25,000 SBA's share).	P
326B	2-66	200-M-212	Note (direct loan not over $25,000)	P
326C	7-65		Note—bank serviced immediate participation loan—$25,000 or less.	P
326D	7-65		Note—direct and SBA serviced immediate participation loans—$25,000 or less.	P
347	2-66		Computation and transmittal notice (bank's share)	PC
348	3-67		Listing of field office addresses	P
349A	12-66	ND 510-1	Authorization (direct loan)	P
349B	5-66	ND 510-1	Authorization (immediate participation)	P
349C	8-66	ND 510-1	Authorization (loan guaranty plan)	P
351	11-65	ND 205-1	Past due notice—participation loan	P
355	12-66	ND 400-4	Application for small business size determination	P
362	8-66	ND 520-1	Financial statement	P
362A	3-66	ND 520-1	Data to support balance sheet	P
368	12-66	ND 205-1	Monthly report of collections—disaster deferred participation loans purchased.	P
368A	2-59	ND 205-1	Monthly report of collections—disaster deferred participation loans.	P
370	3-66	ND 1100-4	Representative index	P
391	4-66	ND 205-1	Quarterly report on deferred participation or guaranteed loans.	P
393	3-67	300-M-305	Qualifications inquiry	P
394	5-63	ND 1100-4	Policy and regulations concerning representatives and their fees.	P
403	9-64	ND 560-1	Note (disaster loans only)	P
408	9-65		Authorization—direct loan	P

See footnotes at end of table.

No.	Date	Reference [1]	Title	Code [2]
408A	10-65		Authorization—immediate participation—small loan	P
408B	11-65		Authorization—loan guaranty plan—small loan	P
408C	3-67	ND 510-1	Authorization—direct loan—EOL program	P
408D	3-67	ND 510-1	Authorization—immediate participation—EOL program	P
408E	12-66	ND 510-1	Authorization—loan guaranty plan—EOL program	P
413	1-67	ND 520-1	Personal financial statement	P
414—Part I	10-65	ND 900-1	Proposal to operate a small business investment company.	P
414—Part II	10-65	ND 900-1	Statement of personal History and qualification of management.	P
414A	4-66		Amendments to proposal to operate a small business investment company under the Small Business Investment Act of 1958, as amended.	P
415—Part I	3-61	Part 107	License application (SBIC)	P
416	12-66	Part 107	Application for funds	P
416A	12-66		Application for loan and extension	P
419	12-66		Application for membership in small business production or research and development pool.	P
435	3-59		Small Business Administration license (SBIC)	PC
435A	3-59		Small Business Administration license (SBIC) (copy)	PC
444	12-66		Subordinated debenture	P
468	9-66	Part-107	Financial report	R
468	9-66	Part-107	Instructions for preparation of the financial report	R
478	3-66		Compliance examination report	R
480	5-62	Part-107	Size status declaration	P
482	2-62	ND 625-1	Application for personal property sales assistance register.	R
482A	2-62	ND 625-1	do	R
483	9-66		Unfilled orders—publications	P
502	2-60	ND 535-1	Application for loan (502)	P
502	11-63	ND 535-1	Addendum to SBA Form 502	P
502B	11-63	ND 535-1	Information to be submitted by the small business concern to be assisted by a development company which is applying for a section 502 loan.	P
502C	1-67	ND 535-1	Statement of personal history	P
502D	4-65	ND 535-1	Exhibit ____ to SBA Form 502B	P
502E	4-65	ND 535-1	Exhibit ____ to SBA Form 502	P
508	3-61	500-M-503	Note (timber access road loan program)	P
508A	12-66	500-M-503	do	P
509	4-61	500-M-503	Assignment of rights under timber sale contract	P
509A	9-62	500-M-503	Assignment of rights under contract for sale of timber	P
510	5-65		Direct loan note	P
510A	1-67		Loan amendment and extension	P
522	8-61		Questionnaire—Small Business Administration loans to local development companies.	P
527	8-66	ND 510-1	Bank request for loan participation or immediate participation (SBLP-SEMP).	P
528	8-66	ND 510-1	Applicant's statement	P
529	12-66	ND 510-1	Authorization approving bank's request for SBA participation.	P
529A	12-66	ND 510-1	Authorization approving bank's request for SBA participation (SEMP).	P
529B	8-66	ND 510-1	Authorization approving bank's request for SBA guaranty.	P
530	9-61	ND 510-1	Note (SBLP)	P
530A	7-65	ND 510-1	Note (SEMP)	P
530B	7-65	ND 510-1	Note (SBLP—immediate participation only)	P
532	12-65	Part 107	Condensed financial statement	P
543	1-67	ND 625-1	Sales assistance register—information	P
546	1-62		Note (bank disbursed loan)	P
548	2-62		Assignment agreement	P
556	3-67	ND 535-1	Contents of portfolio	P
557	4-62		Contractor's proposal of costs	C
558	4-62		Invoice—claim for reimbursement	PC
558A	4-62		Itemization of direct costs—salaries	PC
558B	4-62		Itemization of direct costs—transportation and communications.	PC
558C	4-62		Itemization of direct costs—supplies and equipment	PC
559	4-62	ND 620-1	Facilities inventory registration (post card)	P
563	5-62		Conference ID card	P
574	3-63	ND 535-1	Certificate of incorporation for local development companies.	P
578A	8-63	ND 1030-1	Subpoena duces tecum	P
579A	8-63	ND 1030-1	Subpoena	P

See footnotes at end of table.

No.	Date	Reference [1]	Title	Code [2]
591	3-65	ND 510-1	Certification of fees paid in connection with SBLP or SEMP loan.	P
592	11-65	ND 650-1	Starting a new business	P
593	5-63	ND 650-1	Workshop for prospective small business owners—worksheets.	P
593	7-65	ND 650-1	Supplementary A—laundry and cleaning plants and agencies.	P
597	2-67	ND 510-1	Guaranty agreement (deferred participation)	P
598	4-66	ND 520-1	Application for liquidity privilege	P
601	9-66	ND 1500-2A	Applicant's agreement of compliance	P
601A	3-64	ND 1500-2A	Agreement of amendment of contract to conform with requirements of SBA Form 601.	P
603	12-66	ND 535-1	Information for inquiries on section 502 applications for guarantee or loan.	P
610	10-66	ND 630-1	Inventory of retired business executives counseling talent	P
613	2-64		Business inquiry	P
639	1-66	ND 630-1	SCORE case report	P
641	10-66	ND 630-1	Request for counseling	P
650	1-67	ND 150-2A	Communication acknowledgment (post card)	P
652	2-66	ND 1500-3A	Applicant's assurance of compliance	P
652A	2-66	ND 1500-3A	Applicant licensee's assurance of compliance	P
652B	2-66	ND 1500-3A	Assurance of compliance	P
652C	4-67	ND 1500-3A	Applicant's contingent assurance of compliance	P
652D	4-67	ND 1500-12		
		ND 1500-3A	Assurance of compliance	P
656	2-66	500-M-206	Control report	P
662	3-66		Agreement	P
663	3-66		Guaranty agreement	P
666	11-65	ND 1030-1	Portfolio confirmation request	R
667	11-65	ND 1030-1	Custodian confirmation request	R
668	11-65		Bank and savings institution confirmation request	R
670	11-65		Participation purchased confirmation request	R
671	11-65		Participations sold confirmation	R
672	11-65		SBC confirmation request	R
674	11-65		Confirmation request for amount due	R
680	6-66	ND 510-1	SBDC client interview form	R
684	3-66		Program evaluation report	R
685	10-65		Notice—mailing list revision for aids	P
696	11-65		Liability certificate	R
703	3-66		Thank you	P
714	8-66	ND 560-1	Letter for DBL notification	P
722	9-66	ND 1300-8	Equal employment opportunity poster	P
723	9-66	ND 625-1	Small Business certification required on all preferential sales of set-aside timber.	P
727		ND 630-1	SCORE identification card	P
740	12-66	500-M-506	Certification and receipt	P
750	6-67		Blanket loan guaranty agreement between ____ and SBA.	P
751	4-67		Application for loan under blanket guaranty	P
770	5-67	B4ND 530	Financial statement of debtor	P

[1] Explanation of reference symbols:
ND—SBA National Directive, e.g., ND 135-5.
M—SBA Manual, e.g., 500-M-503.
Part—Part of 13 CFR (SBA rules and regulations), e.g., Part 107.

[2] Explanation of code symbols:
P&PC—SBA forms used by the public when applying for or obtaining SBA assistance or when providing services for SBA.
P—Forms available in both the Washington and field offices.
PC—Forms available only in the Washington Office.
R&RC—SBA forms used by SBA or under SBA sponsorship to solicit information from 10 or more persons (other than Federal employees). These forms have Bureau of the Budget approval, as required by the Federal Reports Act of 1942.
R—Forms available in both the Washington and field offices.
RC—Forms available only in the Washington Office.

Effective date: June 15, 1967.

ROBERT C. MOOT,
Acting Administrator.

[F.R. Doc. 67-7803; Filed, July 6, 1967; 8 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 8261; Amdt. 39-442]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corporation Model BAC 1-11 200 and 400 Series Airplanes

There has been a failure of the rudder pedal reach lock unit spring housing during flight on a BAC 1-11 airplane. The rudder pedal reach lock unit spring housing failed circumferentially at its lower end allowing the spring and locking plunger to move downwards leaving the pedals unlocked. Since failures are likely to occur in other airplanes of the same type, an airworthiness directive is being issued to require periodic inspection of the housing and the lock unit assembly until the incorporation of BAC 1-11 Modification PM 2946.

In view of the possible seriousness of an inflight failure of the rudder pedal reach lock unit spring housing, a situation exists that requires immediate adoption of this regulation, and it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

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

BRITISH AIRCRAFT. Applies to Model BAC 1-11 200 and 400 Series airplanes.

Compliance required as indicated.

To prevent failure of the rudder pedal reach adjuster lock unit housing P/N AB32-509, accomplish the following:

(a) Within the next 50 hours' time in service after the effective date of this AD, unless already accomplished within the last 200 hours' time in service, and thereafter at intervals not to exceed 250 hours' time in service from the last inspection, visually inspect the rudder pedal reach adjuster lock unit housing P/N AB32-509 for cracks in accordance with British Aircraft Corporation BAC 1-11 Alert Service Bulletin No. 27-A-PM 2946, Issue 1, or later ARB-approved issue. Cracked housings must be replaced before further flight with an unused or serviceable housing having the same part number or with a new housing P/N AB32-9011 and locking plunger P/N AB32-9013 in accordance with BAC 1-11 Service Bulletin No. 27-PM 2946, or later ARB-approved issue, or FAA-approved equivalent.

(b) If no cracks are detected during the inspection required by paragraph (a), lubricate the housing and conduct a functional check of the lock unit assembly in accordance with BAC 1-11 Alert Service Bulletin No. 27-A-PM 2946 or later ARB-approved issue. Correct defects found before further flight.

(c) Within the next 1,200 hours' time in service after the effective date of this AD, replace rudder pedal reach adjuster lock unit housing P/N AB32-509 with new housing P/N AB32-9011 and locking plunger P/N AB32-9013 in accordance with BAC 1-11 Service Bulletin No. 27-PM 2946, or later ARB-approved issue, or FAA-approved equivalent.

(d) The repetitive inspections required by paragraph (a) and the functional checks required by paragraph (b) may be discontinued after the new housing P/N AB32-9011 and locking plunger P/N AB32-9013 are installed in accordance with paragraph (a) or (c) of this AD.

This amendment becomes effective July 13, 1967.

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

Issued in Washington, D.C., on June 30, 1967.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-7872; Filed, July 7, 1967; 8:46 a.m.]

[Airspace Docket No. 67-WE-40]

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

Alteration of Control Zone

The Department of the Navy will decommission the Oak Harbor Seaplane Base, Whidbey Island, Wash., approximately July 1967; thus, the portion of the Whidbey Island, Wash., control zone designated to protect aircraft operating to and from the Oak Harbor Seaplane Base and the Coupeville Airport, Coupeville, Wash., will no longer be required. Additionally, the Whidley Island (AL-451 USN) TACAN approach has been revised to permit a 1.5 SM reduction in the control zone extension north of Whidbey Island. An ADF approach has also been developed that will require a 3 SM control zone extension 2 miles each side of the 283° T bearing from the Whidbey Island RBN. The above actions will necessitate an amendment to the Whidbey Island, Wash., control zone, and action is taken herein to accomplish this purpose.

Since this amendment is minor in nature, is less restrictive than the present airspace designation, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., September 14, 1967, as hereinafter set forth:

In § 71.171 (32 F.R. 2145) the Whidbey Island, Wash., control zone is amended as follows:

WHIDBEY ISLAND, WASH.

Within a 5-mile radius of Ault Field, Whidbey Island, Wash. (latitude 48°21'10" N., longitude 122°39'20" W.), within 2 miles each side of the Whidbey Island TACAN 350° radial, extending from the 5-mile radius zone to 6 miles north of the TACAN, and within 2 miles each side of the 283° bearing from the Whidbey Island RBN, extending from the 5-mile radius zone to 8 miles west of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958, as amended; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on June 29, 1967.

A. E. HORNING,
Acting Director, Western Region.

[F.R. Doc. 67-7877; Filed, July 7, 1967; 8:47 a.m.]

[Docket No. 67-SW-11]

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

Designation of Transition Area

Correction

In F.R. Doc. 67-6833 appearing at page 8709 of the issue for Saturday, June 17, 1967, the latitude reading "31°08'00" N" in the fifteenth line of the Jasper, Tex., transition area designation is corrected to read "31°07'00" N."

[Airspace Docket No. 66-EA-96]

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

Alteration of Control Zone

On page 1086 of the FEDERAL REGISTER for January 31, 1967, the Federal Aviation Administration published a rule under Airspace Docket No. 66-EA-96 which altered the control zone for Manchester, N.H., by converting it to a part-time control zone for the hours 0700 to 2300 hours.

Due to requests from the State of New Hampshire and users of the Manchester Airport, the effective date of the conversion to a part-time control zone has been postponed until July 1, 1967, through several intervening airspace actions. It is now apparent that the State of New Hampshire is in a position to continue the operation of the control tower on a full time basis until at least January 1, 1968, at which time this matter will be reviewed again. Thus, it seems appropriate to delete all reference to a part-time control zone.

Since this amendment requires the deletion of an effective date of July 1, 1967, and to avoid any confusion immediate action is required and notice and public procedure hereon are impracticable and good cause exists for making this amendment effective on less than 30 days notice.

In view of the foregoing the following rule is hereby adopted effective upon publication in the FEDERAL REGISTER.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Manchester, N.H., control zone all after

and including the words "on and after * * *"

2. Delete item 2 of the original notice of proposed rule making and the rule as originally published on January 31, 1967.

(Sec. 307(a) of the Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on June 30, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-7958; Filed, July 7, 1967; 8:49 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-328; Order 351]

PART 1—RULES OF PRACTICE AND PROCEDURE

PART 3—ORGANIZATION; OPERATION; INFORMATION AND REQUESTS; ETHICAL STANDARDS

Public Information, Organization and Method of Operation

JULY 3, 1967.

Following enactment of Public Law 89-487, an Act to amend section 3 of the Administrative Procedure Act to clarify and protect the right of the public to information (80 Stat. 250, recodified by P.L. 90-23, 81 Stat. 54), the Commission has reviewed its existing rules, regulations, practice and procedures relating to the availability to the public of material in its files. Our review disclosed that the existing practices with respect to the release of information substantially accord with the revised section 3. We are revising our rules on public records (§ 1.36 (c) and (d)) to describe more clearly what information is available to the public. In Part 3 we indicate the places at and the method by which such information may be obtained. As required by the statute we have updated and are recodifying the Commission's statement of "Course and Method of Operation." Additionally, as indicated in § 3.102(e), a current subject-index of major Commission actions issued after July 4, 1967, will be maintained in the Office of Public Information where it will be available for public inspection and copying, to supplement the indexing services which are now being rendered to the public.

The principal change in § 1.36 is one of form. Paragraphs (c) and (d) have been combined into a new paragraph (c). Under this amended paragraph the records which are available to the public are specifically enumerated and any exceptions noted where appropriate. Previously, paragraph (c) broadly described the records available to the public and paragraph (d) listed the exceptions. Moreover, it was necessary to read appropriate portions of our definitions section (1.1(f)) in conjunction with § 1.36 (c) and (d). The new consolidation will largely obviate the necessity of analyzing and comparing different sections and paragraphs of our rules. Furthermore, since the Public Information Act provides for judicial review of any withholding of agency records, we are establishing a procedure for the filing of written appeals by complainants. On the basis of past experience however, we anticipate that almost all such cases can be handled orally and informally by the Office of Public Information.

The Commission finds:

(1) It is appropriate and in the public interest in administering the Federal Power and Natural Gas Acts and to implement the provisions of section 3 of the Administrative Procedure Act, as revised by Public Law 89-487 (80 Stat. 250) codified by P.L. 90-23 (81 Stat. 54), in 5 U.S.C. 552, to amend the Commission's general rules as ordered herein.

(2) The notice and effective date provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553) do not apply with respect to the amendments here adopted.

The Commission, acting pursuant to authority granted by section 309 of the Federal Power Act, section 16 of the Natural Gas Act (16 U.S.C. 825h; 15 U.S.C. 717o) and in accordance with section 3 of the Administrative Procedure Act, as amended by P.L. 90-23 (81 Stat. 54), orders:

(A) Parts 1 and 3, Subchapter A, General Rules, Chapter I of Title 18 of the Code of Federal Regulations are amended as follows:

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

§ 1.1 The Commission.

* * * * *

(g) *Public information.* Requests for information may be addressed to the Office of Public Information at the Commission's headquarters in Washington, D.C. Public records are available for public inspection and copying at that office, as provided in § 1.36. Pleadings and other official filings are made as provided in § 1.2(c). A description of the facilities available for public reference and the procedures that may be employed to obtain information, copies of public records or to secure informal advice and assistance from or consultation with members of the staff on problems relating to the statutes and regulations administered by the Commission is contained in the material published in Part 3 of this chapter.

2. In § 1.2, paragraph (c) is revised to read as follows:

§ 1.2 The Secretary.

* * * * *

(c) *Pleadings and submittals.* Pleadings and other submittals or papers shall be filed in the Office of the Secretary of the Commission at Washington, D.C., within such time limits as are prescribed for such filings.

3. Section 1.36, Public Information, is amended by adding a new paragraph before the existing paragraph (a); revising paragraph (b); revising paragraph (c); deleting paragraph (d); revising paragraph (e) and renumbering it as (d) and adding a new paragraph (e). As amended, § 1.36 reads as follows:

§ 1.36 Public information and requests.

Section 3.102 of this chapter describes the methods by which the Commission makes information available to the public. This section prescribes the rules governing public notice of proceedings, publication of decisions, and public records of the Commission.

(a) *Notice of proceedings.* Notice of applications, formal complaints, and petitions other than petitions to intervene, is provided for in §§ 1.17 and 1.37. Notice of applications for certificates of public convenience and necessity under section 7 of the Natural Gas Act is provided for by § 157.9 of this chapter. Notice of hearings and of initiation or pendency of rulemaking proceedings is provided for in § 1.19. Notice of applications under Part I of the act for preliminary permits and licenses is provided for by §§ 4.31 and 4.81 of this chapter. Notice of proposed alterations or surrenders of license under section 6 of the Federal Power Act may be given by filing and publication in the FEDERAL REGISTER as provided in § 1.19(a), and, where deemed desirable by the Commission, by local newspaper advertisement. Notice of rates charged and changes therein is provided for by the filing requirements of Parts 35 and 154 of this chapter. Any other notice required by statute, rule, regulation, or order, or deemed desirable, may be given by filing and publication in the FEDERAL REGISTER as provided in § 1.19(a) or by service as provided in § 1.17(a).

(b) *Notice and publication of decisions, rules, statements of policy, organization, and operations.* Service of intermediate and final decisions upon parties to the proceedings is provided in § 1.30 (a), (b), and (i). Descriptions of the Commission's organization, its methods of operation, statements of policy and interpretations, procedural and substantive rules, and amendments thereto will be filed with and published in the FEDERAL REGISTER. Commission opinions together with accompanying orders, Commission orders, and intermediate decisions will be released to the press and made available to the public promptly. Copies of Commission opinions, orders in the nature of opinions, rulemaking and selected procedural orders, and intermediate decisions which have become final are published in the Federal Power Commission Reports (____FPC____) and may be procured from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, upon payment of prescribed charges.

(c) *Public records.* The public records of the Commission, available upon specific request for inspection and copying during regular business hours in the public reference room maintained by the Office of Public Information, include: (1) All submittals and filings as follows:

(i) applications, declarations, complaints (both formal and informal), peti-

tions and other papers seeking Commission action;

(ii) financial and statistical and other reports to the Commission (except for the "Curtailments of Main Line Industrial Customers" reports filed as a supplement to Form No. 2), power system statements, statements of claimed cost of licensed projects, original cost and reclassification studies, proposed accounting entries, certificates of notification (under section 204(e) of the Federal Power Act), rates or rate schedules and related data and concurrences, and other filings and submittals to the Commission in compliance with the requirement of any statute, executive order, or Commission rule, regulation, order, license, or permit;

(iii) all answers, replies, responses, objections, protests, motions, stipulations, exceptions, other pleadings, notices, depositions, certificates, proofs of service, transcripts or oral arguments, and briefs in any matter or proceeding;

(iv) all exhibits, attachments and appendices to, amendments and corrections of, supplements to, or transmittals or withdrawals of, any of the foregoing;

(v) any Commission correspondence relating to any of the foregoing.

(2) All other parts of the formal record in any matter or proceeding set for formal or statutory hearing and any Commission correspondence related thereto. "Matter or proceeding" means the Commission's elucidation of the relevant facts and applicable law, consideration thereof, and action thereupon with respect to a particular subject within the Commission's jurisdiction, initiated by a filing or submittal or a Commission notice or order. "Formal record" includes in addition to all the filings and submittals in a matter or proceeding, any notice or Commission order initiating the matter or proceeding, and, if a hearing is held, the following: the designation of the presiding officer, transcript of hearing, all exhibits received in evidence, all exhibits offered but not received in evidence, offers of proof, motions, stipulation, subpenas, proofs of service, reference to the Commission, and determinations made by the Commission thereon, certifications to the Commission, and anything else upon which action of the presiding officer or the Commission may be based; it does not include any unaccepted offer of settlement made by a party in the course of a proceeding and not formally submitted to the Commission.

(3) Any proposed testimony or exhibit filed with the Commission but not yet offered or received in evidence.

(4) All presiding officer actions and all presiding officer correspondence and memoranda to or from others with the exception of internal communications within the Office of Hearing Examiners.

(5) All Commission orders, notices, findings, opinions, determinations, and other actions in any matter or proceeding and all Commission minutes which have been approved.

(6) All Commission correspondence relating to any furnishing of data or information, except to or by another branch, department, or agency of the Government.

(7) Commission correspondence[1] with respect to the furnishing of data, information, comments, or recommendations to or by another branch, department, or agency of the Government where furnished to satisfy a specific requirement of a statute or where made public by that branch, department or agency.

(8) Commission correspondence and reports on legislative matters under consideration by the Bureau of the Budget or Congress but only if and after made public or released for publication by that Bureau or the Committee or Member of Congress involved.

(9) Staff reports on statements of claimed cost by licensees where such reports have been served on the licensee.

(10) Commission correspondence on interpretation of the Uniform System of Accounts and letters on such interpretation signed by the Chief Accountant and sent to others than the Commission, a Commissioner, or any of the staff.

(11) Commission correspondence on the interpretation or applicability of any statute, rule, regulation, order, license, or permit issued or administered by the Commission and letters of opinion on that subject signed by the General Counsel and sent to others than the Commission, a Commissioner, or any of the staff.

(12) Copies of all filings, certifications, pleadings, records, briefs, orders, judgments, decrees, and mandates in court proceedings to which the Commission is a party and all correspondence with the courts or clerks of court.

(13) The Commission's Administrative and Operating Manuals.

(14) All other records of the Commission except for those that are:

(i) Specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy;

(ii) Related solely to the internal personnel rules and practices of an agency;

(iii) Specifically exempted from disclosure by statute;

(iv) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(v) Interagency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(vi) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(vii) Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency; or

(viii) Geological and geophysical information and data, including maps, concerning wells.

(15) The following are examples of information which is not part of the public records of the Commission:

(i) Files and records containing facts or information not permitted to be divulged by section 301 of the Federal Power Act or section 8 of the Natural Gas Act because knowledge thereof was gained during the course of examination of books, records, data, or accounts pursuant to those sections and divulgence thereof has not been ordered by the Commission;

(ii) Files and records classified under Executive Order No. 10501, 3 CFR, 1949–53 Comp., p. 979, for national security purposes;

(iii) The schedule entitled "Curtailments of Main Line Industrial Customers" prescribed as a supplement to FPC Form No. 2 by § 260.1 of this chapter;

(iv) Written communications between or among the Commission, members of the Commission, the Secretary, and expressly designated members of the staff while particularly assigned, in accordance with all applicable legal requirements, to aid the Commission in the drafting of any order and findings, with or without opinion in any matter or proceeding;

(v) Unaccepted offers of settlement in any matter or proceeding unless or until made public by act of the offeror.

(d) *Other records.* Records not made part of the public records by this section may be requested in writing, accompanied by a showing in support thereof, filed with the Secretary and will be made available for public reference upon good cause shown by order of the Commission or the Chairman, where consistent with the public interest and permitted by the Commission's statutory authority.

(e) *Procedure in event of withholding of public records.* In any case where there is a question of interpretation under paragraph (c) of this section, the question shall be resolved informally, if possible, by the Director of the Office of Public Information. If the question cannot be resolved informally, the person seeking such record may request the Secretary, by petition filed pursuant to § 1.7, to make such record available for inspection and copying. The Secretary shall either cause the record to be made available or shall state in writing the basis for his determination that the document requested is not a public record under paragraph (c) of this section. If the Secretary denies the petition, the person seeking the record may appeal such denial to the Commission by petition conforming to the requirements of §§ 1.15 through 1.17.

(f) *Procedure in event of subpoena.* If an officer or employee of the Commission is served with a subpoena duces tecum, material which is not part of the public files and records of the Commission shall be produced only as authorized by the Commission. Service of such a subpoena shall immediately be reported to the Commission with a statement of all relevant facts. The Commission will thereupon enter such order or give such instructions as it deems advisable.

4. The heading of Part 3 is revised to read: Part 3—Organization; Operation; Information and requests; Ethical standards.

[1] As defined in § 1.1(f)(22).

5. The heading of Subpart A is revised to read: Subpart A—Organization; Delegations of Authority.

6. Subpart A is amended by revising § 3.1; revising § 3.4(e) by revising the opening paragraph thereof; revising subparagraphs (7), (9), (10), and (12), and revising paragraphs (a), (b), and (c) of § 3.6. As amended, the affected sections read as follows:

§ 3.1 Purpose.

This subpart describes the central and field organization of the Federal Power Commission, including delegations of final authority and the established places at which, and methods whereby, the public may secure information or make submittals or requests. This subpart also describes the plan of organization and operation which will be observed by this Commission in discharging its lawful duties and responsibilities in the event of an armed attack upon the United States, its territories and possessions, in the event of official notification of the likelihood or imminence of such attack or at a time specified by authority of the President, whichever may first occur.

§ 3.4 Organization.

* * * * *

(e) *The staff.* The Commission is comprised of the following bureaus and offices. The functions of each element, here summarized, are described in greater detail in the FPC Administrative Manual. * * *

(7) The Office of Special Assistants to the Commission, responsible for assisting the Commission in the preparation of opinions, orders, and other legal documents, and for analyzing exceptions, preparing summaries of facts and issues, and performing related duties, as assigned. The Office, under the administrative supervision of the Chief of the Office, is directly responsible to the Commission for its operation.

* * * * *

(9) The Office of Administrative Operations, responsible for providing contracting and procurement, travel and transportation, records, dockets, and files, all types of office services, and library services.

(10) The Office of the Comptroller, responsible for development and implementation of program and budget planning and review, administrative accounting, audit and payroll services; organization and management analysis; direction and coordination of the automatic data processing program and computer operations; administration of the FPC staff instruction system; and the Employees' Suggestion Program in conjunction with the Commission's Incentive Awards Program.

* * * * *

(12) Office of Personnel Programs, responsible for the Commission's personnel management, personnel security and other related employee developments, utilization and service programs, such as recruiting, training, incentive awards, safety and health.

§ 3.6 Offices of the Commission; information and submittals.

(a) Headquarters of the Federal Power Commission are in the General Accounting Office Building, 441 G Street NW., Washington, D.C. Information concerning matters for which the Commission is responsible may be obtained in person at that office, or by written request addressed to the Federal Power Commission, Washington, D.C. 20426. Except as provided in paragraph (b) of this section, all formal requests, filings, and submittals should be addressed to the principal office of the Commission, pursuant to § 1.2(c) of this chapter.

(b) Regional offices of the Bureau of Power to which should be submitted all prescribed Power System Statements and Licensed Project Recreation Reports and from which information may be obtained to the extent available, are located as follows: * * *

(c) Public records are available pursuant to § 1.36 of this chapter for public inspection and copying in the Office of Public Information at agency headquarters.

7. The heading and section analysis of Subpart B, currently reserved, is added as follows:

Subpart B—Course and Method of Operation

GENERAL

Sec.
3.100 Introduction.
3.101 Right to conference.
3.102 Public information, requests, and assistance.
3.103 Hearings.
3.104 Complaints; answers.
3.105 Investigative functions.
3.106 Accounting.
3.107 Depreciation.
3.108 Reports to the Commission.
3.109 Publication and sale of reports.

FUNCTIONS UNDER PART I OF THE FEDERAL POWER ACT

3.111 Investigations.
3.112 Declaration of intention.
3.113 Preliminary permits.
3.114 Licenses.
3.115 Annual charges.
3.116 Cost or fair value determinations.
3.117 Headwater benefits.
3.118 Restoration of Government lands.
3.119 Field inspections and revocation of permits and licenses by court action.
3.120 Other matters.

FUNCTIONS UNDER PARTS II AND III OF THE FEDERAL POWER ACT

3.131 Determination of jurisdictional status.
3.132 Interconnection and coordination of facilities.
3.133 Exportation of electric energy.
3.134 Disposition of property, consolidation, purchase of securities.
3.135 Issuance of securities; assumption of liabilities.
3.136 Rate schedules.
3.137 Fixing rates and charges.
3.138 Ascertainment of cost and depreciation.
3.139 Interlocking positions.
3.140 Investigations relating to electric energy, etc.
3.141 Forfeitures.
3.142 Approved forms, etc.
3.143 Other matters.

FUNCTIONS UNDER THE NATURAL GAS ACT

3.161 Determination of jurisdictional status.
3.162 Export or import of natural gas.
3.163 Rate schedules.
3.164 Fixing rates and charges.
3.165 Ascertainment of cost and depreciation.
3.166 Extension of facilities.
3.167 Abandonment.
3.168 Certificates.
3.169 State compacts.
3.170 Approved forms, etc.
3.171 Other matters.

FUNCTIONS UNDER OTHER AUTHORIZATIONS

3.181 Executive Order 10485.
3.182 Flood Control and River and Harbor Acts.
3.183 Federal multipurpose projects.
3.184 Water Resources Planning Act.
3.185 Outer Continental Shelf Lands Act.
3.186 Information relative to miscellaneous functions.

Subpart B—Course and Method of Operation

GENERAL

§ 3.100 Introduction.

(a) This subpart describes the general course and method by which the public functions of the Commission are channeled. Section 3.101 et seq., apply generally to all Commission matters; § 3.111 et seq. are concerned with functions relating to matters arising under the Federal Power Act; and § 3.161 et seq. with those under the Natural Gas Act. Functions under other authorizations are treated in § 3.181 et seq.

(b) The rules and regulations of the Commission, published in the FEDERAL REGISTER and in Chapter I of Title 18 of the Code of Federal Regulations, set forth the Commission's formal and informal procedures, prescribed forms, and instructions as to the scope and content of all papers, reports, and examinations. All applications, complaints, declarations, petitions, pleadings, protests, reports, and other documents addressed to the Commission are, unless otherwise specifically provided, received in its offices at Washington, D.C. Such material goes to the appropriate Bureaus or Offices, described in Subpart A of this part, for study and recommendation to the Commission as set out in the subsequent sections of this subpart. Inquiries about the status of such material should be directed to the Office of the Secretary of the Commission or as may be otherwise provided in this subpart. The Commission or the staff may seek information by written inquiry, conference, telephone inquiry, field investigation, or hearing.

§ 3.101 Right to conference.

In any formal or informal proceeding, a party may request a conference for the submission and consideration of facts, arguments, offers of settlement, or proposals of adjustment where time, the nature of the proceeding, and the public interest permit.

§ 3.102 **Public information, requests, and assistance.**

(a) A detailed description of the functions and responsibilities of the Office of Public Information, which is responsible for carrying out the Commission's public information program is set out in § 3.4(e)(11). The office is located in the Commission's headquarters in Washington, D.C., where there is maintained a specially staffed and equipped public reference room. More limited facilities for public use are provided in the Regional Offices (see § 3.6) where information may be obtained to the extent available.

(b) During the Commission's regular business hours, the public may examine in the Office of Public Information in Washington, D.C., copies of public information filed with the Commission. Photo copies of public material may be obtained through the public reference room. Fees charged for such copies are established by an annual contract between the Commission and a private company which does the work. Current schedules of fees for copying work are available from the Office of Public Information. Inquiries and orders may be made to that office personally, by telephone, or by mail.

(c) The stenographic reporting of the Commission's hearings is performed by a private company pursuant to an annual contract made with the Commission. Interested members of the public may obtain copies of the transcript of public hearings from the contract reporter at prices set by tables of charges in the contract, copies of which are on file in the Commission offices in Washington and are available for public inspection in the Office of Public Information.

(d) The Commission's opinions, decisions, orders, and rulemaking actions are published initially in mimeographed form, distributed in the Office of Public Information and mailed to persons on request. The opinions, decisions, rules and regulations, and selected categories of orders thereafter are printed in: "Preliminary Prints" and bound volumes entitled "Federal Power Commission Reports"; these publications may be obtained from the Superintendent of Documents, Government Printing Office, Washington, D.C.

(e) A "List of Formal Documents" issued by the Commission is published daily and provides a convenient reference to current Commission actions. A current subject-index of major Commission actions since July 1, 1967, is also maintained in the Office of Public Information where it is available for public inspection and copying.

(f) The Commission publishes an annual report to the Congress which sets forth the result of the Commission's operations during the past fiscal year under the various statutes committed to its charge. Copies may be obtained from the Superintendent of Documents, Government Printing Office, Washington, D.C.

(g) The Commission also makes other information related to its functions available to the public through the issuance of reports, maps, statistics and other materials on specific subject matters.

(h) Informal assistance and advice. Informal procedures are designed to aid the public and facilitate the execution of the Commission's functions. Opinions expressed by members of the staff do not constitute an official expression of the Commission's views. They represent, however, the views of persons who are continuously working with the provisions of the statutes and rules which are involved. More specifically, the staff provides advisory assistance to members of the general public and to prospective applicants for the several categories of authorizations (licenses, certificates, etc.) granted by the Commission. Inquiries may be directed to the chief of the appropriate bureau, office or division described in § 3.4(e).

(i) Press releases. The Commission issues press releases under authority of sections 4(d), 307, 311 and 312 of the Federal Power Act and section 14(a) of the Natural Gas Act. Releases are issued on major applications, decisions, opinions, major orders, rulemaking actions, new publications, major personnel changes and other matters of general public interest. Releases are primarily intended to inform the public of actions taken by, and matters pending before, the Commission. The Office of Public Information is responsible for the editorial preparation, including any necessary consultation with members of the Commission or the staff, and issuance of releases.

(j) Press, television, radio and photographic coverage of Commission proceedings. (1) Press tables are provided in each hearing room, located as near as possible to the bench and witness chair. The press may attend all sessions of hearings, subject to the same rules of conduct as all others present; (2) the use of television, movie and still cameras and recording equipment is permitted in hearing rooms prior to the opening of a hearing or argument and during recesses, pursuant to prior arrangements with the Commission or presiding Examiner, as the case may be. All equipment must be removed from the room before the proceedings begin or resume; (3) the use of television, movie, still cameras or recording equipment is not permitted while Commission hearings and oral arguments are in progress; (4) pursuant to prior arrangement with the Director of Public Information, television cameras, press cameras and recording equipment are permitted at FPC press conferences, provided that they are used in such a manner as not to interfere with the orderly conduct of the conference.

§ 3.103 **Hearings.**

Hearings are not required to be held in all of the Commission's proceedings. Where no hearing is held, the Commission acts on the basis of the material filed and the staff studies and recommendations thereon. (See also § 1.32 of this chapter.) The procedures for the possible use of joint boards and cooperation with State commissions pursuant to section 209 of the Federal Power Act and section 17 of the Natural Gas Act, are set forth in § 1.37 of this chapter. If a hearing is held under the Federal Power Act, section 308 thereof applies; if under the Natural Gas Act, section 15 thereof applies. In either case they are subject to the requirements of § 1.20 of this chapter. In general, the following procedure is followed: The time and place of hearings and the issues involved are stated in Commission orders or notices served on the participants and interested State agencies and published in the FEDERAL REGISTER. A prehearing conference procedure is provided by § 1.18 of this chapter. Provisions are also made in the rules concerning expert witnesses, stipulations, evidence, presiding officers, copies of transcripts, motions, and time requirements. Evidence may be offered and cross-examination conducted by any party to the proceeding and by staff counsel. Testimony and exhibits are given and prepared, and other assistance rendered staff counsel by the technical staff as may be required. Appeals from rulings of presiding officers during the course of proceedings may be made to the Commission in accordance with § 1.28 of this chapter. Briefs and oral arguments before presiding officers, and proposed findings and orders, are subject to § 1.29 of this chapter. The presiding officer's decision, exceptions thereto, briefs and oral arguments before the Commission, decisions by the Commission, and reopening of proceedings are governed by § 1.30 et seq. of this chapter. Whether or not a hearing has been held, an application may be made for rehearing under section 313(a) of the Federal Power Act or section 19(a) of the Natural Gas Act, respectively, and the provisions of § 1.34 of this chapter. Such applications may be filed with respect to any final Commission order.

§ 3.104 **Complaints; answers.**

Section 306 of the Federal Power Act, section 13 of the Natural Gas Act, and §§ 1.6 and 1.9 of this chapter provide for complaints (and answers) by any person, State commission, State or municipality on account of any act done or omitted to be done by any licensee, public utility, or natural gas company.

§ 3.105 **Investigative functions.**

Investigations made pursuant to the general authority provided in section 307 (a) of the Federal Power Act and section 14(a) of the Natural Gas Act are conducted by the bureau or office primarily concerned with the subject matter, with the OGC[1] participating on the legal aspects thereof. After notice, hearings may be held.

§ 3.106 **Accounting.**

The Uniform System of Accounts prescribed by the Commission for public

[1] The following abbreviations are used in this subpart: BNG—Bureau of Natural Gas; OAF—Office of Accounting and Finance; OEC—Office of Economics; OGC—Office of the General Counsel; OPI—Office of Public Information; PWR—Bureau of Power.

utilities, licensees, and natural gas companies pursuant to sections 301 and 8, respectively, of the Federal Power and Natural Gas Acts is contained in Subchapters C and F of this Chapter. Before prescribing any rules or requirements as to accounts, records, or memoranda, the Commission notifies interested State commissions and affords reasonable opportunity for presentation of their views, pursuant to the Acts. Studies and examinations of the accounting practices of the companies are conducted by the OAF, with the participation of the OGC on the legal aspects thereof. After notice, a hearing may be held.

§ 3.107 Depreciation.

(a) Rules, regulations, and forms of account for depreciation are set forth in the Uniform System of Accounts referred to in § 3.106. Studies and recommendations concerning depreciation under the Acts are made by the OAF and OEC, with the participation of the OGC on the legal aspects thereof.

(b) Before prescribing any rules or requirements as to depreciation, the Commission notifies interested State commissions and affords reasonable opportunity for presentation of their views.

§ 3.108 Reports to the Commission.

The reports and forms prescribed by the Commission pursuant to the Federal Power Act are listed in § 3.142; those prescribed under the Natural Gas Act are listed in § 3.169. Rules prescribing public use forms are submitted to the Bureau of the Budget for clearance as required by the Federal Reports Act of 1942, as amended.

§ 3.109 Publication and sale of reports.

Pursuant to section 312 and other sections of the Federal Power Act and section 14 of the Natural Gas Act, the Commission publishes reports, decisions, and other material on the electric power and natural gas industries. These publications are available over the counter from the Office of Public Information and by mail or over the counter from the Superintendent of Documents, GPO, Washington, D.C. 20402.

FUNCTIONS UNDER PART I OF THE FEDERAL POWER ACT

§ 3.111 Investigations.

(a) *Water power resources.* Investigations under section 4(a) of the act concerning water power resources and their utilization, are initiated by the Commission upon its own motion, request of another governmental agency or complaint. The staff work is performed by the PWR, with participation of the OGC on the legal aspects thereof. Such investigations may be conducted in cooperation with other governmental agencies. After notice, a hearing may be held.

(b) *Jurisdiction.* Investigations pursuant to section 4(g) of the act to determine Federal jurisdiction over water power projects which may require authorization under the act, are initiated by the Commission upon its own motion, request of another Federal agency, or complaint. The staff work is performed by the PWR with the participation of the OGC on the legal aspects thereof. Whenever it appears from such investigation that a license is required, the owner of the project may be so informed by the Secretary. If an application for license is not filed an order to show cause therefor may be issued and a hearing held.

§ 3.112 Declaration of intention.

Notice of declarations of intention to construct a dam or other project works, pursuant to section 23(b) of the Act, is given to interested public officials and state agencies. The declarations are referred to the PWR and to the OGC for studies to determine whether the interests of interstate or foreign commerce would be affected by the proposed construction. After notice, a hearing may be held.

§ 3.113 Preliminary permits.

Applications for preliminary permits to maintain priority of applications for license, under section 4(f) of the act are referred to the PWR and the OGC for studies and recommendations. Notice of an application filed by any person, association, or corporation is published in the FEDERAL REGISTER and in local newspapers in the vicinity of the proposed project and is given to States and municipalities likely to be affected, pursuant to section 4(f) of the act. After notice, a hearing may be held.

§ 3.114 Licenses.

(a) Formal procedures relating to the following applications are set out in Parts 4, 5, 6, 16, and 131 of this chapter.

(b) Applications under the Federal Power Act for license for proposed major projects; for constructed major projects; for amendment of licenses for major projects and for renewal of licenses for major projects are processed in the manner stated in § 3.113, except that those for alteration or surrender of licenses pursuant to section 6 of the act may be acted on by the Commission after thirty (30) days' public notice published in the FEDERAL REGISTER and, if deemed necessary, in local newspapers.

(c) Except for the notice requirements, applications for licenses for minor projects; for transmission lines only; for extension of time for commencing or completing construction of a project; for amendment of licenses for minor projects or primary transmission lines only; for approval of transfer of license or lease of project property; for renewal of licenses for minor projects or primary transmission lines only under license which expires on a specified date; for approval of plans and exhibits; for surrender of licenses for minor projects or primary transmission lines only; for annual licenses; and applications concerning a minor part only of a complete project except for primary transmission lines only (regulations for similar applications for major projects are applicable) are similarly processed. In certain cases Special Use Permits may be issued by the Forest Service covering projects of less than 2,000 horsepower.

§ 3.115 Annual charges.

Petitions for adjustment of annual charges are referred to the Bureau of Power for study and recommendation. Petitions by State or municipal licensees for exemption pursuant to section 10(e) of the act (§§ 11.24 and 131.70 of this chapter) from payment of such charges are similarly referred to the PWR. Petitions of both types are referred to the OGC for legal study and recommendation. After notice, a hearing may be held.

§ 3.116 Cost or fair value determinations.

The licensee initiates proceedings for the determination of actual legitimate original cost or fair value of a licensed project by the filing of an initial statement of cost or value (Form No. 6) pursuant to the requirements of the license and the Commission's regulations. Such statement is referred to the OAF for audit and report, with participation by the OGC on the legal aspects thereof and, when appropriate, with participation by OEC and PWR. Such report is served on interested state and federal agencies. Protest thereto may be filed by the licensee. If a protest is filed, a hearing is held after notice. In the absence of protest, the Commission makes the determination upon the basis of the staff report and recommendations. The licensee is required to file thereafter a statement on Form No. 7 (§ 141.12 of this chapter) showing its compliance with the Commission determination.

§ 3.117 Headwater benefits.

Commission action for the determination of headwater benefits under section 10(f) of the act may be initiated by the Commission, or by petition of an affected party, therefor, pursuant to the Commission's regulations. Answers may be submitted. The matter is referred to the PWR and the OGC for studies and recommendations. After notice, a hearing may be held.

§ 3.118 Restoration of Government lands.

Applications for restoration of Government lands withdrawn for power purposes under section 24 of the act are referred to the PWR and to the OGC for studies and recommendations. After notice, a hearing may be held. The Commission notifies the Secretary of the Interior of the determination made in accordance with section 24 of the act.

§ 3.119 Field inspections and revocation of permits and licenses by court action.

Compliance with the terms of licenses and with the approved plans in construction, operation, and maintenance of licensed projects, and with the terms of preliminary permits, is enforced by periodic inspections by the PWR, principally through the Regional Offices, or through designated Federal agencies. Apparent violations of such terms or

plans, or of provisions of the act and regulations of the Commission, are reported to the Commission either by the staff or other agency or by complaint. Reports and recommendations thereon by the PWR and the OGC are submitted to the Commission and attempts made through correspondence or field investigation to secure compliance by the permittees or licensees. If satisfactory adjustments are not made, orders to show cause are issued and served upon the permittees or licensees and interested State agencies and published in the FEDERAL REGISTER. After notice, hearings may be held and the matter referred to the Attorney General for institution of court proceedings pursuant to sections 13 and 26 of the act.

§ 3.120 Other matters.

Information concerning any function, form, or procedure of the Commission under Part I of the act, not described in §§ 3.111 to 3.119 inclusive, may be secured by written request to the Secretary.

FUNCTIONS UNDER PARTS II AND III OF THE FEDERAL POWER ACT

§ 3.131 Determination of jurisdictional status.

In the course of the administration and enforcement of the requirements of Parts II and III of the act, persons owning or operating electric power facilities may initially be classified as to jurisdictional status under the terms of section 201 of the act. These classifications, which are tentative and not binding on the persons or the Commission, are made on the basis of data reported to the Commission by such persons, supplemented when necessary by staff investigation of the facilities and their operations. The technical phases of such work are performed by the Bureau of Power. In all instances, the OGC participates in the legal aspects of the work. If any person involved disagrees with the classification and refuses to comply with the requirements of the act in accordance therewith, a formal proceeding may be initiated to resolve the questions presented. The proceeding is initiated by Commission order served upon such person and interested State agencies and published in the FEDERAL REGISTER. After notice, a hearing is held.

§ 3.132 Interconnection and coordination of facilities.

(a) To enhance the reliability of bulk power supply, to strengthen existing mechanisms and to establish new ones for coordination in the electric power industry, and to encourage comprehensive development of power resources of each area and region of the United States, national and regional investigations and power surveys are conducted pursuant to section 202(a) and reports thereon published and supplied to interested parties. These functions are performed by the PWR in cooperation with all segments of the electric power industry.

(b) Applications for orders directing the establishment of physical connection of transmission facilities or sale or exchange of electric energy pursuant to section 202(b) of the act are referred to the PWR and the OGC for studies and recommendations. Notice is given to each State commission and public utility affected and published in the FEDERAL REGISTER. After notice, a hearing may be held.

(c) The authority of the Commission under section 202(c) of the act to require emergency connections of facilities and generation, delivery, interchange, or transmission of electric energy may be exercised upon its own motion or upon complaint, with or without notice, hearing or report. Staff studies and recommendations are made by the PWR and the OGC. If the parties fail to agree upon the terms or any arrangements between them in carrying out a Commission order in such a proceeding, either party may file an application or the Commission may by order served upon the parties and interested State agencies and published in the FEDERAL REGISTER, initiate a proceeding to prescribe terms pursuant to the last sentence of section 202(c) of the act. A hearing is held after notice.

(d) Applications for approval of permanent connections of facilities for emergency use only, under the last provision of section 202(d) of the act, are referred to the PWR and the OGC for studies and recommendations. A hearing may be held after notice.

§ 3.133 Exportation of electric energy.

(a) Applications for authorization to transmit electric energy from the United States to a foreign country pursuant to section 202(e) of the act and for Presidential Permits under Executive Order 10485 (3 CFR, 1949–53 Comp., p. 970), are studied, and recommendations are made by the PWR and the OGC. After notice, a hearing may be held. Such authorizations are issued simultaneously with the requisite Presidential Permits.

(b) Proceedings for supplemental orders under the last provision of section 202(e) of the act may be initiated by application or by Commission order served on the parties and interested state agencies and published in the FEDERAL REGISTER. Staff studies and recommendations are made by the PWR and the OGC. After notice, a hearing may be held.

§ 3.134 Disposition of property, consolidation, purchase of securities.

(a) Written notice of applications for approval of disposition of property, consolidation of facilities, or purchase by public utilities of securities of another public utility pursuant to section 203 of the act is given to the Governor and state commission of each state affected and published in the FEDERAL REGISTER. The applications are referred to the OAF, PWR, and the OGC for studies and recommendations. After notice, a hearing may be held.

(b) Proceedings for supplemental orders under the last provision of section 203(b) of the act may be initiated by application or by Commission order served on the parties and interested State agencies and published in the FEDERAL REGISTER. Staff studies and recommendations are made by the OAF, the PWR, and the OGC. After notice, a hearing may be held.

§ 3.135 Issuance of securities; assumption of liabilities.

(a) Written notice of applications for authorizations to issue securities or to assume liabilities, pursuant to section 204 of the act is given to the Governor and the State commission of each State affected and published in the FEDERAL REGISTER. Such applications are referred to the OAF, the PWR, and the OGC for studies and recommendations. After notice, a hearing may be held.

(b) Proceedings for supplemental orders under section 204(b) of the act may be initiated by application or by Commission order served on the parties and interested State agencies and published in the FEDERAL REGISTER. Staff studies and recommendations are made by the OAF, PWR, and the OGC. After notice, a hearing may be held.

§ 3.136 Rate schedules.

Rate schedules and changes therein filed under section 205 of the act, and any accompanying requests for waiver of the 30- to 90-day prior notice provision are referred to the PWR for study and recommendation, with the participation of the OGC on the legal aspects thereof. Any complaint under section 205(e) of the act and any answer thereto, are similarly referred. Upon such complaint or upon its own motion the Commission may suspend the operation of rate schedules proposing changes in existing schedules, after notice and a statement of reasons therefor. Staff studies and recommendations are made by the PWR and the OGC. After notice, a hearing may be held pursuant to sections 205(e) and 308 of the Act.

§ 3.137 Fixing rates and charges.

Proceedings to determine just and reasonable rates, charges, etc., under section 206(a) of the act are initiated by complaint or by Commission order served on the parties and interested State agencies and published in the FEDERAL REGISTER. Staff studies and recommendations in such proceedings are made by the OAF, OEC, PWR, and OGC. After notice, a hearing is held.

§ 3.138 Ascertainment of cost and depreciation.

Investigations to ascertain the actual legitimate cost of public utility properties and depreciation therein pursuant to section 208(a) of the act, are made by the OAF, with the participation of the OGC on the legal aspects thereof. Such investigations are usually made in connection with rate proceedings under sections 205 and 206, or accounting proceedings under section 301 of the act, and frequently involve field studies of utility records and properties. After notice, a hearing may be held.

§ 3.139 Interlocking positions.

The requirements for applications for authority to hold interlocking positions pursuant to section 305(b) of the act, are stated in Part 45 of this chapter. Such applications are referred to the OAF and the OGC for studies and recommendations. After notice, a hearing may be held. Authorizations under this section of the act are subject to revocation after notice and opportunity for hearing.

§ 3.140 Investigations relating to electric energy, etc.

Investigations for the purpose of recommending legislation relating to electric energy and other matters referred to in section 311 of the act are conducted in the manner described in § 3.105. Unlike the investigations there described, however, the Commission in conducting an investigation pursuant to section 311 of the act may require the submission of information by persons and entities not otherwise subject to its regulatory jurisdiction. The results of such investigations may be published by the Commission pursuant to section 312 of the act. Lists of titles and prices of such publications may be secured from the Office of Public Information.

§ 3.141 Forfeitures.

On the basis of staff studies and recommendations, proceedings to fix the amount of forfeitures under section 315 (a) of the act are initiated by Commission order served on the parties and interested state agencies and published in the FEDERAL REGISTER. A hearing may be held.

§ 3.142 Approved forms, etc.

(a) The following is a list of approved forms, statements, and reports under the Federal Power Act, descriptions of which have been published in the indicated sections of Parts 131 and 141 of this chapter.

(1) Certificate of service (§ 131.1 of this chapter).

(2) Application for license for major project or minor part thereof (§ 131.2 of this chapter).

(3) Certificate of organization (§ 131.3 of this chapter).

(4) Certificate of exhibits (§ 131.4 of this chapter).

(5) Application for license for primary transmission lines only (§ 131.5 of this chapter).

(6) Application for license for minor project having installed capacity of 2,000 horsepower or less (§ 131.6 of this chapter).

(7) Application for preliminary permit (§ 131.10 of this chapter).

(8) Application for approval of transfer of license (§ 131.20 of this chapter).

(9) Application for amendment of license (§ 131.30 of this chapter).

(10) Balance sheet (§ 131.40 of this chapter).

(11) Classifications of utility plant and reserves applicable to utility plant (§ 131.41 of this chapter).

(12) Comparative income statement (§ 131.42 of this chapter).

(13) Report of securities issued (§ 131.43 of this chapter).

(14) Certificate of notification (§ 131.50 of this chapter).

(15) Notice of succession of ownership or operation (§ 131.51 of this chapter).

(16) Certificate of concurrence (§ 131.52 of this chapter).

(17) Notice of cancellation (§ 131.53 of this chapter).

(18) Verification of application (§ 131.60 of this chapter).

(19) Form of application by state and municipal licensees for exemption from payment of annual charges (§ 131.70 of this chapter).

(20) Form No. 1, annual report public utilities and licensees, Classes A and B (§ 141.1 of this chapter).

(21) Form No. 1-F, annual report for public utilities and licensees, Classes C and D (privately-owned) (§ 141.2 of this chapter).

(22) Form No. 1-M, annual report for municipal electric utilities having annual electric operating revenues of $250,000 or more (§ 141.7 of this chapter).

(23) Form No. 6, initial cost statement for licensed projects (§ 141.11 of this chapter).

(24) Form No. 7, statement of actual legitimate original cost of construction (§ 141.12 of this chapter).

(25) Form No. 9, annual report form for licensees of privately owned major projects (utility and industrial) (§ 141.13 of this chapter).

(26) Form No. 80, report of recreation facilities (§§ 8.11 and 141.14 of this chapter).

(27) Form No. 3, typical net monthly bills (§ 141.21 of this chapter).

(28) Form No. 4, monthly report of generation of electric energy consumption and stocks of fuel (multiple plant utilities) (§ 141.22 of this chapter).

(29) Form No. 4-A, monthly report of generation of electric energy consumption and stocks of fuel (multiple plant utilities) (§ 141.23 of this chapter).

(30) Form No. 4-B, monthly report of industrial generation of electric energy (§ 141.25 of this chapter).

(31) Form No. 5, monthly statement of electric operation revenue and income (§ 141.24 of this chapter).

(32) Form No. 13, summary for national electric rate book (§ 141.26 of this chapter).

(33) Form No. 12, power system statements for Class I and II systems, and for Class IV and V systems where requested (§ 141.51 of this chapter).

(34) Form No. 12-A, power system statement for Class III, IV and V systems (§ 141.52 of this chapter).

(35) Form No. 12-B, industrial electric generating capacity (detailed information) (§ 141.53 of this chapter).

(36) Form No. 12-C, industrial electric generating capacity (limited information) (§ 141.54 of this chapter).

(37) Form No. 12-D, power system statement for Class III systems having annual energy requirements of less than 5 million KWH, and Class IV and V systems when requested (§ 141.55 of this chapter).

(38) Form No. 12-E, monthly load statement (§ 141.56 of this chapter).

(39) Form No. 12-F, power line and generating plant data (§ 141.57 of this chapter).

(40) General requirements for annual reports to stockholders and others (§ 141.100 of this chapter).

(41) Report on bulk electric power supply interruptions (§ 141.58 of this chapter).

(b) The approved forms listed in paragraph (a) (1) to (19), inclusive, and paragraph (a)(41) of this section, are published in the cited regulations, copies of which may be obtained from the Secretary or the OPI upon request. Copies of statements and reports listed in paragraph (a) (20) to (39), inclusive, of this section, may be obtained from the OPI of the Commission.

§ 3.143 Other matters.

Information concerning any function, form, or procedure of the Commission under Parts II and III of the act, not described in §§ 3.131 to 3.142, inclusive, may be secured upon written request to the Secretary.

FUNCTIONS UNDER THE NATURAL GAS ACT

§ 3.161 Determination of jurisdictional status.

In the course of the administration and enforcement of the requirements of the Natural Gas Act, persons engaged in the transportation or sale of natural gas may initially be classified as to jurisdictional status under the terms of section 1 of the act. These classifications, which are tentative and not binding on the persons or the Commission, are made on the basis of available information, including data reported to the Commission by such persons, supplemented when necessary by staff investigation. The technical phases of such work are performed by the BNG and the legal phases by the OGC. If any person involved disagrees with the classification and refuses to comply with the requirements of the act in accordance therewith, a formal proceeding may be initiated to resolve the questions presented. The proceeding is initiated by Commission order served upon such person and interested State agencies, and published in the FEDERAL REGISTER. After notice, a hearing is held. The requirements for applications for exemptions pursuant to section 1(c) of the act (the Hinshaw Amendment) are set out in Part 152 of this chapter.

§ 3.162 Export or import of natural gas.

Applications for authorization to export or import natural gas from or to the United States, pursuant to section 3 of the act, for Presidential Permits under Executive Order 10485, described in § 3.191, and for certificates of public convenience and necessity pursuant to section 7 necessary in connection therewith, described in § 3.168 are studied and recommendations are made by the BNG, the OAF and the OGC. Notice is given to each State commission and gas company affected and published in the FEDERAL REGISTER. A hearing may be held.

See also Part 159 of this chapter with respect to certain filing fees. Such authorizations are issued simultaneously with the requisite Presidential Permits.

§ 3.163 Rate schedules.

Rate schedules, and tariffs and changes therein filed under section 4 of the act and any accompanying requests for waiver of the 30- to 90-day prior notice provision, are referred to the BNG and OAF for study and recommendation, with the participation of the OGC on the legal aspects thereof. Any complaints under section 4(e) of the act and any answers thereto, are similarly referred. Upon such complaint or upon its own motion, the Commission may suspend the operations of rate schedules or tariff provisions proposing changes, after notice and a statement of reasons therefor. Staff studies and recommendations are made by the BNG, OEC, OAF, and OGC. After notice, a hearing may be held pursuant to sections 4(e) and 15 of the act.

§ 3.164 Fixing rates and charges.

Proceedings to determine just and reasonable rates, charges, etc., under section 5(a) of the act may be initiated by Commission order upon its own motion or upon complaint served on the parties and interested State agencies and published in the FEDERAL REGISTER. Staff studies and recommendations in such proceedings are made by the BNG, OEC, OAF, and OGC. After notice, a hearing may be held.

§ 3.165 Ascertainment of cost and depreciation.

Investigations to ascertain the actual legitimate cost of the properties of natural gas companies and depreciation therein, pursuant to section 6(a) of the act, are made by the OAF, with the participation of the OGC on the legal aspects thereof. Such investigations are usually made in connection with rate proceedings under sections 4 and 5, or accounting proceedings under section 8, of the act and frequently involve field studies of records and investigation of the properties of natural gas companies. After notice, a hearing may be held.

§ 3.166 Extension of facilities.

Action to require the extension or improvement of transportation facilities, the establishment of physical connection between facilities, and the sale of natural gas under section 7(a) of the act, may be initiated by application or by the Commission upon its own motion. An application seeking a Commission order directing such attachment and sale may be filed in accordance with the provisions of Part 156 of this chapter. Notice is given to each company affected and interested State agencies, and published in the FEDERAL REGISTER. Staff studies and recommendations are made by the BNG, OAF, OEC, and OGC. After notice, a hearing may be held. See Part 159 of this chapter relative to certain filing fees.

§ 3.167 Abandonment.

Applications for approval of abandonment of facilities or service pursuant to section 7(b) of the act are referred to the BNG, OAF and OGC for studies and recommendations. Notices thereof are served upon the parties and interested State agencies and published in the FEDERAL REGISTER. After notice, a hearing is held.

§ 3.168 Certificates.

Applications for certificates of public convenience and necessity authorizing the construction, extension, acquisition, or operation of facilities or the sale of natural gas under sections 7(c) and 7(e) of the act are referred to the BNG, OAF and OGC for studies and recommendations, with the participation of OEC. After notice, a hearing is held. Part 157 of this chapter applies. Notice of the application is given to the parties and interested State agencies, and published in the FEDERAL REGISTER. See Part 159 of this chapter relative to filing fees.

§ 3.169 State compacts.

The information required under section 11 of the act concerning matters covered in any proposed State compact on natural gas is assembled and maintained by the BNG. Inquiries concerning such information may be made to the Secretary.

§ 3.170 Approved forms, etc.

(a) The following is a list of approved forms, statements, and reports under the Natural Gas Act, descriptions of which have been published in Subchapter G, Parts 250 and 260 of this chapter.

(1) Certificate of service (§ 250.1 of this chapter).

(2) Form of proposed cancellation of tariff or part thereof (§ 250.2 of this chapter).

(3) Form of proposed cancellation or termination of contract or part thereof (§ 250.3 of this chapter).

(4) Form of certificate of adoption (§ 250.4 of this chapter).

(5) Form of contract summary to be filed by all applicants for certificates of public convenience, including successors in interest (§ 250.5 of this chapter).

(6) Form of application to be filed by distributor under section 7(a) seeking gas service of not more than 2,000 Mcf per day (3d year of operation) for a single community (§ 250.6 of this chapter).

(7) Form of contract summary for abandonment applications (§ 250.7 of this chapter).

(8) Summary to accompany rate schedule filed by an assignee as successor in interest (§ 250.8 of this chapter).

(9) Form of notice of proposed cancellation or termination of independent producer rate schedule or part thereof, where no new schedule is to be filed in its place (§ 250.9 of this chapter).

(10) Application for small producer certificate of public convenience and necessity (§ 250.10 of this chapter).

(11) Annual statement for independent producers holding small producer certificates (§ 250.11 of this chapter).

(12) Form No. 2, annual report for natural gas companies (Class A and Class B) (§ 260.1 of this chapter).

(13) Form No. 2-A, annual report for natural gas companies (Class C and Class D) (§ 260.2 of this chapter).

(14) Form No. 11, natural gas pipeline company monthly statement (§ 260.3 of this chapter).

(15) Form No. 301-A, statement of sales and revenues of independent producers (§ 260.5 of this chapter).

(16) Form No. 301-B, statement of sales and revenues of independent producers (§ 260.6 of this chapter).

(17) Form No. 15 and 15-A, annual report of gas supply and deliverability for certain natural gas companies (§§ 260.7, 260.7a of this chapter).

(18) System flow diagrams (§ 260.8 of this chapter).

(19) General requirements for annual reports to stockholders and others (§ 260.100 of this chapter).

(b) The approved forms listed in paragraph (a) (1) to (11), inclusive, and 18, of this section, are published in the regulations, copies of which regulations may be obtained from the Secretary or OPI upon written request. Copies of statements and reports listed in paragraph (a) (12) to (19), inclusive, of this section, may be obtained from the OPI of the Commission.

§ 3.171 Other matters.

Information concerning any function, form, or procedure of the Commission under the Natural Gas Act, not described in §§ 3.161 to 3.170, inclusive, may be secured upon written request to the Secretary.

FUNCTIONS UNDER OTHER AUTHORIZATIONS

§ 3.181 Executive Order 10485.

(a) Applications for construction, operation, maintenance, or connection of facilities for the transmission of electric energy between the United States and foreign countries, under Executive Order 10485 (3 CFR 1949-53 Comp., p. 970), are referred to the PWR and to the OGC for studies and recommendations. The Commission thereafter acts upon the basis of the application, staff studies, recommendations of the Secretaries of State, Defense, and Treasury and other pertinent data. If granted, the permit is signed by the Chairman.

(b) Applications for construction, operation, maintenance, or connection of facilities for the exportation and importation of natural gas from or into the United States are referred to the BNG and to the OGC for studies and recommendations. Thereafter they are processed in the manner described in paragraph (a) of this section, for applications for the exportation of electric energy.

§ 3.182 Flood Control and River and Harbor Acts.

Beginning with the Flood Control Act of 1938 (33 U.S.C. 701j) and the Flood Control and River and Harbor Acts of subsequent years, the Commission studies plans for proposed water resources

projects to be constructed by the Department of the Army, the Department of the Interior, or other Federal agencies, and makes recommendations concerning the installation of penstocks and similar facilities for the development of hydroelectric power.

§ 3.183 Federal multipurpose projects.

The Bonneville Project Act (16 U.S.C. 832), Fort Peck Act (52 Stat. 403), the Flood Control Act of 1944 (16 U.S.C. 825s), provide that the Commission review and, if satisfactory, confirm and approve rates proposed for the sale of electric energy generated at the projects constructed pursuant to these and other acts. It also allocates the costs of certain of these projects and participates in the allocation of the costs of others.

§ 3.184 Water Resources Planning Act.

The Commission participates, through its Chairman, as a permanent member of the Water Resources Council, in the administration of the Water Resources Planning Act (42 U.S.C. 1962), including the review of comprehensive river basin plans for water and related land resources development.

§ 3.185 Outer Continental Shelf Lands Act.

Section 5 of this Act (43 U.S.C. 1334) provides for the grant of rights-of-way across submerged lands for pipelines for the transportation of natural gas, oil, sulphur or other mineral. Such grants are upon condition that the gas pipelines shall transport gas produced in the vicinity of the line in such proportionate amounts as the Federal Power Commission shall determine after full hearing.

§ 3.186 Information relative to miscellaneous functions.

Pertinent excerpts from the statutes referred to in §§ 3.181 through 3.185 are set out in the appendices to the pamphlet editions of the Federal Power Act and the Natural Gas Act, copies of which may be obtained from the Office of Public Information. Additional information with respect to these functions may be obtained from the Secretary.

(B) These amendments to the Commission's rules shall be effective upon the issuance of this order.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67-7858; Filed, July 7, 1967; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter II—Bureau of Narcotics, Department of the Treasury

[T.D. 80]

PART 308—PUBLIC ACCESS TO INFORMATION

Chapter II of Title 21 of the Code of Federal Regulations is hereby amended by adding a new Part 308 to read as follows:

Sec.
308.1 Purpose of regulations.
308.2 Definitions.
308.3 Records made available.
308.4 Records exempt from disclosure.
308.5 Fees for service.
308.6 Appeal.
308.7 Records not to be otherwise withdrawn or disclosed.
308.8 Testimony or the production of records in a court or other proceeding.
308.9 Regulations not applicable to official requests.

AUTHORITY: The provisions in this Part 308 are issued under 5 U.S.C. 301 and 5 U.S.C. 552.

§ 308.1 Purpose of regulations.

These regulations 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 the Bureau's organization, functions, and procedures available, and revisions thereof, and through the continuing publication therein of substantive and procedural regulations of the Bureau. A current synopsis of the statements of the Bureau's organization, functions and procedures available will be published annually by the Office of the Federal Register in the U.S. Government Organizational Manual.

§ 308.2 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 Bureau of Narcotics upon which the Bureau 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 Bureau of Narcotics in pursuance of Federal law or in connection with the transaction of public business, and preserved or appropriate for preservation by the Bureau 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 a Bureau office covered by these regulations. 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 Bureau 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.

§ 308.3 Records made available.

(a) *Records covered.* Within the meaning of the foregoing definitions, the following records of the Bureau of Narcotics covered by these regulations, unless determined to be exempt from disclosure under the provisions of 5 U.S.C. 552 and these regulations, will be made available, upon request, in accordance with the procedures provided in these regulations: (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 Commissioner of Narcotics, or his delegate, subject to the appeal provided in § 308.6. If a record is of concern to another agency whose interest in the record is paramount, the request shall be referred to that other agency for determination, and the person requesting the record shall be advised of the referral.

(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 Bureau of Narcotics, 633 Indiana Avenue NW., Washington, D.C. 20226, or in such other reading room as the Commissioner of Narcotics, or his delegate, may designate. To the extent feasible, such matters issued, adopted, or promulgated prior to July 4, 1967, are also shelved and indexed and are available in the designated public reading room. 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 Deputy Commissioner of Narcotics or to any district supervisor of any of the Bureau's district offices in the United States. A person appearing in the public reading room to request an identifiable record may complete a written request, which will be delivered to the Deputy Commissioner of Narcotics, or his delegate. 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.

(3) Since reading rooms are not provided at the field service level, requests at that level for matters covered under paragraph (a) (1), (2), (3), and (4) of this section, must be made in writing to the district supervisor of the appropriate district office of the Bureau of Narcotics. To the extent possible, the supervisor will provide the material and a reading area. If the district supervisor does not have the material or is otherwise unable to comply with the request, the request will be transmitted to Bureau headquarters, the material or copies thereof will be sent to the district office, and will be made available in a reading area provided by the district supervisor.

(d) *Provision of copies.* Copies of records made available in the public reading room under paragraph (c) of this section will be made through photocopy on payment of the fees therefor set forth in § 308.5. 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), and (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 the Commissioner of Narcotics, or his delegate, 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), (3), or (4) of this section, if not for the application of § 308.4, nevertheless may be made available after deletion of those matters outlined in § 308.4 that the Commissioner of Narcotics, or his delegate, determines need be held exempt.

(g) *Indexes.* Indexes will be periodically prepared and made available in the public reading room 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.

§ 308.4 Records exempt from disclosure.

(a) As determined by the Commissioner of Narcotics, or his delegate, subject to the appeal provided in § 308.6, the following classes of records covered by these regulations 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 the Bureau of Narcotics, including instructions, manuals and other records, or parts thereof, which set forth operating rules, guidelines, procedures, or other criteria for Bureau 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. 7237(e);

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential. This exemption restricts the disclosure of records which would not customarily be made public by the person from whom it was obtained by the Bureau. 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 Bureau in confidence or where the Bureau 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 intra-agency memorandums or letters which would not be available by law to a private party in litigation with the Bureau of Narcotics or the Treasury Department, such as, internal drafts, memoranda between officials or agencies, opinions, and interpretations prepared by Government employees for the use of the Bureau and records of the deliberations of the Bureau or staff groups, which would not routinely be disclosed to a private party through the discovery process in litigation with the Bureau or 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. This exemption shall not prevent a Bureau employee from furnishing information, either oral or written, to a bank or other lending institution seeking to comply with the policy of the Treasury Department in 31 CFR 15.1 with respect to the remission or mitigation or forfeiture of a vehicle, vessel, or aircraft.

(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.

§ 308.5 Fees for service.

Fees for service performed by the Bureau of Narcotics shall be the same as the fees imposed by the Office of the Secretary of the Treasury in Part 1 of Title 31 of the Code of Federal Regulations. No fee shall be paid by a bank or other lending institution seeking to comply with the policy of the Treasury Department in 31 CFR 15.1 with respect to the remission or mitigation or forfeiture of vehicles, vessels, and aircraft.

§ 308.6 Appeal.

(a) Any person denied access to records requested under § 308.3 may, within 30 days after notification of such denial, file an appeal to the Commissioner of Narcotics. Such an appeal shall be in writing addressed to the Commissioner of Narcotics, 633 Indiana Avenue NW., Washington, D.C. 20226. 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.

§ 308.7 Records not to be otherwise withdrawn or disclosed.

Except in accordance with this chapter, or as otherwise authorized, Bureau of Narcotics officers and employees are prohibited from making available to any person, not an officer or employee of the Treasury Department, and are prohibited from withdrawing from the files, possession or control of the Bureau, records or duplicates thereof.

§ 308.8 Testimony or the production of records in a court or other proceeding.

(a) Bureau of Narcotics 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 the Commissioner of Narcotics, or his delegate.

(b) Bureau of Narcotics 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 the Commissioner of Narcotics, or his delegate.

(c) In court cases in which the United States, the Treasury Department or the Bureau of Narcotics 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 a Bureau 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 will, 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.

§ 308.9 Regulations not applicable to official requests.

These regulations 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 will be referred for decision to the Commissioner of Narcotics.

Effective date. These regulations shall be effective as of July 4, 1967.

[SEAL] HENRY L. GIORDANO,
Commissioner of Narcotics.

Approved: June 3, 1967.

JAMES POMEROY HENDRICK,
Special Assistant to the Secretary (for Enforcement).

[F.R. Doc. 67-7887; Filed, July 7, 1967; 8:48 a.m.]

Title 23—HIGHWAYS AND VEHICLES

Chapter II—Vehicle and Highway Safety

[Docket No. 9]

PART 255—INITIAL FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Standard No. 105, Hydraulic Service Brake, Emergency Brake, and Parking Brake Systems

A proposal to amend § 255.21 of Part 255—Initial Federal Motor Vehicle Safety Standards, Motor Vehicle Safety Standard No. 105 (32 F.R. 2410) to include specified emergency system performance of the braking system on passenger cars was published in the FEDERAL REGISTER on February 3, 1967 (32 F.R. 2418).

Interested persons have been afforded an opportunity to participate in the making of the amendment. Two comments suggested increasing the average emergency brake deceleration rate from 6 fps² to 8 fps². Another comment suggested adopting the 8.5 fps² deceleration rate of the proposed standards of the Economic Commission for Europe. Since these suggestions are beyond the scope of the notice of proposed rule making, they were not considered for this amendment. A higher deceleration rate was not proposed in the notice, because the National Traffic Safety Agency determined that a rate greater than that proposed would not be reasonable nor practicable for 1968 cars. One comment requested a change in the pedal pressure requirement of SAE J843a as applied to the emergency braking system. Since the requirements and test procedures of SAE J843a (except for vehicle loading) do not apply to the emergency braking system when determining compliance with paragraph S4.2.1, there is no emergency braking system pedal pressure requirement. Therefore no changes have been made in the amendment.

In consideration of the foregoing, § 255.21 of Part 255—Initial Federal Motor Vehicle Safety Standards, Motor Vehicle Safety Standard No. 105 (32 F.R. 2410), paragraph S4.2.1, is amended to read as follows:

S4.2.1 *Emergency System Performance.* If failure of a pressure component or insufficient hydraulic fluid in the system causes loss of pressure in any part of the brake system, the remaining portion of the brake system shall provide a stop of the vehicle loaded in accordance with SAE Recommended Practice J843a, June 1966, from a speed of 60 m.p.h., in not more than 646 feet, without pulling or swerving to the extent that would cause the vehicle to leave a level, 12-foot wide lane on a clean, dry, smooth, Portland cement concrete pavement (or other surface with equivalent coefficient of surface friction).

This amendment is made under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegation of authority of March 31, 1967 (32 F.R. 5606), as amended April 6, 1967 (32 F.R. 6495), and becomes effective January 1, 1968.

Issued in Washington, D.C., on June 30, 1967.

LOWELL K. BRIDWELL,
Federal Highway Administrator.

[F.R. Doc. 67-7882; Filed, July 7, 1967; 8:47 a.m.]

[Docket No. 16]

PART 255—INITIAL FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Standard No. 205, Glazing Materials

Motor Vehicle Safety Standard No. 205 (32 F.R. 2414) specifies requirements for glazing materials for use in passenger cars, multipurpose passenger vehicles, motorcycles, trucks, and buses.

Paragraph S3.2 requires that exposed edges of glazing materials be treated in accordance with Society of Automotive Engineers Recommended Practice J673, "Automotive Glazing," June 1960. SAE J673 specifies that exposed edge radii be not less than 0.187 inch nor greater than 0.250 inch.

The National Highway Safety Bureau has determined that the minimum edge radius specified in SAE J673, while suitable for glazing of 0.250 inch nominal thickness, does not provide the same level of safety for glazing of less than 0.250 inch nominal thickness. Therefore, Standard No. 205 is being amended to require that exposed edge radii be not less than one half the nominal thickness of the glazing material.

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

In consideration of the foregoing, § 255.21 of Part 255—Initial Federal Motor Vehicle Safety Standards, Motor Vehicle Safety Standard No. 205 (32 F.R. 2414), paragraph S3.2, is amended to read as follows:

S3.2 *Edges.* In vehicles, except school buses, exposed edges shall be treated in accordance with Society of Automotive Engineers Recommended Practice J673, "Automotive Glazing," June 1960, except that the minimum edge radius dimension shall be not less than one half of the nominal thickness of the glazing material. In school buses, exposed edges shall be banded.

This amendment is made under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegation of authority of March 31, 1967 (32 F.R. 5606), as amended April 6, 1967 (32 F.R. 6495), and becomes effective January 1, 1968.

Issued in Washington, D.C., on June 30, 1967.

LOWELL K. BRIDWELL,
Federal Highway Administrator.

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[Docket No. 17]

PART 255—INITIAL FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Standard No. 210, Seat Belt Assembly Anchorages

Motor Vehicle Safety Standard No. 210 (32 F.R. 2415) specifies requirements for seat belt anchorages for passenger cars.

Paragraph S4.3.2.1 provides that the anchorage for the upper end of the upper torso restraint shall be to the rear of the extension of the torso line with the seat in its rearmost position, and the seat back in its rearmost driving position.

The National Highway Safety Bureau has determined that clarification is needed with respect to the required position of the seat and seat back when de-

termining compliance with paragraph S4.3.2.1, and that, due to the configuration of the body structure of certain passenger cars, location of the upper anchorage to the rear of the extended torso line could result in an unfavorable compound belt angle. Therefore, Standard No. 210 is being amended to require that these anchorages be to the rear of a line extending 6 inches vertically above the shoulder reference point and then extending rearward at an angle of 80 degrees above the horizontal, with the seat in its rearmost driving position and the seat back in its nominal design driving position.

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

In consideration of the foregoing, § 255.21 of Part 255—Initial Federal Motor Vehicle Safety Standards, Motor Vehicle Safety Standard No. 210 (32 F.R. 2415), paragraph S4.3.2.1, is amended to read as follows:

S4.3.2.1 With the seat in its rearmost driving position, and the seat back in its nominal design driving position, the anchorage for the upper end of the upper torso restraint shall be to the rear of a line extending 6 inches vertically above the shoulder reference point of the two-dimensional manikin described in Society of Automotive Engineers Standard J826, "Manikins for Use in Defining Vehicle Seating Accommodation," November 1962, and then extending rearward at an angle of 80 degrees above the horizontal. If the angle of the upper torso restraint passing from the shoulder of a seated 95th percentile adult male to the anchorage, or to a structure between the shoulder point and the anchorage, is downward from the horizontal, it shall be not more than 40 degrees.

This amendment is made under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegation of authority of March 31, 1967 (32 F.R. 5606), as amended April 6, 1967 (32 F.R. 6495), and becomes effective January 1, 1968.

Issued in Washington, D.C., on June 30, 1967.

LOWELL K. BRIDWELL,
Federal Highway Administrator.

[F.R. Doc. 67-7884; Filed, July 7, 1967; 8:47 a.m.]

Title 45—PUBLIC WELFARE

Chapter X—Office of Economic Opportunity

PART 1030—COMMUNITY ACTION PROGRAMS

Requirement of Increase in Non-Federal Share

Section 1030.10 of Chapter X of Title 45 of the Code of Federal Regulations is hereby revised to read as follows:

§ 1030.10 Regulations governing requirement of increase in non-Federal share.

(a) *Purpose.* (1) A 1966 amendment to section 208(a) (42 U.S.C. 2788(a)) of the Economic Opportunity Act increased the basic non-Federal share requirement applicable to community action (CAP) grants under sections 204 and 205(a) (42 U.S.C. 2784, 2785(a)) of Title II-A of the Act from 10 to 20 percent, effective July 1, 1967. However, section 208(a) permits OEO to exercise discretion in making the transition to the stricter requirement and in allowing relief from the non-Federal share requirement to ease the burden on communities where real hardship would be felt.

(2) This section explains non-Federal share requirements with regard to future grant actions under sections 204 and 205(a).[1] Paragraph (b) of this section describes general non-Federal share rules applicable to most communities. The major provision in paragraph (b) of this section is the adoption of a so-called "32 month rule". In essence, all community action agencies (CAA's) and single-purpose grantees with the exception of 1967 Summer Head Start and Upward Bound will have a 32-month operation period under the 10 percent requirement prior to meeting the 20 percent non-Federal share requirement as set out in section 208 of the Economic Opportunity Act. The rule set forth in paragraph (b) of this section is intended to insure fair treatment as between grantees which have been funded by OEO for a substantial period of time and those initially funded in more recent months. (NOTE: Paragraph (d) of this section explains the special steps to be followed by grantees which will reach their 33d month of CAP funding during a current program year or grant period.)

(3) Paragraph (c) of this section explains special exemption rules applicable to communities with per capita incomes below $1,000 per year. These rules are intended to provide lower non-Federal share requirements for communities and counties which have the most serious overall poverty.

(b) *Basic non-Federal share requirements.*—(1) *General rule.* (i) Grantees that are not eligible for exemption under paragraph (c) of this section will be required to provide a 20 percent non-Federal share for any portion of their program which will be conducted after the grantee has been funded by OEO for 32 months. The original groups of CAP grantees funded in November 1964 will reach their 33d month on July 1, 1967. Those funded originally in December 1964 will reach their 33d month on August 1, 1967, and so on.

[1] For information concerning non-Federal share requirements in the projects under the Community Betterment and Employment Program under sec. 205(d) of the Act (42 U.S.C. 2785(d)) and the New Careers Program under sec. 205(e) of the Act (42 U.S.C. 2785(e)) administered by the Department of Labor, see 29 CFR 51.4(c)(1), 32 F.R. 6440, 6443 (Apr. 16, 1967).

(ii) All grantees not eligible for total or partial exemption under paragraph (c) of this section reaching their 33d month during a program year or grant period will thus be required to furnish a non-Federal share of at least 10 percent but not more than 20 percent of their total program costs during that program year. Those grantees affected during their current program year, should consult paragraph (d) of this section.

(iii) For purposes of computing the non-Federal share required under this rule, it will be assumed that monthly program expenditures are made evenly throughout a grant program. The non-Federal share required under the rule therefore depends on the number of program months which will occur following the 32d anniversary of a grantee's original OEO grant. The resulting percentage is to be rounded to the nearest whole number, i.e., upward if five-tenths of 1 percent or more, downward if four-tenths of 1 percent or less. The formula for computing this is shown below:

$$\text{Non-Federal} = 10\% \text{ (basic)} + \left(\frac{A}{B} \times 10\%\right).$$

A = Number of months of current program year occurring after end of 32-month grace period.

B = Total number of months in program year.

Example: A community action agency which received its first OEO grant in March 1965, requests OEO assistance for a new component project to run from August 1, 1967, through March 31, 1968.

Number of months of grant participation as of July 31, 1967 is 29.

A. Number of months occurring after 32d (i.e. Nov. 1, 1967, to Mar. 31, 1968) = 5 months.

B. Inclusive dates of new grant action (i.e. Aug. 1, 1967, to Mar. 31, 1968) = 8 months.

Non-Federal contribution = 10% (basic) + $\frac{5}{8} \times 10\% = 10\% + 6.25\% = 16\%$.

Exhibit I is attached to serve as a ready guide to the non-Federal share percentage to be approved. In all instances when the new grant is on a 12-month basis, the attached table can be used to determine the overall non-Federal percentage contribution. The table is to be used as follows:

Read down Column A until the date of initial grant from OEO.

Read across the row for that date to the column for the ending month of new grant (under D).

The number where the latter column intersects the proper row is the non-Federal percentage contribution.

When the new grant period covers less or more than 12 months, the above formula should be used.

(2) *Reorganized grantees and transferred grants.* Where a program has been transferred from a previous grantee to the present one or where the original grantee has been reorganized or dissolved in favor of the present one, the 32 months will be counted from the date of the original grant to the original grantee.

(3) *Single-purpose agencies.* (i) The non-Federal share of an established single-purpose grantee in a community where there is also a CAA will be determined on the basis of the single-purpose grantee's own history. The same will be

true for applicants for independent funding of new programs.

(ii) However, the non-Federal share required of an agency which seeks independent or direct funding for a program which it previously ran as a delegate agency of a CAA will be determined on the basis of the history of the CAA.

(iii) See subparagraphs (5) and (6) of this paragraph for rules specially applicable to Summer Head Start programs and Upward Bound programs.

(4) *Rule for multicounty CAA's resulting from merger.* Where two or more CAA's for different counties (or other political jurisdiction) have merged into a multicounty CAA, the status of each CAA (prior to merger) will be considered in developing the overall rate of the new CAA. As a point of practical application, each prior CAA will be considered separately and then totaled in arriving at an overall non-Federal cost and rate of the newly formed CAA. However, should any of the segments be subject to the relief granted CAAs in low per capita income countries (see paragraph (c) of this section), a further percentage adjustment may be in order. An exception to this general rule is the adoption of an overall 20 percent rate where, at the discretion of the OEO Regional Directors, such an action would work no hardship on the newly formed CAA.

Example 2:

County "A"—$200,000—funded 28 months as of June 30, 1967.
County "B"—$400,000—funded 32 months as of June 30, 1967.
County "C"—$300,000—funded 26 months as of June 30, 1967.

The funding program of the multicounty CAA is from July 1, 1967, to June 30, 1968. In all counties, the per capita income is over $1,000. Using the attached table, the percentage rate is as follows for each of the counties.

	Rate	Program amount	Non-Federal contribution
	Percent		
County "A"	17	$200,000	$34,000
County "B"	20	400,000	80,000
County "C"	15	300,000	45,000
Total		900,000	159,000=18%

On the basis of the above, an overall rate of 18 percent will be charged the multicounty CAA. Note that any program which serves all these counties will be required to furnish the 18 percent local share. Where the specific amount, by county, is not readily available, an allocation of the total grant should be developed on a judgment basis. When data is not available to develop a cost allocation, the Regional Director will determine a non-Federal contribution percentage based on whatever facts are available. In all cases, at least a 10 percent non-Federal share shall be required unless the grantee qualifies for total or partial exemption under paragraph (c) of this section.

Example 3:

"D" is a multicounty CAA which covers counties "R," "S," and "T" as shown below. All of the funds requested are for multicounty components. None of the components can be associated with any specific county or even any two of the three counties. Therefore the only basis for determining non-Federal share is population.

To determine the total amount of non-Federal share in dollars that will be required of the CAA, follow the procedure described.

1. Determine the percentage the population of each county is of the total population of the area covered by the CAA.

2. Multiply the total dollar amount to be requested by the population percentage figure thus obtained for each of the counties. This apportions the total dollars requested to each county.

3. Determine the local share percentage for each county based on the per capita income (less than $750; $750–$1,000; over $1,000).

4. Multiply the dollars apportioned to the county by its local share percentage figure. This determines the dollar amount of local share each county must contribute.

5. Add the local share dollar amounts for each of the counties to obtain the total non-Federal share that will be required.

MULTICOUNTY "D"—300,000 POPULATION; $100,000 GRANT REQUESTED

County	Population	Percent of total population	Dollar portion of request based on population	Local share category	Local share dollar amount
		Percent		*Percent*	
"R" (Below $750 [1] per capita)	150,000	50	$50,000	0	
"S" (Between $750-$1,000 [2] per capita)	60,000	20	20,000	10	2,000
"T" (Over $1,000 per capita and operating for 32 months) [2]	90,000	30	30,000	20	6,000

Total local share $8,000
Total Federal share 92,000
Total program 100,000

[1] See paragraph (c) of this section for rules for low-income counties.
[2] If County "T" would not reach its 32d month of operation until 3 months after the start of the new program year, the local share percentage would be only 17½ percent, that is, 10 percent local share would be required for the first 3 months and 20 percent for the last 9 months.

(5) *Special rule for Summer Head Start programs.* Commencing with the programs funded for summer of 1967, all local agencies which are not eligible for relief under paragraph (c) of this section will be expected to provide a 20 percent non-Federal share of the costs of summer Head Start programs. This will be true even though under preceding paragraphs of this paragraph (b), the same grantee may provide a smaller non-Federal share for other component programs which will be operating at the same time.

(6) *Special rule for Upward Bound programs.* (i) The round of Project Upward Bound grant actions effective April 1, 1967, will all be funded on a 90 percent–10 percent basis. This will be true even when the grantee is a CAA which will be required to contribute a 20 percent local share for its other component programs which are being conducted simultaneously.

(ii) Commencing in 1968, all Upward Bound grant actions will be funded on an 80 percent–20 percent basis, without regard to the 32-month rule.

(c) *Exemptions from non-Federal share requirements for communities with per capita incomes below $1,000 per year*—(1) *General rules.* (i) The Economic Opportunity Act provides, in subsection 208(a) (42 U.S.C. 2788(a)), that the Director of OEO may relieve grantees of all or part of the non-Federal share requirements. Previously, when the basic non-Federal share required for section 204/205 grants was 10 percent, an exemption was granted to communities with annual per capita incomes below $750 according to 1960 census data to the extent that they were unable to raise non-Federal share. This exemption will be continued.

(ii) Moreover, with the increase in basic non-Federal share requirements to 20 percent, OEO will extend a partial exemption to an additional group of about 500 counties with per capita incomes above $750 but below $1,000 per year according to 1960 census data. The exemption rules are as follows:

(A) As in the past, grantees serving communities with per capita incomes below $750 per year are expected to provide 10 percent of the program cost whenever possible. However, as in the past, such grantees may request exemption from that portion of the required non-Federal share which they are unable to provide.

(B) Grantees serving communities with per capita incomes in the $750–$999 range shall in all cases provide at least 10 percent non-Federal share but may request exemption from that portion of the non-Federal share above 10 percent which they are unable to provide.

(iii) For these purposes, community per capita incomes may be based on data from the 1960 U.S. Census of Population or any more recent reliable source of per capita income data submitted by the applicant agency.

(iv) The request for a waiver of the non-Federal share requirements under paragraph (A) or paragraph (B) above should be in the form of a letter accompanying the application for CAP grant and shall state clearly (*a*) the basis on which the community's per capita income was determined; (*b*) the amount of non-Federal share which the community can provide; and (*c*) that the applicant has made a reasonable effort to raise more non-Federal share and has been unsuccessful. OEO may require that additional evidence be submitted in support of these representations.

(2) *Rule for multicounty programs.* Generally, the waiver of part or all of the non-Federal share will be based on a showing that the per capita income of the entire community served by the community action programs is below $750 or $1,000 per year. However, if there are one or more counties in a multicounty area served by a single CAA having per capita incomes below $750 (or $1,000), even though the multicounty area, taken as a whole, does not, the

CAA may request relief from its overall non-Federal share requirement for component projects designed to serve only the poorest counties. Note that this rule is not intended to either encourage or discourage the development or continuance of components to serve only one county in a multicounty CAA.

Example 4:

"G" a multicounty CAA, serves four counties, "W," "X," "Y," and "Z." Counties "W" and "X" have per capita incomes below $750. The other counties have per capita incomes in the $750–$999 range. The entire area served by "G" has a per capita income below $1,000 but not below $750. Its normal non-Federal share requirement is thus 10 percent, but for programs serving only county "W" or county "X" it is entitled to relief from that requirement if it cannot raise the non-Federal share.

The non-Federal share requirement on its grant may be calculated as follows:

Component projects	Total cost	Minimum required Non-Federal share
Head Start in county "W"	$50,000	
Legal services in county "X"	25,000	
Head Start in county "Y"	50,000	$5,000
Neighborhood Center in county "Z"	50,000	5,000
Program administration	20,000	2,000
Total	195,000	12,000

Note that the Program Administration component, which serves all four counties, is required to provide non-Federal share on the basis of 10 percent because the four-county area, taken as a whole, has a per capita income below $1,000 but not below $750.

OEO will permit pooling of the non-Federal share as between exempt and nonexempt counties served by the same CAA. See paragraph (e)(1) of this section.

(3) *Special rule for programs serving reservation Indians and migrant groups.* In cases where a CAA or other Title II–A grantee provides a specific component program solely for the benefit of Indians on Federal or State reservations within the community or for the benefit of groups of migrant farm workers who live, or earn their living, outside of the community 6 months or more a year, the CAA shall be entitled to seek a partial or total exemption of the non-Federal share requirements for the costs of those component programs in cases where the per capita income of the groups served is below $1,000. If the per capita income is below $750, the Regional Director is authorized to grant an exemption for that portion of the non-Federal share which the CAA is unable to provide. If the per capita income is in the $750–$999 range, the Regional Director is authorized to grant an exemption for the portion of the non-Federal share above 10 percent of program costs which the CAA is unable to provide. Exemptions granted under this paragraph will apply only to the particular component programs serving Indians or migrants, and shall not operate to reduce the non-Federal share requirements applicable to other component programs operated by the same CAA.

(d) *Instructions to grantees reaching their 33d month during a current program year.* (i) Grantees who, according to the rules in paragraph (b) of this section, will reach their 33d month of CAP funding during their present program years (or other grant periods) will be responsible for contributing the additional non-Federal share of costs called for according to the table in Exhibit I. They will be expected to submit revised CAP Form 25's for affected component projects identifying the value and kind of increased local share and showing a corresponding reduction in Federal funds.

(ii) Note that no increase in a grantee's level of approved program will be permitted on account of the increase in the required non-Federal share. That increase will be offset by a corresponding decrease in Federal support for the component projects in question.

(iii) Following receipt of the revised CAP Forms 25, the appropriate OEO/CAP office will review the changes and, upon approval, will issue a supplemental CAP Form 14 together with copies of the CAP Form 25's showing the approved changes.

(iv) Failure to take prompt action to provide the required increase in non-Federal share and to achieve a corresponding reduction in Federal funds may necessitate remedial action by OEO. Such action may include suspension or termination of the grant, and legal action to recover non-Federal share deficiencies and overexpenditures of Federal funds.

(e) *General*—(1) *Pooling of non-Federal share during program years.* (i) Grantees are reminded that the pooling of non-Federal share among all components of the same grant during a single program year is acceptable. The policy stated in CAP Guide, Volume II (Part I, par. 4 (page 20)) with reference to pooling in terms of the Federal fiscal year is obsolete and under revision.

(ii) The pooling provision should be utilized to lessen the burden of the increased non-Federal share requirement for component programs which will have the greatest difficulty in providing increased non-Federal share.

(2) *For further information.* Applicants are advised to communicate with the appropriate OEO Regional Office for any further specific information they may need with regard to non-Federal share requirements.

Dated: June 27, 1967.

SARGENT SHRIVER,
Director,
Office of Economic Opportunity.

EXHIBIT I—TABLE TO DETERMINE NON-FEDERAL CONTRIBUTION PERCENTAGE FOR 12-MONTH GRANTS

(A) Month of initial grant	(B) Months Completed as of June 30, 1967	(C) Months of grace after June 30, 1967	(D) Last full month of funding period after June 30, 1967 (1967)					
			July	August	September	October	November	December
1964:			*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
November	32		11	12	12	13	14	15
December	31	1	10	11	12	12	13	14
1965:								
January	30	2	10	10	11	12	12	13
February	29	3	10	10	10	11	12	12
March	28	4	10	10	10	10	11	12
April	27	5	10	10	10	10	10	11
May	26	6	10	10	10	10	10	10
June	25	7	10	10	10	10	10	10
July	24	8	10	10	10	10	10	10
August	23	9	10	10	10	10	10	10
September	22	10	10	10	10	10	10	10
October	21	11	10	10	10	10	10	10
November	20	12	10	10	10	10	10	10
December	19	13	10	10	10	10	10	10
1966:								
January	18	14	10	10	10	10	10	10
February	17	15	10	10	10	10	10	10
March	16	16	10	10	10	10	10	10
April	15	17	10	10	10	10	10	10
May	14	18	10	10	10	10	10	10
June	13	19						
July	12	20						
August	11	21						
September	10	22						
October	9	23						
November	8	24						
December	7	25						
1967:								
January	6	26						
February	5	27						
March	4	28						
April	3	29						
May	2	30						
June	1	31						
July	0	32						

(A) Month of initial grant	(B) Months completed as of June 30, 1967	(C) Months of grace after June 30, 1967	(D) Last full month of funding period after June 30, 1967 (1968)											
			January	February	March	April	May	June	July	August	September	October	November	December
			Percent	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
1964:														
November	32	------	16	17	18	18	19	20	20	20	20	20	20	20
December	31	1	15	16	17	18	18	19	20	20	20	20	20	20
1965:														
January	30	1	14	15	16	17	18	18	19	20	20	20	20	20
February	29	3	13	14	15	16	17	18	18	19	20	20	20	20
March	28	4	12	13	14	15	16	17	18	18	19	20	20	20
April	27	5	12	12	13	14	15	16	17	18	18	19	20	20
May	26	6	11	12	12	13	14	15	16	17	18	18	19	20
June	25	7	10	11	12	12	13	14	15	16	17	18	18	19
July	24	8	10	10	11	12	12	13	14	15	16	17	18	18
August	23	9	10	10	10	11	12	12	13	14	15	16	17	18
September	22	10	10	10	10	10	10	12	12	13	14	15	16	17
October	21	11	10	10	10	10	10	11	12	12	13	14	15	16
November	20	12	10	10	10	10	10	10	11	12	12	13	14	15
December	19	13	10	10	10	10	10	10	10	11	12	12	13	14
1966:														
January	18	14	10	10	10	10	10	10	10	10	11	12	12	13
February	17	15	10	10	10	10	10	10	10	10	10	11	12	12
March	16	16	10	10	10	10	10	10	10	10	10	10	11	12
April	15	17	10	10	10	10	10	10	10	10	10	10	10	11
May	14	18	10	10	10	10	10	10	10	10	10	10	10	10
June	13	19	------	------	------	------	------	------	------	------	------	------	------	------
July	12	20	------	------	------	------	------	------	------	------	------	------	------	------
August	11	21	------	------	------	------	------	------	------	------	------	------	------	------
September	10	22	------	------	------	------	------	------	------	------	------	------	------	------
October	9	23	------	------	------	------	------	------	------	------	------	------	------	------
November	8	24	------	------	------	------	------	------	------	------	------	------	------	------
December	7	25	------	------	------	------	------	------	------	------	------	------	------	------
1967:														
January	6	26	------	------	------	------	------	------	------	------	------	------	------	------
February	5	27	------	------	------	------	------	------	------	------	------	------	------	------
March	4	28	------	------	------	------	------	------	------	------	------	------	------	------
April	3	29	------	------	------	------	------	------	------	------	------	------	------	------
May	1	30	------	------	------	------	------	------	------	------	------	------	------	------
June	1	31	------	------	------	------	------	------	------	------	------	------	------	------
July	0	32	------	------	------	------	------	------	------	------	------	------	------	------

[F.R. Doc. 67-7613; Filed, July 7, 1967; 8:45 a.m.]

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

PART 9—TESTIMONY OF EMPLOYEES OF OFFICE OF THE SECRETARY

This amendment adds a new Part 9 "Testimony of Employees of Office of the Secretary" to the regulations of the Office of the Secretary to state the policies and procedures of that Office with respect to the testimony of its employees in legal proceedings, the service of legal process, and the production of records pursuant to a subpoena. The new Part does not apply to the National Transportation Safety Board, the U.S. Coast Guard, the Federal Aviation Administration, the Federal Highway Administration, the Federal Railroad Administration, or the St. Lawrence Seaway Development Corporation.

Government agencies are often requested by private litigants to furnish expert witnesses as to technical or other matters that are within the scope of agency functions. It is the policy of the Office of the Secretary of Transportation not to authorize its employees to testify in these cases for the reasons enumerated in § 9.5. However, this Part does establish procedures whereby, under appropriate circumstances, an employee may testify as to facts within his personal knowledge, while refraining from opinion testimony. The regulation does not apply to those private cases in which an employee may be called upon to testify, while on leave, as to facts or events that have no relationship to his duties and the functions of the Department.

The new Part 9 also states the method whereby records of the Office of the Secretary may be subpoenaed and explains the relationship of records sought to be obtained by subpoena to records that may be made available, upon request and without a subpoena, under Part 7 "Public Availability of Information."

Section 9.15 sets forth the titles of the officials of the Office of the Secretary who are authorized to accept service of legal process or pleadings on behalf of the Secretary.

Since this amendment concerns itself with matters relating to Departmental management, procedures, and practices, notice and public procedure hereon is not required, and it may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

This amendment is made under the authority of section 9 of the Department of Transportation Act (P.L. 89-670; 49 U.S.C. 1657).

In consideration of the foregoing, Subtitle A of Title 49 is amended, effective July 10, 1967, by adding the following new Part 9 "Testimony by Employees of Office of the Secretary."

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

ALAN S. BOYD,
Secretary of Transportation.

Sec.
9.1 Purpose.
9.3 Testimony by employees in proceedings involving United States.
9.5 Legal proceedings between private parties: General rule.
9.7 Legal proceedings between private litigants: Subpoenas.
9.9 Legal proceedings between private litigants: Factual testimony.
9.11 Legal proceedings between private litigants: Expert or opinion testimony.
9.13 Legal proceedings between private litigants: Disclosure of records.
9.15 Acceptance of service on behalf of Secretary.

AUTHORITY: The provisions of this Part 9 issued under sec. 9 of the Department of Transportation Act (P.L. 89-670; 49 U.S.C. 1657).

§ 9.1 Purpose.

(a) This part prescribes the policies and procedures of the Office of the Secretary of Transportation with respect to testimony of its employees as witnesses in legal proceedings, the serving of legal process and pleadings in legal proceedings involving the Secretary or his Office, and the production of records of that Office pursuant to subpoena.

(b) The General Counsel may grant permission to deviate from a policy or procedure prescribed by this part. He may grant that permission only when—

(1) It is necessary to prevent a miscarriage of justice;

(2) The Department has an interest in the decision that may be rendered in the legal proceeding; or

(3) The deviation is in the best interests of the United States.

(c) For the purposes of this part, "legal proceeding" includes any proceeding before a court of law, administrative board, hearing officer, or any other body conducting a legal or administrative proceeding.

(d) This part does not apply to any legal proceeding in which an employee is to testify, while in leave status, as to facts or events that are in no way related to the duties he performs or to the functions of the Department.

§ 9.3 Testimony by employees in proceedings involving United States.

(a) An employee of the Office of the Secretary shall testify as a witness for the United States whenever, in any legal proceeding involving the United States, the attorney in charge of presenting the case for the United States requests it.

(b) An employee of the Office of the Secretary may not testify as an expert or opinion witness for an adverse party in any legal proceeding in which the United States is involved, but may testify as to facts.

§ 9.5 Legal proceedings between private parties: General rule.

Subject to §§ 9.7 and 9.11, an employee of the Office of the Secretary of Transportation is not authorized to testify as an expert or opinion witness in any legal proceeding between private litigants for the following reasons:

(a) To conserve the time of employees for conducting official business.

(b) To minimize the possibility of criticism of the Department in cases in which its employees participate in controversial issues.

(c) To avoid spending the time and money of the United States for private purposes.

§ 9.7 Legal proceedings between private litigants: Subpoenas.

(a) Whenever, in a legal proceeding between private litigants, an employee of the Office of the Secretary is properly served with a subpoena, he shall immediately report the service to the General Counsel, who shall determine whether the employee is required to comply and shall provide legal representation for the employee.

(b) Whenever an employee's compliance with a subpoena would adversely affect the performance of official duties the General Counsel shall attempt to have the subpoena withdrawn or modified.

§ 9.9 Legal proceedings between private litigants: Factual testimony.

(a) An employee of the Office of the Secretary who has been properly subpoenaed in a legal proceeding between private litigants shall testify as to facts within his personal knowledge, even if the facts are contained in a report that he is not allowed to produce. However, he must obtain the permission of the General Counsel before disclosing any information that is restricted by statute or regulation.

(b) An employee who gives factual testimony shall avoid any statements of opinion.

§ 9.11 Legal proceedings between private litigants: Expert or opinion testimony.

If, while testifying in a legal proceeding between private litigants, an employee of the Office of the Secretary is asked for expert or opinion testimony, he shall decline to answer on the grounds that he is forbidden to do so by this part. If he is then ordered by competent authority to testify, he shall do so.

§ 9.13 Legal proceedings between private litigants: Disclosure of records.

(a) Copies of any records available for public inspection under Part 7 "Public Availability of Information", are available, as provided in that part, to litigants upon request.

(b) If copies of records that are available for public inspection under Part 7 are subpoenaed, the person subpoenaing them is liable for the fee established under that part for the production of those records, including any search for them.

(c) If an employee is served with a subpoena calling for records that the General Counsel determines should not be released, the General Counsel shall attempt to have the subpoena withdrawn or modified. If this cannot be done, the employee shall appear at the time and place specified in the subpoena, accompanied by an attorney from the Office of the General Counsel or the Department of Justice, as appropriate, and explain to the authority conducting the proceeding that a statute or regulation prohibits him from producing the records.

(d) If an employee who follows the procedure in paragraph (c) of this section is ordered to show cause why he should not be cited for contempt of court, the General Counsel shall request the Department of Justice to represent the employee.

§ 9.15 Acceptance of service on behalf of Secretary.

Process or pleadings in any legal proceeding may be served, at the option of the server, on the General Counsel, the Deputy General Counsel, or the Assistant General Counsel for Litigation, with the same effect as if served upon the Secretary. The official accepting the service for the Secretary acknowledges the service and takes further action as appropriate.

[F.R. Doc. 67-7878; Filed, July 7, 1967; 8:47 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[10 Gen. Rev. of Export Regs., Amdt. 31]

EXPORTS OF COPPER, NICKEL AND NICKEL ALLOYS

I. *Exports of copper, July and August 1967.*

Purpose and effect: Short supply controls over the export of copper and copper products will be continued at the same level as during the first half of 1967. However, because of the current unsettled condition of supply and demand, export licensing quotas are being established for a 2-month period, July and August 1967. These export licensing quotas are as follows:

Commodity	*Quota*
(a) Copper scrap, as follows: Copper metalliferous ash and residues (Export Control Commodity No. 28401); Copper or copper-base alloy waste and scrap, including copper alloy waste and scrap of less than 40 percent copper content where copper is the component of chief weight (Export Control Commodity No. 28402); Nickel waste and scrap containing 50 percent or more copper irrespective of nickel content (Export Control Commodity No. 28403).	5,500 copper content short tons.
(b) Refined copper including remelted, in cathodes, billets, ingots (except copper-base alloy ingots), wire bars, and other crude forms (Export Control Commodity No. 68212).[1]	8,330 copper content short tons.
(c) Copper-base alloy ingots composed essentially of copper with one or more other metals, for example: Beryllium copper ingots, devarda alloy ingots, guinea alloy ingots, ounce metal ingots, etc. (Export Control Commodity No. 68212).	330 copper content short tons.
(d) Semifabricated copper products and master alloys of copper, as follows:[2]	3,000 copper content short tons.

[1] Shipments of refined copper produced from foreign-origin copper raw materials, and refined copper produced from material which was declared as an offset against an equivalent quantity of foreign-origin copper raw materials entered into the United States under a U.S. Customs Import Entry made within 3 months preceding the date of the license application, will be licensed without a charge against the quota (see § 373.43(b)(2)).

[2] Shipments of semifabricated copper products and master alloys of copper under U.S. military contracts or under contracts financed by the Agency for International Development will be licensed without a charge against the quota (see § 373.43(d)(2)).

Export Control Commodity Number and Commodity Description	
68213	Master alloys of copper.
68221	Bars, rods, angles, shapes, sections, and wire of copper or copper-base alloy.
68222	Plates, sheets, and strips of copper or copper-base alloy.
68223	Copper foil.
68223	Paper backed copper foil.
68224	Copper or copper alloy powders and flakes.
68225	Tubes, pipes, and blanks therefor, and hollow bars of copper or copper-base alloy.
69892	Copper and copper-base alloy castings and forgings.
72310	Wire and cable coated with, or insulated with, fluorocarbon polymers or copolymers.
72310	Coaxial-type communications cable as follows: (a) Containing fluorocarbon polymers or copolymers, (b) using a mineral insulator dielectric, (c) using a dielectric aired by discs, beads, spiral, screw, or any other means, (d) designed for pressurization or use with a gas dielectric, or (e) intended for submarine laying.
72310	Other coaxial cable.
72310	Communications cable containing more than one pair of conductors of which any one of the conductors, single or stranded, has a diameter exceeding 0.9 mm. (0.035 inch), as follows: (a) Cable in which the nominal mutual capacitance of paired circuits is less than 53 nanofarads/mile (33 nanofarads/KM), except conventional paper and air dielectric types, (b) submarine cable, or (c) cable containing fluorocarbon polymers or copolymers.

Export Control Commodity Number and Commodity Description	
72310	Other communications cable containing more than one pair of conductors and containing any conductor, single or stranded, exceeding 0.9 mm. in diameter.
72310	Other copper or copper-base alloy insulated wire and cable.

Licensing under past participation in exports licensing method. The quotas set forth above for copper-base scrap, refined copper, and copper-base alloy ingots will continue to be licensed entirely in accordance with the Past Participation in Exports licensing method described in § 373.8 of the U.S. export regulations.

Of the total quota of 3,000 copper content short tons established for semifabricated copper products and master alloys of copper, 65 percent (or 1,950 copper content short tons) will be allocated in accordance with the Past Participation in Exports licensing method. The remaining portion of the quota (1,050 copper content short tons) again will be reserved to meet essential export requirements that cannot be satisfied under the Past Participation in Exports licensing method.

The Office of Export Control will notify each exporter of his share of a quota.

Time schedules for submitting applications. An exporter who qualifies as a "historical exporter" under the Past Participation in Exports licensing method may submit his applications as soon as he receives his notice of entitlement but not later than August 15, 1967. An exporter who does not qualify as a "historical exporter" shall submit his applications no later than July 31, 1967.

The submission of applications for licenses to export semifabricated copper products and master alloys of copper is not subject to time schedules. Applications for these products may be submitted at any time.

Applicability of other provisions. Exporters are reminded that all other special copper provisions continue in effect. These provisions are set forth in §§ 373.20 and 373.43. It should be noted in particular that applications for licenses to export copper ores, concentrates, matte, and blister copper generally are denied. However, applications for licenses to export these commodities as well as copper and copper-base alloy waste and certain nickel scrap that cannot be processed commercially in the United States will continue to be considered for licensing without a charge against an export quota.

Effective date: June 20, 1967.

II. *Exports of nickel and nickel alloys.* A validated export license will now be required for shipments to Country Groups T and V of the nickel and nickel alloys and the nickel scrap described below. This added requirement is in addition to the previous requirement of a validated export license for shipments of these commodities to Country Groups S, W, X, Y, and Z.

Export Control Commodity Number and Commodity Description	
28403	Any nickel or nickel alloy waste and scrap, not previously requiring a validated license for shipments to Country Groups T and V.
51369	Nickel oxide.
51470	Nickel sulfate.
67160	Ferronickel containing 90 percent or less of nickel.
68310	Any nickel or nickel alloys, unwrought, not previously requiring a validated license for shipments to Country Groups T and V.
68324	Nickel or nickel alloy electroplating anodes.

Shipments of these commodities removed from general license as a result of this change that were on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a.m., June 10, 1967, may be exported under the previous general license provisions up to and including July 10, 1967. Any such shipment not laden aboard the exporting carrier on or before July 10, 1967, requires a validated license for export.

Effective date of action: June 10, 1967.

Amendments to the U.S. Export Regulations (15 CFR Ch. III, Subch. B) reflecting the above changes will be published in the near future.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–63 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–63 Comp.)

RAUER MEYER,
Director,
Office of Export Control.

[F.R. Doc. 67-7493; Filed, July 7, 1967; 8:49 a.m.]

[10 Gen. Rev. of Export Regs., Amdt. 32]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Parts 369, 370, 372, 373, and 379 of the Code of Federal Regulations are amended as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–63 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–63 Comp.)

Effective date: June 28, 1967.

RAUER MEYER,
Director,
Office of Export Control.

I. *Reporting requirement.*

Purpose and effect: The provisions of § 369.2 of the U.S. Export Regulations require any U.S. exporter, who receives a request for any action that has the effect of furthering or supporting a restrictive trade practice or boycott fostered by any foreign country against any country not included in Country Group S, W, Y, or Z, to report such a request to the Office of Export Control. To clarify the applicability of this reporting requirement, an "exporter" is construed to be that person who, as the principal party in interest in the export transaction, has the power and responsibility for determining and controlling the sending of the commodities and technical data out of the United States.

Accordingly, the note following § 369.2 is revised to read as set forth below.

II. *Request for waiver of documentation for certain reexports.*

In accordance with the provisions of § 372.12(c)(2) of the Export Regulations, requests for authorization to reexport to certain specified destinations require the submission of documents such as Consignee/Purchaser Statements, Swiss Blue Import Certificates, or Yugoslav End Use Certificates. The Export Regulations are revised to point out that if the document cannot be obtained, the applicant may request a waiver of the documentation requirement.

The Office of Export Control will give consideration to the waiver request when a satisfactory explanation accompanies the request, and such waiver will not be contrary to the objectives of the U.S. Export Control program.

Accordingly, a new paragraph is added to § 372.12(c)(2)(ii)(c) as set forth below.

III. *Parts, components, and materials in foreign-made end-products.*

Purpose and effect: To avoid any misunderstanding of the scope of export controls, a specific statement has been added to the Export Regulations explaining that parts, components, materials, or other commodities exported from the United States and used abroad to manufacture or produce a foreign-made end-product are subject to the export control laws of the United States. The Department of Commerce exercises vigilance over exports and reexports of these commodities to prevent such exports or reexports from being used for a purpose detrimental to the national security or foreign policy of the United States.

Accordingly, a new § 370.11 is added, as set forth below.

IV. *Kansas City, Mo., Airport authorized to clear air shipments.*

Purpose and effect: Certain inland airports in the United States have been authorized to clear air shipments for export, as set forth in § 379.12 of the U.S. Export Regulations. Kansas City, Mo., is now added to the list of airports with this authority.

Accordingly, § 379.12(c) is amended as set forth below.

V. *Additional country adhering to Limited Nuclear Test Ban Treaty.*

Purpose and effect: Section 373.7 of the U.S. Export Regulations sets forth the procedures to be followed when exporting commodities and technical data related to nuclear weapons, nuclear explosive devices, or nuclear testing. Certain provisions of these regulations do not apply to destinations subject to the jurisdiction of a country which is an adherent to the "Limited Nuclear Test Ban Treaty" (see list of countries adhering to this treaty

in Part 373, Supplement No. 4 of the U.S. Export Regulations).

The Federation of Nigeria deposited an instrument of ratification with the U.S. Department of State on February 28, 1967, and is now added to the list.

Accordingly, Supplement No. 4 to Part 373 is amended as set forth below.

VI. *Exports of copper, July and August 1967.*

Supplement 1 of Part 373 is revised to read as set forth below.

The amendments to Parts 369, 370, 372, 373, and 379 are as follows:

PART 369—REQUEST FOR INFORMATION OR ACTION IN SUPPORT OF CERTAIN FOREIGN RESTRICTIVE TRADE PRACTICES OR BOYCOTTS

§ 369.2 Reporting requirements.

* * * * *

NOTE: *1. Exporter.* For the purpose of the reporting requirement set forth in § 369.2, an exporter is construed to be that person who, as the principal party in interest in the export transaction, has the power to determine and control and the responsibility for determining and controlling the sending of the commodities and technical data out of the United States.

2. Examples of restrictive trade practices or boycotts. The above § 369.2 refers to "a request for an action that has the effect of furthering or supporting a restrictive trade practice or boycott fostered by any foreign country against any country not included in Country Group S, W, Y, or Z * * *." These requests may be received by U.S. exporters in the form of general questionnaires to be answered, specific statements or certifications to be supplied in particular transactions, or other types of requests for action. Shown below are some examples of requests that could indicate the furthering or supporting of restrictive trade practices or boycotts.

a. A request for information as to whether the U.S. exporter or any subsidiary or affiliate of the U.S. exporter has, or intends to have, any stockholders, owners, employees, or officers who are nationals of a boycotted country.

b. A request for information as to whether the U.S. exporter or any subsidiary or affiliate of the U.S. exporter has, or intends to have, any stockholders, owners, employees, or officers who are members of a religious organization or of a race, creed, or color generally associated with a boycotted country.

c. A request for information as to whether the U.S. exporter or any subsidiary or affiliate of the U.S. exporter has, or intends to have, any business relationship with a boycotted country or a national of a boycotted country. These business relationships include but are not limited to trade in commodities or technical know-how, licensing arrangements, advertising, or promotion of sale of goods originating in a boycotted country, or use of such goods as components in a manufacturing process.

d. A request for information as to whether the U.S. exporter or any subsidiary or affiliate of the U.S. exporter does any business, or intends to do any business, with any firm that has a business relationship with a boycotted country or a national of a boycotted country.

e. A request for information as to whether the U.S. exporter or any subsidiary or affiliate of the U.S. exporter has any investments, including branches, subsidiaries, affiliates, or holdings, or any commercial or legal representation in a boycotted country or a business firm located in, or doing business in, a boycotted country.

f. A restriction prohibiting the U.S. exporter or any subsidiary or affiliate of the U.S. exporter from using shipping or transportation facilities that are "blacklisted" by the importing country: *Provided, however,* That a request or restriction solely precluding the export of commodities to the importing country on (a) shipping or transportation facilities owned, controlled, operated, or chartered by a country or a national of a country, friendly to the United States but not friendly to the importing country, or (b) a carrier that stops at a port in a country friendly to the United States but not friendly to the importing country prior to stopping at the port of unlading, is not deemed a restrictive practice within the meaning of section 2(4) of the Export Control Act, but rather a precautionary measure to avoid any risk of confiscation of the commodities. Accordingly, the two aforementioned types of shipping restrictions are exempted from the reporting requirement of this section.

The above examples of types of requests, which could indicate the furthering or supporting of restrictive trade practices or boycotts, are merely illustrative, and are not intended in any sense to be the only examples of restrictive trade practices or boycotts.

PART 370—SCOPE OF EXPORT CONTROL BY DEPARTMENT OF COMMERCE

§ 370.11 Parts, components, and materials in foreign-made end-products.

Parts, components, materials, or other commodities exported from the United States and used abroad to manufacture or produce a foreign-made end-product are subject to the export control laws of the United States. The Department of Commerce exercises vigilance over exports and reexports of these commodities in order to prevent such exports or reexports from being used for a purpose detrimental to the national security or the foreign policy of the United States.

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

§ 372.12 Reexportation.

* * * * *

(c) *Reexportation request subsequent to submission of license application.* * * *

(2) *Additional special requirements.* * * *

(ii) * * *

(c) * * *

If the required documentation cannot be obtained, waiver may be requested in accordance with the applicable provisions of the Export Regulations. (See § 373.65 (b)(6) for waiver of a Consignee/Purchaser Statement; 373.2(j) for waiver of an Import Certificate; § 373.67(d) for waiver of a Swiss Blue Import Certificate; and § 373.70(d) for waiver of a Yugoslav End Use Certificate.)

* * * * *

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

Supplement No. 1—Time Schedules for Submission of Applications for Certain Commodities

Export control commodity No.	Commodity	Submission dates for nonhistorical applicants (No later than date shown below)	Submission dates for historical applicants (No later than date shown below)
28401	Copper metalliferous ash and residues	July 31, 1967	Aug. 31, 1967
28402	Copper or copper-base alloy waste and scrap, including copper alloy waste and scrap of less than 40 percent copper content where copper is the component of chief weight.	July 31, 1967	Aug. 31, 1967
28403	Nickel alloy waste and scrap containing 50 percent or more copper irrespective of nickel content.	July 31, 1967	Aug. 31, 1967
68212	Refined copper, including remelted, in cathodes, billets, ingots (except copper-base alloy ingots), wire bars and other crude forms.	July 31, 1967	Aug. 31, 1967
68212	Copper-base alloy ingots composed essentially of copper with one or more other metals, for example: beryllium copper ingots, devarda alloy ingots, guinea alloy ingots, ounce metal ingots, etc.	July 31, 1967	Aug. 31, 1967

Supplement No. 4—Countries Adhering to the Limited Nuclear Test Ban Treaty

* * * * *

Federation of Nigeria.

* * * * *

PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL

§ 379.12 Air cargo clearance at certain ports of origin.

* * * * *

(c) *Airports designated as ports of origin.*

* * * * *

Kansas City, Mo.

* * * * *

[F.R. Doc. 67-7494; Filed, July 7, 1967; 8:49 a.m.]

[10 Gen. Rev. of Export Regs., Amdt. 34]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Parts 371, 373, and 385 of the Code of Federal Regulations are amended as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–63 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–63 Comp.)

RAUER MEYER,
Director,
Office of Export Control.

I. *Temporary exports of video tape.*[1]

Purpose and effect: The Office of Export Control has established a simplified

[1] The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

procedure for the temporary export to destinations in Country Groups T and V of blank video tape (raw stock) and video tape containing program material in order to facilitate the recording and broadcasting of news events, sports events, entertainment programs, educational programs, etc., in the United States and abroad. It provides that an exporter, without the need for obtaining an individual validated license for each shipment, may make such shipments of video tape over an indefinite period of time for the purpose of (a) recording program material abroad for broadcasting abroad and in the United States and (b) broadcasting in a foreign country(ies) program material which has been recorded in the United States.

An exporter may obtain authorization to make such exports by submitting to the Office of Export Control a letter request, in original and two copies, setting forth certain required information and certifying that the video tape will be used for authorized purposes only and will be returned to the United States unless other disposition is authorized by the Office of Export Control. The request need not be supported by an Import Certificate, a Single or Multiple Transaction Statement by Consignee and Purchaser, a Swiss Blue Import Certificate, or a Yugoslav End-Use Certificate. If the request is approved, the Office of Export Control will return to the U.S. exporter a copy of the letter request bearing the validation stamp of the U.S. Department of Commerce. If the request is disapproved, the Office of Export Control will so advise the U.S. exporter.

Effective date of action: July 3, 1967.

Accordingly, a new § 373.57 of the Export Regulations is established to read as set forth below.

II. *Reexports of technical data and exports of the product manufactured abroad by use of U.S. technical data.*

Purpose and effect: The Export Regulations regarding reexports of U.S. technical data and exports of the foreign-made products of U.S. technical data have been restated for purposes of greater clarity. In addition, specific instructions have been added for requesting authorization to reexport these technical data and to export from abroad the foreign-made products of such data. These authorizations shall be requested by means of a letter to the Office of Export Control fully describing the proposed transactions.

Effective date of action: July 3, 1967.

Accordingly, § 385.6 of the Export Regulations is revised to read as set forth below.

III. *Revision of General License GTDU.*

Purpose and effect: Before exporting unpublished data relating to certain materials and equipment under the provisions of General License GTDU, the exporter must obtain from the importer a written assurance that neither the technical data nor the direct product thereof is intended to be shipped, directly or indirectly, to a destination in Country Group W, Y, or Z. The list of materials and equipment subject to this requirement for a written assurance is now extended to include technical data relating to "Polyimide-polyamide resins and products made therefrom (Export Control Commodity Nos. 53332, 58120, 59958, 66311, and 89300)."

Effective date of action: August 2, 1967.

Accordingly, § 385.2(c)(4)(iii)(*gg*) of the Export Regulations is added to read as set forth below.

IV. *Shipments from the U.S. Virgin Islands to the British Virgin Islands.*

Purpose and effect: General License GLV has been amended to permit the export in a single shipment of commodities from the U.S. Virgin Islands to the British Virgin Islands, provided that the net value of the shipment does not exceed $500 or the amount specified on the Commodity Control List as the GLV dollar-value limit for Country Group T, whichever is greater. These provisions do not apply to the export of any commodity related to nuclear weapons, nuclear explosive devices, or nuclear testing, as described in paragraph 373.7(b) of the Export Regulations.

Effective date of action: July 3, 1967.

Accordingly, § 371.10 of the Export Regulations is revised to read as set forth below.

V. *Technical data supporting a quotation, bid, or offer.*

Purpose and effect: General License GTDU has been revised to permit exports of certain additional limited types of technical data to Country Groups W and Y. Technical data in support of a quotation, bid, or offer to sell, lease, or otherwise supply commodities, plants, technical data, or services, may now be exported, with certain restrictions, to these destinations under general license. Specifically excluded from the general license coverage are technical data concerning the strategic commodities identified by the symbol "A" on the Commodity Control List or listed on the U.S. Munitions List. Furthermore, the quotation technical data authorized by the general license must be of a type customarily transmitted with a prospective or actual quotation, bid, or offer; and the details of design, production, or manufacture, or the means of reconstruction, of either the commodity concerned in the quotation, bid, or offer or of its product may not be disclosed by the technical data. Similarly, a quotation, bid, or offer for technical data or services must not disclose the technical process involved.

The revision in the regulation makes clear that the use of General License GTDU to send technical data in support of a quotation, bid, or offer does not mean that the U.S. Government intends or is committed to approve an export license application for any commodity or technical data that may be the subject of the transaction to which the quotation relates. Exporters are advised to include in any quotations, bids, or offers, as well as in any resulting contracts, a provision relieving themselves of liability in the event that a validated export license (when required) is not approved by the Office of Export Control.

Effective date of action: July 3, 1967.

Accordingly, § 385.2(c)(2) of the Export Regulations is revised to read as set forth below.

The amendments to Parts 371, 373, and 385 are as follows:

PART 371—GENERAL LICENSES

§ 371.10 General License GLV; shipments of limited value.

(a) *Scope.* A general license designated GLV is hereby established, subject to the other provisions of this § 371.10, authorizing the export in a single shipment of any commodity on the Commodity Control List:

(1) To Country Group S, T, V, or X, provided that the net value of the commodity included in a single entry does not exceed the GLV dollar-value limit specified for the appropriate Country Group S, T, V, or X in the column headed "GLV $ Value Limits for Shipments to Country Groups S, T, V, X"; and

(2) From the U.S. Virgin Islands to the British Virgin Islands: *Provided,* That the net value of the shipment does not exceed $500 or the amount specified as the GLV dollar-value limit for Country Group T, whichever is greater.

(b) *Exception.* This General License GLV does not apply to the export of any commodity related to nuclear weapons, nuclear explosive devices, or nuclear testing, as described in paragraph 373.7(b).

(c) *Definitions*—(1) *"Net value."* Net value means the actual selling price less shipping charges or the current market price to the same type of purchaser in the United States, whichever is the larger.

(2) *"Single shipment."* Single shipment means a shipment of commodities which moves at the same time from one exporter to one consignee or intermediate consignee on the same exporting carrier even though such shipment is to be forwarded to one or more ultimate consignees. However, not more than one shipment may be made by parcel post or mail per calendar week from one exporter to one consignee or intermediate consignee.

(d) *Evasion of "single shipment" provisions.* Shipments designed as a device to evade the requirement of a validated export license are prohibited. Such devices include, but are not limited to, (1) the splitting of orders from a single consignee into two or more shipments the total value of which exceeds the maximum GLV dollar-value limit specified for a single shipment; (2) the solicitation from a single consignee of a number of separate orders each of which conforms to such dollar-value limits but which have a combined value in excess thereof.

NOTE: To determine the net value of a commodity which may be exported in a single shipment under the provisions of General License GLV, the exporter should first determine which country group includes the proposed country of destination. (See

par. 370.1(g).) The exporter should then find on the Commodity Control List the commodity he proposes to export. For each commodity, in the column titled "GLV $ Value Limits for Shipments to Country Groups S, T, V, X" a dollar amount or a dash (—) is shown for each of the four applicable country groups. The exporter may ship this commodity in an amount not to exceed the dollar-value limit shown for the country group which includes the proposed destination. Where a dash (—) appears, the commodity may not be shipped to that country group under General License GLV. However, despite a lesser dollar-value limit appearing for Country Group T, single shipments of a net value not to exceed $500 may be exported from the U.S. Virgin Islands to the British Virgin Islands under the provisions of General License GLV.

PART 373—SPECIAL LICENSING POLICIES

§ 373.57 Temporary exports of video tape.

(a) *Scope.* A procedure is established authorizing temporary exports to destinations in Country Group T or V of blank vedeo tape (raw stock) and video tape containing program material (Export Control Commodity No. 89120), over an indefinite period of time, without the need of applying for or obtaining an individual validated license to cover each shipment. Such exports may be made from any port in the United States: *Provided*, That authorization is obtained from the Office of Export Control and:

(1) The tape is intended for use in the recording of program material abroad for broadcasting abroad and in the United States; or

(2) The tape contains program material recorded in the United States for broadcasting in a foreign country(ies); and

(3) The tape will be returned to the United States unless prior authorization to dispose of the tape abroad is obtained from the Office of Export Control.

(b) *Submission of request.* A request for authorization to make temporary exports of video tape under the provisions of this § 373.57 shall be submitted by signed letter, in original and two copies, to the Office of Export Control and shall include the following:

(1) A full description of the nature of the business in which the exporter is engaged;

(2) A statement as to whether the request covers blank video tape, video tape containing program material, or both;

(3) A general description of the types of program material, i.e., news events, sports events, entertainment, educational, etc., which will be recorded in the United States or in a foreign country(ies);

(4) The name(s) and address(es) of the consignee(s) who will use the video tape (if U.S. exporter, so state); and

(5) The following certification:

I(We) certify that if this request is approved, shipments will be made only in accordance with the provisions of § 373.57 of the Comprehensive Export Schedule.

If the request is approved, the Office of Export Control will stamp the letter request with the validation stamp of the U.S. Department of Commerce and return one validated copy to the applicant. Where the request is not approved, the applicant will be advised by letter. Customs Offices will be furnished with the names of U.S. exporters approved under these provisions.

(c) *Export clearance.* The exporter shall furnish the Customs Office with an additional copy of the Shipper's Export Declaration covering each shipment made under these provisions. The Declaration shall bear the notation "864" in the upper right corner, the words "Temporary Export," and the following certification in the commodity description space:

I(We) certify that the video tape described in this Declaration will be returned to the United States or authorization will be obtained from the Office of Export Control before it is disposed of abroad, and (contains program material recorded in the United States) (will be used to record program material abroad).

(d) *Waiver of supporting documentation.* A request submitted in accordance with the provisions of this § 373.57 need not be supported by an Import Certificate, a Form FC-842, Single Transaction Statement by Consignee and Purchaser, a Form FC-843 Multiple Transactions Statement by Consignee and Purchaser, a Swiss Blue Import Certificate, or a Yugoslav End-Use Certificate.

PART 385—TECHNICAL DATA

§ 385.2 General licenses.

* * * * *

(c) *General License GTDU.* * * *

(2) *Destination restrictions.* This general license shall not be applicable to any export of technical data, directly or indirectly, to Country Group Z. Only the following technical data may be exported under this general license to Country Group W or Y:

(i) Technical data such as manuals, instruction sheets, or blueprints: *Provided*, That the technical data are:

(*a*) Sent as part of the transaction involving, and directly related to, a commodity licensed for export from the United States to the same consignee and destination to which the commodity was or will be exported;

(*b*) Sent no later than 1 year following the shipment of the commodity to which the technical data are related;

(*c*) Of a type normally delivered with the commodity;

(*d*) Necessary to the assembly, installation, maintenance, repair, or operation of the commodity; and

(*e*) Not related to the production, manufacture, or construction of the commodity.

(ii) Technical data supporting a prospective or actual quotation, bid, or offer to sell, lease, or otherwise supply a commodity, plant, technical data, or service: *Provided*, That:

(*a*) The commodity, plant, technical data, or service, is not (and is not related to) a commodity identified on the Commodity Control list by the symbol "A", or shown on the U.S. Munitions List; and

(*b*) The technical data are of a type customarily transmitted with a prospective or actual quotation, bid, or offer (in accordance with established business practice); and

(*c*) The export will not disclose the details of design, production, or manufacture, or the means of reconstruction, of either the quotation item or its product. Similarly, a quotation, bid, or offer for technical data or services must not disclose the technical process involved.

NOTE: Neither this authorization nor its use means that the U.S. Government intends, or is committed, to approve an export license application for any commodity, plant, technical data, or service that may be the subject of the transaction to which such quotation, bid, or offer relates. Exporters are advised to include, in any quotations, bids, or offers, and in any contracts entered into pursuant to such quotations, bids, or offers, a provision relieving themselves of liability in the event that an export license (when required) is not approved by the Office of Export Control.

* * * * *

(4) *Requirements of written assurances for certain data, services, and materials.* * * *

(iii) * * *

(*gg*) Polyimide-polyamide resins and products made therefrom (Export Control Commodity Nos. 53332, 58120, 59958, 66311, and 89300).

* * * * *

§ 385.6 Reexports of technical data and exports of the product manufactured abroad by use of United States technical data.

(a) *Prohibited exports and reexports.* Unless specifically authorized by the Office of Export Control, or otherwise authorized under the provisions of paragraph (b) of this section of this § 385.6, no person in the United States or in a foreign country may:

(1) Reexport any technical data imported from the United States, directly or indirectly, in whole or in part, from the authorized country(ies) of ultimate destination;

(2) Export any technical data from the United States with the knowledge that it is to be reexported, directly or indirectly, in whole or in part, from the authorized country(ies) of ultimate destination; or

(3) Export or reexport to Country Group W, Y, or Z any foreign produced direct product of U.S. technical data, or any commodity produced by any plant or major component thereof which is a direct product of U.S. technical data, if such direct product or commodity is covered by the provisions of §§ 385.2(c)(4), 385.2(c)(5), or § 385.4(c)(3).

(b) *Permissive reexports.* (1) Any technical data which have been exported from the United States may be reexported from any destination to any other destination: *Provided*, That, at the time of reexport, the technical data is exportable directly from the United States to the new country of destination under General License GTDP, GTDU, or GTDS: *And provided*, That all of the requirements and conditions for use of these general licenses have been met.

(2) When the Office of Export Control has authorized the export of a commodity from the United States to a destination in Country Group W or Y, or the reexport of a U.S. origin commodity

from any foreign country to a destination in Country Group W or Y, technical data, such as manuals, instructional sheets, or blueprints, as described in and subject to the conditions of § 385.2(c)(2) may be sent to the same destination as part of the same transaction without separate specific authorization by the Office of Export Control.

(c) *Specific authorization to reexport.* Requests for specific authorization to reexport technical data or to export any product thereof shall be submitted to the Office of Export Control by letter. The letter shall bear the words "Technical Data Reexport Request" immediately below the heading. The letter shall contain all of the information required under § 385.4(a). Any request for extension of such authorization shall similarly be submitted by letter. Authorization to reexport, if granted, will be issued with a validity period of 12 months on Form IA-L-71 or by means of a letter from the Office of Export Control.

[F.R. Doc. 67-7940; Filed, July 7, 1967; 8:49 a.m.]

[10 Gen. Rev. of Export Regs., Amdt. 33]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Parts 382 and 399 of the Code of Federal Regulations are amended as set forth below:

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959-63 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959-63 Comp.)

RAUER MEYER,
Director,
Office of Export Control.

I. The Commodity Control List, § 399.1, is amended as follows:

A. *Revisions.* The Commodity Control List is amended as set forth below, effective June 28, 1967, unless otherwise specified. Exporters are advised that only the items listed below opposite the specific Export Control Commodity Numbers are affected by these changes. The unnumbered captions serve only to identify the broad categories of commodities within which these items are to be found in Schedule B.

Two different types of explanatory numerical references are used at the end of a commodity description:

(a) A numerical reference enclosed in parentheses which indicates the entry being revised. For example, where a revised entry is followed by (1), it indicates that the new entry revises the first entry or only entry presently on the Commodity Control List under the same Export Control Commodity Number; if the entry is followed by a (2), it revises the second entry on the Commodity Control List, etc.

(b) A footnote reference referring to the footnote below which explains the effect of the revision.

[1] The GLV Dollar-Value Limit is decreased for shipments to Country Groups S and V, effective July 5, 1967.

[2] Effective July 28, 1967, these commodities may no longer be exported under the Periodic Requirements licensing procedure (see Part 376).

Department of Commerce export control commodity number and commodity description	Unit	*Processing number	*Validated license required for country groups shown below	*GLV dollar value limits for shipments to country groups				*Special provisions list
				S	T	V	X	
Metalliferous ores and metal scrap								
28401 Nickel bearing residues and dross. (6) [1]	Lb.	262	STVWXYZ	100	500	100	.....	
28403 Other nickel or nickel alloy waste and scrap. (2 and 3) [1]	Lb.	262	STVWXYZ	100	500	100	.....	
Nonferrous metals								
68310 Other nickel or nickel alloys, unwrought. (3 and 4) [2]	Lb.	262	STVWXYZ	.....	500	100	.....	

B. *Saving clause.* Shipments of commodities removed from general license as a result of changes set forth in Part A above which were on dock for lading, on lighter, laden aboard and exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a.m. July 5, 1967, may be exported under the previous general license provisions up to and including July 28, 1967. Any such shipment not laden aboard the exporting carrier on or before July 28, 1967, requires a validated license for export.

II. The Commodity Control List, § 399.1 is further amended as follows:

A. *Revisions.* The Commodity Control List is amended as set forth below, effective July 3, 1967. Exporters are advised that only the items listed below opposite the specific Export Control Commodity Numbers are affected by these changes. The unnumbered captions serve only to identify the broad categories of commodities within which these items are to be found in Schedule B.

Two different types of explanatory numerical references are used at the end of a commodity description:

(a) A numerical reference enclosed in parentheses to indicate the entry being revised. For example, where a revised entry is followed by (1), it indicates that the new entry revises the first entry or only entry presently on the Commodity Control List under the same Export Control Commodity Number; if the entry is followed by a (2), it revises the second entry on the Commodity Control List, etc.

(b) A footnote reference referring to the footnote below which explains the effect of the revision.

[1] A separate entry is established.

[2] Effective July 10, 1967, a validated license is required for export of these commodities to Country Groups T, V, W, X, and Y.

[3] Effective July 10, 1967, a validated license is required for export of these commodities to Country Groups T, V, and W.

[4] Effective Aug. 17, 1967, an Import Certificate (or a Hong Kong Import License) will be required in support of a license application covering export of these commodities to the countries specified in § 373.2.

Department of Commerce export control commodity number and commodity description	Unit	*Processing number	*Validated license required for country groups shown below	*GLV dollar value limits for shipments to country groups				*Special provisions list
				S	T	V	X	
Dyeing, tanning and coloring materials, natural and synthetic								
53332 Varnishes, finishes, enamels and dispersions made of polyimide-polyamide. (6) [1, 2]	Gal.	222	STVWXYZ	500	500	500		
Plastic materials, regenerated cellulose and artificial resins								
58120 Polyimide-polyamide resins, unfinished and semifinished. (12) [1, 2]	Lb.	222	STVWXYZ		500	25		
Chemical materials and products, n.e.c.								
59658 Adhesives or cements made of polyimides, polybenzimidazoles, polyimidazopyrrolones, aromatic polyamides and polyparaxylylenes where the value of the contained polymeric substances is 50 percent or more of the total value of the materials used. (Specify value of polymeric substances and total value of other materials.) (7) [1, 2, 4]	Lb.	221	STVWXYZ		500	25		A.
59658 Adhesives or cements made of polypyromellitimide or polybenzimidazole where the value of the contained polymeric substances is less than 50 percent of the total value of the materials used. (Specify value of polymeric substances and total value of other materials.) (7) [1, 2]	Lb.	222	STVWXYZ		500	25		
59658 Adhesives or cements made of polyimidepolyamide. (7) [1, 2]	Lb.	222	STVWXYZ		500	25		
Nonmetallic mineral manufactures, n.e.c.								
66311 Diamond grinding wheels for power-operated machines, fabricated with polyimidepolyamide. (Specify value of polymeric substances and total value of other materials.) (6) [1, 2]	Carat	422	STVWXYZ		500			
66311 Diamond grinding wheels for hand- or pedal-operated machines, fabricated with polyimide-polyamide. (Specify value of polymeric substances and total value of other materials.) (7) [1, 2]	Carat	212	STVWXYZ		500			
Miscellaneous manufactured articles, n.e.c.								
89300 Manufactures, n.e.c., of polyimide-polyamide. (Specify value of polymeric substances and total value of commodity.) (16) [1, 2]	Lb.	222	STVWXYZ	50	500	50		

B. *Saving clause.* Shipments of commodities removed from general license as a result of changes set forth in Part A above which were on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a.m. July 10, 1967, may be exported under the previous general license provisions up to and including August 2, 1967. Any such shipment not laden aboard the exporting carrier on or before August 2, 1967, requires a validated license for export.

III. Revision of denial and probation orders: The denial and probation orders are revised as shown below. Accordingly, § 382.51 of the Export Regulations is amended as set forth below:

ADDITIONS

Name and address	Effective date	Expiration date	Export privileges affected	Federal Register citation
New World Ltd., Yu To Sang Building, 37 Queens Road C., Hong Kong.	6-26-67	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	32 F.R. 9246, 6-29-67.
Sinclair Industrial Agencies Ltd., (Sindal), 15 Priory Avenue, Hornsey, London, N.8, England.	5-22-67	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Shepherd Export & Trading Co., Ltd., and Shepherd, Denis H., which see.)	29 F.R. 18396, 12-24-64.

B. AMENDMENTS

Aebersold, Paul, Zurich, Switzerland.	5-3-67	Until further notice.	General licenses, all commodities, any destination, also exports to Canada.*	32 F.R. 6736-6737, 5-2-67; 32 F.R. 8927, 6-22-67.

*No export of any commodity in any amount may be made to this person or firm under any General License. A validated license is required for all exports to any destination, including Canada.

C. DELETIONS

Name	Address
Schweisstechnik, G.m.b.H.	Rauscherstrasse 23, A-1200, Vienna, Austria 26 Humboldstrasse, Linz/Donau, Austria, and 56 Annenstrasse, Graz/Styria, Austria.

[F.R. Doc. 67-7939; Filed, July 7, 1967; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 4—Department of Agriculture

PART 4-2—PROCUREMENT BY FORMAL ADVERTISING

Equal Low Bids

The following miscellaneous amendments are made in the Agriculture Procurement Regulations:

1. The table of contents for Part 4-2—Procurement by Formal Advertising, is amended to add the following new entry:

* * * * *

Subpart 4-2.4—Opening of Bids and Award of Contract

* * * * *

Sec.
4-2.407-6 Equal low bids.

* * * * *

2. Part 4-2—Procurement by Formal Advertising, is amended as follows: In Subpart 4-2.4—*Opening of Bids and Award of Contract*, a new § 4-2.407-6 is added as follows:

§ 4-2.407-6 Equal low bids.

Where the application of § 1-2.407-6 results in two or more bidders being equally eligible for award, the award shall be made by a drawing by lot limited to such bidders. In each such case, except as otherwise authorized by the Director of Plant and Operations, the bidders involved shall be given an opportunity to be present at the drawing.

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

ELMER MOSTOW,
Director, Plant and Operations.

[F.R. Doc. 67-7880; Filed, July 7, 1967; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 51]

FLORIDA GRAPEFRUIT

Standards for Grades [1]

Notice is hereby given that the U.S. Department of Agriculture is considering the revision of U.S. Standards for Grades of Florida Grapefruit (7 CFR 51.750–51.783) pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal should file the same in duplicate, not later than July 31, 1967, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, where they will be available for public inspection during official hours of business (par. (b) of § 1.27, as amended at 29 F.R. 7311).

Statement of considerations leading to the proposed revision of the grade standards. Trends in production and marketing practices, over the past few years, have prompted a revision of the U.S. Standards for Grades of Florida Grapefruit which have been in effect since 1960.

In proposing this revision, the U.S. Department of Agriculture is introducing a new concept in grade standards which would involve the use of statistical principles and procedures in the application of tolerances to a greater extent than heretofore.

During the 1966–67 harvest season experimental studies were conducted in a number of Florida fresh fruit packinghouses utilizing these statistical procedures. As a result of these studies and demonstrations, a quality control master note sheet was developed and used under continuous inspection operations. The note sheet graphically presents the quality level being packed during any given period in the day. The proposal would involve the use of this quality control aid during the packing process as well as for establishing the grade of grapefruit on a lot basis. This would bring about more uniformity and better industry understanding of the grade standards. The Florida Citrus industry has requested that this new concept be adopted and incorporated in the standards. This would require the following changes in the presentation of tolerances:

(1) In selecting samples for grade determination, each sample would consist of 33 grapefruit. When individual packages contain at least 33 grapefruit, the sample is drawn from one package; when individual packages contain less than 33 grapefruit a sufficient number of adjoining packages would be combined to form a 33-grapefruit sample. The sample size would be constant regardless of the size of the containers.

(2) Tolerances: The tolerances for defects would be specified as acceptance numbers. The total maximum or minimum number of defective or off-size grapefruit would be specified for all samples selected for grade determination in the lot.

(3) Under the proposal, individual 33 count samples would be limited to a maximum number of defective or off-size grapefruit permitted, or to a minimum number of grapefruit having the amount of discoloration required in certain grades. This limitation would be specified in the tolerance tables under the absolute limit heading, and would replace the Application of Tolerances section in the existing standards.

In these standards a new format is proposed in an effort to arrange in logical order the various requirements for the particular grade. This would promote uniformity and bring about better understanding and simplifications of the standards.

A new Classification of Defects section would be provided which lists the various grade defects with limitations for these defects under the injury, damage, serious damage, and very serious damage headings.

Representatives of the U.S. Department of Agriculture will be available upon appointment to discuss and demonstrate the proposed revision to interested persons during the period provided for submitting comments. Request for such appointments should be made in writing to: Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, C&MS, U.S. Department of Agriculture, Washington, D.C. 20250.

The proposed standards, as revised, are as follows:

GRADES

Sec.
51.750 U.S. Fancy.
51.751 U.S. No. 1.
51.752 U.S. No. 1 Bright.
51.753 U.S. No. 1 Golden.
51.754 U.S. No. 1 Bronze.
51.755 U.S. No. 1 Russet.
51.756 U.S. No. 2.
51.757 U.S. No. 2 Bright.
51.758 U.S. No. 2 Russet.
51.759 U.S. No. 3.

UNCLASSIFIED

51.760 Unclassified.

TOLERANCES

Sec.
51.761 Tolerances.

STANDARD PACK

51.762 Standard pack.

DEFINITIONS

51.763 Similar varietal characteristics.
51.764 Well colored.
51.765 Firm.
51.766 Well formed.
51.767 Mature.
51.768 Smooth texture.
51.769 Injury.
51.770 Discoloration.
51.771 Fairly well colored.
51.772 Fairly smooth texture.
51.773 Damage.
51.774 Fairly firm.
51.775 Slightly misshapen.
51.776 Slightly rough texture.
51.777 Serious damage.
51.778 Slightly colored.
51.779 Misshapen.
51.780 Slightly spongy.
51.781 Very serious damage.
51.782 Diameter.
51.783 Classification of defects.

AUTHORITY: The provisions of this subpart issued under secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

GRADES

§ 51.750 U.S. Fancy.

"U.S. Fancy" consists of grapefruit which meet the following requirements:

(a) Basic requirements:

(1) Discoloration:

(i) Not more than one-tenth of the surface, in the aggregate, may be affected by discoloration. (See § 51.770.)

(2) Firm;
(3) Mature;
(4) Similar varietal characteristics;
(5) Smooth texture;
(6) Well colored; and,
(7) Well formed.

(b) Free from:

(1) Ammoniation;
(2) Bruises;
(3) Buckskin;
(4) Caked melanose;
(5) Cuts not healed;
(6) Decay;
(7) Growth cracks;
(8) Scab;
(9) Sprayburn; and,
(10) Wormy fruit.

(c) Free from injury caused by:

(1) Green spots;
(2) Oil spots;
(3) Scale;
(4) Scars;
(5) Skin breakdown; and,
(6) Thorn scratches.

(d) Free from damage caused by:

(1) Dirt or other foreign material;
(2) Disease;
(3) Dryness or mushy condition;
(4) Hail;
(5) Insects;
(6) Sprouting;

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

(7) Sunburn; and,
(8) Other means.
(e) For tolerances see § 51.761.

§ 51.751 U.S. No. 1.

"U.S. No. 1" consists of grapefruit which meet the following requirements:
(a) Basic requirements:
(1) Discoloration:
(i) Not more than one-third of the surface, in the aggregate, may be affected by discoloration. (See § 51.770.)
(2) Fairly smooth texture;
(3) Fairly well colored;
(4) Firm;
(5) Mature;
(6) Similar varietal characteristics; and,
(7) Well formed.
(b) Free from:
(1) Bruises;
(2) Cuts not healed;
(3) Decay;
(4) Growth cracks; and,
(5) Wormy fruit.
(c) Free from damage caused by:
(1) Ammoniation;
(2) Buckskin;
(3) Caked melanose;
(4) Dirt or other foreign material;
(5) Disease;
(6) Dryness or mushy condition;
(7) Green spots;
(8) Hail;
(9) Insects;
(10) Oil spots;
(11) Scab;
(12) Scale;
(13) Scars;
(14) Skin breakdown;
(15) Sprayburn;
(16) Sprouting;
(17) Sunburn;
(18) Thorn scratches; and,
(19) Other means.
(d) For tolerances see § 51.761.

§ 51.752 U.S. No. 1 Bright.

The requirements for this grade are the same as for the U.S. No. 1 except that no fruit may have more than one-fifth of its surface, in the aggregate, affected by discoloration.
(a) For tolerances see § 51.761.

§ 51.753 U.S. No. 1 Golden.

The requirements for this grade are the same as for U.S. No. 1 except that not more than the number of fruits permitted in § 51.761, Tables I and II, shall have more than one-third of their surface, in the aggregate, affected by discoloration.
(a) For tolerances see § 51.761.

§ 51.754 U.S. No. 1 Bronze.

The requirements for this grade are the same as for U.S. No. 1 except that all fruit must show some discoloration. Not less than the number of fruits required in § 51.761, Tables I and II, shall have more than one-third of their surface, in the aggregate, affected by discoloration. The predominating discoloration on these fruits shall be of rust mite type.
(a) For tolerances see § 51.761.

§ 51.755 U.S. No. 1 Russet.

The requirements for this grade are the same as for U.S. No. 1 except that not less than the number of fruits required in § 51.761, Tables I and II, shall have more than one-third of their surface, in the aggregate, affected by any type of discoloration.
(a) For tolerances see § 51.761.

§ 51.756 U.S. No. 2.

"U.S. No. 2" consists of grapefruit which meet the following requirements:
(a) Basic requirements:
(1) Discoloration:
(i) Not more than one-half of the surface, in the aggregate, may be affected by discoloration. (See § 51.770.)
(2) Fairly firm;
(3) Mature;
(4) Similar varietal characteristics;
(5) Slightly colored;
(6) Slightly misshapen; and,
(7) Slightly rough texture.
(b) Free from:
(1) Bruises;
(2) Cuts not healed;
(3) Decay;
(4) Growth cracks; and,
(5) Wormy fruit.
(c) Free from serious damage caused by:
(1) Ammoniation;
(2) Buckskin;
(3) Caked melanose;
(4) Dirt or other foreign material;
(5) Disease;
(6) Dryness or mushy condition;
(7) Green spots;
(8) Hail;
(9) Insects;
(10) Oil spots;
(11) Scab;
(12) Scale;
(13) Scars;
(14) Skin breakdown;
(15) Sprayburn;
(16) Sprouting;
(17) Sunburn;
(18) Thorn scratches; and,
(19) Other means.
(d) For tolerances see § 51.761.

§ 51.757 U.S. No. 2 Bright.

The requirements for this grade are the same as for U.S. No. 2 except that no fruit may have more than one-fifth of its surface, in the aggregate, affected by discoloration.
(a) For tolerances see § 51.761.

§ 51.758 U.S. No. 2 Russet.

The requirements for this grade are the same as for U.S. No. 2 except that not less than the number of fruits required in § 51.761, Tables I and II, shall have more than one-half of their surface, in the aggregate, affected by discoloration.
(a) For tolerances see § 51.761.

§ 51.759 U.S. No. 3.

"U.S. No. 3" consists of grapefruit which meet the following requirements:
(a) Basic requirements:
(1) Mature;
(2) Misshapen;
(3) Poorly colored:
(i) Not more than 25 percent of the surface may be of a solid dark green color.
(4) Rough texture, not seriously bumpy;
(5) Similar varietal characteristics; and,
(6) Slightly spongy.
(b) Free from:
(1) Cuts not healed;
(2) Decay; and,
(3) Wormy fruit.
(c) Free from very serious damage caused by:
(1) Ammoniation;
(2) Bruises;
(3) Buckskin;
(4) Caked melanose;
(5) Disease;
(6) Dryness or mushy conditon;
(7) Growth cracks;
(8) Hail;
(9) Insects;
(10) Scab;
(11) Scale;
(12) Scars;
(13) Skin breakdown;
(14) Sprayburn;
(15) Sprouting;
(16) Sunburn; and,
(17) Other means.
(d) For tolerances see § 51.761.

UNCLASSIFIED

§ 51.760 Unclassified.

"Unclassified" consists of grapefruit which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.761 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, based on sample inspection, the number of defective or off-size specimens in the individual sample, and the number of defective or off-size specimens in the lot, shall be within the limitations specified in Tables I and II. No tolerance shall apply to wormy fruit.

TABLE I—SHIPPING POINT [1]

(a) FOR 1 THROUGH 20 SAMPLES

Factor	Grades	AL [2]	Number of 33-count samples [3]																			
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
			Acceptance numbers [4] (maximum permitted)																			
Decay	U.S. Fancy, U.S. No. 1, U.S. No. 2	1	0	0	0	1	[5] 1	1	2	2	2	[5] 2	2	2	3	3	3	[5] 3	3	4	4	4
	U.S. No. 3	1	0	1	[5] 1	1	2	[5] 2	2	3	3	[5] 3	3	4	4	4	[5] 4	5	5	5	[5] 5	5
Very serious damage including decay.	U.S. Fancy, U.S. No. 1, U.S. No. 2	4	3	5	7	8	10	11	13	14	16	17	18	20	21	23	24	25	27	28	30	31
Total defects including decay and very serious damage.	All	5	5	9	12	16	19	22	25	28	31	34	37	40	44	46	49	52	55	58	61	64
Off-size		7	5	9	12	16	19	22	25	28	31	34	37	40	44	46	49	52	55	58	61	64
Discoloration	U.S. No. 1, U.S. No. 1 Bright, U.S. No. 2, U.S. No. 2 Bright	7	5	9	12	16	19	22	25	28	31	34	37	40	44	46	49	52	55	58	61	64
	U.S. No. 1 Golden.	16	13	23	34	44	54	63	73	83	92	102	112	122	131	140	150	159	169	178	188	197
			Acceptance numbers [4] (minimum required)																			
	U.S. No. 1 Bronze, U.S. No. 1 Russet.	6	9	20	32	44	56	68	81	93	105	118	130	142	155	168	180	193	206	218	231	244
	U.S. No 2. Russet.	0	2	4	8	11	14	18	21	25	28	32	36	39	43	47	50	53	57	61	64	68

(b) FOR 21 THROUGH 40 SAMPLES

Factor	Grades	AL [1]	Number of 33-count samples [2]																			
			21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40
							Acceptance numbers [4] (maximum permitted)															
Decay	U.S. Fancy, U.S. No. 1, U.S. No. 2	1	4	4	[3] 4	4	4	5	5	5	5	5	[3] 5	5	5	6	6	6	6	6	[3] 6	6
	U.S. No. 3	1	5	6	6	6	[3] 6	6	7	7	7	[3] 7	7	8	8	8	[3] 8	8	9	9	9	9
Very serious damage including decay.	U.S. Fancy, U.S. No. 1, U.S. No. 2	4	32	34	35	36	38	39	40	42	43	44	45	47	48	49	51	52	53	54	56	57
Total defects including decay and very serious damage.	All	5	67	70	73	76	79	82	84	87	90	93	96	99	102	105	107	110	113	116	119	122
Off-size	----------	7	67	70	73	76	79	82	84	87	90	93	96	99	102	105	107	110	113	116	119	122
Discoloration	U.S. No. 1, U.S. No. 1 Bright, U.S. No. 2, U.S. No. 2 Bright	7	67	70	73	76	79	82	84	87	90	93	96	99	102	105	197	110	113	116	119	122
	U.S. No. 1 Golden.	16	206	216	225	234	247	253	264	274	281	290	300	309	318	327	337	346	355	364	374	383
							Acceptance numbers [4] (minimum required)															
	U.S. No. 1 Bronze, U.S. No. 1 Russet.	6	256	269	282	294	307	320	333	345	358	371	383	396	409	422	435	447	460	473	486	499
	U.S. No. 2 Russet.	0	72	76	80	84	88	92	96	99	103	107	110	114	118	122	126	130	134	137	141	145

[1] Shipping point, as used in these standards, means the point of origin of the shipment in the production area or at port of loading for ship stores or overseas shipments, or in the case of shipments from outside the continental United States, the port of entry into the United States.

[2] AL—Absolute limit permitted in individual 33-count sample.

[3] Sample size—33 count.

[4] Acceptance number—Maximum or minimum number of defective or off-size fruit permitted.

[5] Preferred number of samples for this acceptance number.

TABLE II—EN ROUTE OR AT DESTINATION

Factor	Grades	AL[1]	Number of 33-count samples[2]																			
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
							Acceptance numbers[3] (maximum permitted)															
Decay	All	3	1	2	3	4	5	6	7	[4]7	8	9	[4]9	10	11	[4]11	12	13	[4]13	14	[4]14	15
Very serious damage other than decay.	U.S. Fancy, U.S. No. 1, U.S. No. 2	4	3	5	7	8	10	11	13	14	16	17	18	20	21	23	24	25	27	28	30	31
Total defects including very serious damage other than decay.	All	5	5	9	12	16	19	22	25	28	31	34	37	40	44	46	49	52	55	58	61	64
Off-size		7	5	9	12	16	19	22	25	28	31	34	37	40	44	46	49	52	55	58	61	64
Discoloration	U.S. No. 1, U.S. No. 1 Bright, U.S. No. 2, U.S. No. 2 Bright	7	5	9	12	16	19	22	25	28	31	34	37	40	44	46	49	52	55	58	61	64
	U.S. No. 1 Golden.	16	13	23	34	44	54	63	73	83	92	102	112	122	131	140	150	159	169	178	188	197
							Acceptance numbers[3] (minimum required)															
	U.S. No. 1 Bronze, U.S. No. 1 Russet.	6	9	20	32	44	56	68	81	93	105	118	130	142	155	168	180	193	206	218	231	244
	U.S. No. 2 Russet.	0	2	4	8	11	14	18	21	25	28	32	36	39	43	47	50	53	57	61	64	68

[1] AL—Absolute limit permitted in individual 33-count sample.
[2] Sample size—33 count.
[3] Acceptance number—Maximum or minimum number of defective or off-size fruit permitted.
[4] Preferred number of samples for this acceptance number.

STANDARD PACK

§ 51.762 Standard pack.

(a) Fruits shall be fairly uniform in size, unless specified as uniform in size, and when packed in boxes or cartons, shall be arranged according to the approved and recognized methods. Each wrapped fruit shall be fairly well enclosed by its individual wrapper.

(b) All such containers shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages. When grapefruits are packed in standard nailed boxes, each box shall have a minimum bulge of 2 inches, except that boxes packed with grapefruit of a size 80 or smaller need only have a bulge of 1½ inches. When packed in cartons or in wire-bound boxes, each container shall be at least level full at time of packing.

(c) "Fairly uniform in size" means that not more than the number of fruits permitted in § 51.761, Tables I and II, are outside the ranges of diameters given in the following table for various packs:

TABLE III—DIAMETER IN INCHES

Pack	Minimum	Maximum
36's	5	5 9/16
45's or 46's	4 11/16	5 1/16
54's or 56's	4 5/16	4 13/16
64's	4 1/16	4 13/16
70's or 72's	3 15/16	4 9/16
80's	3 13/16	4 1/16
96's	3 9/16	4 3/16
112's	3 7/16	4
125's or 126's	3 3/16	3 15/16

(d) "Uniform in size" means that not more than the number of fruits permitted in § 51.761, Tables I and II, vary more than the following amounts:

(1) 64 size and smaller—not more than 5/16 inch in diameter.

(2) 54 size and larger—not more than 9/16 inch in diameter.

(e) In order to allow for variations, other than sizing, incident to proper packing, not more than 5 percent of the packages in any lot may fail to meet the requirements of standard pack.

DEFINITIONS

§ 51.763 Similar varietal characteristics.

"Similar varietal characteristics" means that the fruits in any container are similar in color and shape.

§ 51.764 Well colored.

"Well colored" means that the fruit is yellow in color with practically no trace of green color.

§ 51.765 Firm.

"Firm" means that the fruit is not soft, or noticeably wilted or flabby, and the skin is not spongy or puffy.

§ 51.766 Well formed.

"Well formed" means that the fruit has the shape characteristic of the variety.

§ 51.767 Mature.

"Mature" shall have the same meaning currently assigned that term in sections 601.16, 601.17, and 601.18 of the Florida Citrus Code of 1949, as amended (Chs.

28090 and 29760, Laws of Florida, 1953 and 1955), or as the definition of such term may hereafter be amended.

§ 51.768 Smooth texture.

"Smooth texture" means that the skin is thin and smooth for the variety and size of the fruit.

§ 51.769 Injury.

"Injury" means any specific defect described in § 51.783, Table IV; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which slightly detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.770 Discoloration.

"Discoloration" means russeting of a light shade of golden brown caused by rust mite or other means. Lighter shades of discoloration caused by superficial scars or other means may be allowed on a greater area, or darker shades may be allowed on a lesser area, provided no discoloration caused by speck type melanose or other means may detract from the appearance of the fruit to a greater extent than the shade and amount of discoloration allowed in the grade.

§ 51.771 Fairly well colored.

"Fairly well colored" means that, except for an aggregate area of green color which does not exceed the area of a circle 1 inch in diameter, the yellow or orange color predominates over the green color.

§ 51.772 Fairly smooth texture.

"Fairly smooth texture" means that the skin is fairly thin and not coarse for the variety and size of the fruit.

§ 51.773 Damage.

"Damage" means any specific defect described in § 51.783, Table IV; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.774 Fairly firm.

"Fairly firm" means that the fruit may be slightly soft, but not bruised, and the skin is not spongy, or puffy.

§ 51.775 Slightly misshapen.

"Slightly misshapen" means that the fruit has fairly good shape characteristic of the variety and is not more than slightly elongated or pointed or otherwise deformed.

§ 51.776 Slightly rough texture.

"Slightly rough texture" means that the skin may be slightly thick but not excessively thick, materially ridged or grooved.

§ 51.777 Serious damage.

"Serious damage" means any specific defect described in § 51.783, Table IV; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.778 Slightly colored.

"Slightly colored" means that except for two inches in the aggregate of green color, the remainder of the fruit surface shows some yellow color.

§ 51.779 Misshapen.

"Misshapen" means that the fruit is decidedly elongated, pointed, or flat-sided.

§ 51.780 Slightly spongy.

"Slightly spongy" means that the fruit is puffy or slightly wilted but not flabby.

§ 51.781 Very serious damage.

"Very serious damage" means any specific defect described in § 51.783, Table IV; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which very seriously detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.782 Diameter.

"Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end.

§ 51.783 Classification of defects.

TABLE IV

Factor	Injury	Damage	Serious damage	Very serious damage
Ammoniation		Not occurring as light speck type.	Scars are cracked or dark and aggregating more than a circle 1 inch in diameter on a 70 size grapefruit.	Aggregating more than 25 percent of the surface.
Buckskin		Aggregating more than a circle 1¼ inches in diameter on a 70 size grapefruit.	Aggregating more than 25 percent of the surface.	Aggregating more than 50 percent of the surface.
Caked melanose		Aggregating more than a circle ¾ inch in diameter on a 70 size grapefruit.	Aggregating more than a circle 1 inch in diameter on a 70 size grapefruit.	Aggregating more than 25 percent of the surface.
Dryness or mushy condition.		Affecting all segments more than ¼ inch at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.	Affecting all segments more than ½ inch at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.	Affecting all segments more than ¾ inch at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.
Green spots	More than slightly affecting appearance.	More than 10 spots caused by scale, each spot equivalent to the area of circle ⅜ inch in diameter on a 70 size grapefruit.	More than 25 spots caused by scale, each spot equivalent to the area of a circle ⅝ inch in diameter on a 70 size grapefruit.	
Hail	Not well healed, or aggregating more than a circle ⅜ inch in diameter on a 70 size grapefruit.	Not well healed, or aggregating more than a circle ½ inch in diameter on a 70 size grapefruit.	Not well healed, or aggregating more than a circle ⅝ inch in diameter on a 70 size grapefruit.	Not well healed, or aggregating more than a circle 1 inch in diameter on a 70 size grapefruit.
Oil spots	More than slightly affecting appearance.	More than 5 spots, or aggregating more than a circle ¾ inch in diameter on a 70 size grapefruit.	More than 10 spots, or aggregating more than a circle 1 inch in diameter on a 70 size grapefruit.	
Scab		Materially detracts from the shape or texture, or aggregating more than a circle ¾ inch in diameter on a 70 size grapefruit.	Seriously detracts from the shape or texture, or aggregating more than a circle ⅞ inch in diameter on a 70 size grapefruit.	Aggregating more than 25 percent of the surface.
Scale	More than a few adjacent to the "button" at the stem end, or more than 6 scattered on other portions of the fruit.	Blotch aggregating more than a circle ¾ inch in diameter, or occurring as a ring more than a circle 1¼ inches in diameter on a 70 size grapefruit.	Blotch aggregating more than a circle 1 inch in diameter, or occurring as a ring more than a circle 1½ inches in diameter on a 70 size grapefruit.	Aggregating more than 25 percent of the surface.
Scars	Depressed, not smooth, or detracts from appearance more than the amount of discoloration permitted in the grade.	Deep, not smooth, or shallow or fairly shallow and detracts from appearance more than the amount of discoloration permitted in the grade.	Very deep, fairly smooth, or detracts from appearance more than the amount of discoloration permitted in the grade.	Deep, rough, or unsightly that appearance is very seriously affected.
Skin breakdown		Aggregating more than a circle ⅜ inch in diameter on a 70 size grapefruit.	Aggregating more than a circle ⅝ inch in diameter on a 70 size grapefruit.	Affecting more than 25 percent of the surface.
Sprayburn		Aggregating more than a circle ¾ inch in diameter on a 70 size grapefruit.	Hard and aggregating more than a circle 1½ inches in diameter on a 70 size grapefruit.	Aggregating more than 25 percent of the surface.
Sprouting		More than 6 seeds are sprouted, or more than 1 sprout is more than ¼ inch in length.	More than 6 seeds are sprouted, or more than 1 sprout is more than ½ inch in length.	More than 6 seeds are sprouted or more than 1 sprout is more than ¾ inch in length.

TABLE IV—Continued

Factor	Injury	Damage	Serious damage	Very serious damage
Sunburn		Skin is flattened, dry, darkened, or hard and the affected area exceeds 25 percent of the surface.	Skin is hard and affects more than one-third of the surface.	Affecting more than 50 percent of the surface.
Thorn scratches	Not well healed, or more unsightly than discoloration permitted in the grade.	Not well healed, or hard concentrated thorn injury aggregating more than a circle ¼ inch in diameter on a 70 size grapefruit.	Not well healed, or hard concentrated thorn injury aggregating more than a circle ⅜ inch in diameter on a 70 size grapefruit.	Affecting more than 25 percent of the surface.

Dated: June 28, 1967.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 67-7518; Filed, July 7, 1967; 8:45 a.m.]

[7 CFR Part 51]

FLORIDA ORANGES AND TANGELOS

Standards for Grades [1]

Notice is hereby given that the U.S. Department of Agriculture is considering the revision of U.S. Standards for Grades of Florida Oranges and Tangelos (7 CFR 51.1140–51.1179) pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal should file the same in duplicate, not later than July 31, 1967, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, where they will be available for public inspection during official hours of business (par. (b) of § 1.27, as amended at 29 F.R. 7311).

Statement of considerations leading to the proposed revision of the grade standards. Trends in production and marketing practices, over the past few years, have prompted a revision of the U.S. Standards for Grades of Florida Oranges and Tangelos which have been in effect since 1960.

In proposing this revision, the U.S. Department of Agriculture is introducing a new concept in grade standards which would involve the use of statistical principles and procedures in the application of tolerances to a greater extent than heretofore.

During the 1966–67 harvest season experimental studies were conducted in a number of Florida fresh fruit packinghouses utilizing these statistical procedures. As a result of these studies and demonstrations, a quality control master note sheet was developed and used under continuous inspection operations. The note sheet graphically presents the quality level being packed during any given period in the day. The proposal would involve the use of this quality control aid during the packing process as well as for establishing the grade of oranges on a lot basis. This would bring about more uniformity and better industry understanding of the grade standards. The Florida Citrus industry has requested that this new concept be adopted and incorporated in the standards. This would require the following changes in the presentation of tolerances:

(1) In selecting samples for grade determination, each sample would consist of 50 oranges. When individual packages contain at least 50 oranges, the sample is drawn from one package; when individual packages contain less than 50 oranges a sufficient number of adjoining packages would be combined to form a 50-orange sample. The sample size would be constant regardless of the size of the containers.

(2) Tolerances: The tolerances for defects would be specified as acceptance numbers. The total maximum or minimum number of defective or off-size oranges would be specified for all samples selected for grade determination in the lot.

(3) Under the proposal, individual 50 count samples would be limited to a maximum number of defective or off-size oranges permitted, or to a minimum number of oranges having the amount of discoloration required in certain grades. This limitation would be specified in the tolerance tables under the absolute limit heading, and would replace the Application of Tolerances section in the existing standards.

In these standards a new format is proposed in an effort to arrange in logical order the various requirements for the particular grade. This would promote uniformity and bring about better understanding and simplification of the standards.

A new Classification of Defects section would be provided which lists the various grade defects with limitations for these defects under the injury, damage, serious damage, and very serious damage headings.

Representatives of the United States Department of Agriculture will be available upon appointment to discuss and demonstrate the proposed revision to interested persons during the period provided for submitting comments. Request for such appointments should be made in writing to: Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, C&MS, U.S. Department of Agriculture, Washington, D.C. 20250.

The proposed standards, as revised, are as follows:

GENERAL

Sec.
51.1140 General.

GRADES

51.1141 U.S. Fancy.
51.1142 U.S. No. 1 Bright.
51.1143 U.S. No. 1.
51.1144 U.S. No. 1 Golden.
51.1145 U.S. No. 1 Bronze.
51.1146 U.S. No. 1 Russet.
51.1147 U.S. No. 2 Bright.
51.1148 U.S. No. 2.
51.1149 U.S. No. 2 Russet.
51.1150 U.S. No. 3.

UNCLASSIFIED

51.1151 Unclassified.

TOLERANCES

51.1152 Tolerances.

STANDARD PACK

51.1153 Standard pack.

STANDARD SIZING

51.1154 Standard sizing.

DEFINITIONS

51.1155 Similar varietal characteristics.
51.1156 Well colored.
51.1157 Firm.
51.1158 Well formed.
51.1159 Mature.
51.1160 Smooth texture.
51.1161 Injury.
51.1162 Discoloration.
51.1163 Fairly smooth texture.
51.1164 Damage.
51.1165 Fairly well colored.
51.1166 Reasonably well colored.
51.1167 Fairly firm.
51.1168 Slightly misshapen.
51.1169 Slightly rough texture.
51.1170 Serious damage.
51.1171 Misshapen.
51.1172 Slightly spongy.
51.1173 Very serious damage.
51.1174 Diameter.
51.1175 Classification of defects.

STANDARDS FOR INTERNAL QUALITY OF COMMON SWEET ORANGES (CITRUS SINENSIS (L) OSBECK)

51.1176 U.S. Grade AA Juice (Double A).
51.1177 U.S. Grade A Juice.
51.1178 Maximum anhydrous citric acid permissible for corresponding total soluble solids.
51.1179 Method of juice extraction.

AUTHORITY: The provisions of this subpart issued under secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

GENERAL

§ 51.1140 General.

The standards contained in this subpart apply only to the common or sweet orange group and varieties and hybrids of varieties belonging to the Mandarin group, except tangerines, and to the citrus fruit commonly known as "tangelo"—a hybrid between tangerine or mandarin orange (citrus reticulata) with either the grapefruit or pomelo (C. paradisi and C. grandis). Separate U.S. Standards apply to tangerines. The

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

standards for internal quality contained in §§ 51.1176 through 51.1179 apply only to common sweet oranges (citrus sinensis (L) Osbeck).

GRADES

§ 51.1141 U.S. Fancy.

"U.S. Fancy" consists of oranges which meet the following requirements:
(a) Basic requirements:
(1) Discoloration:
(i) Not more than one-tenth of the surface, in the aggregate, may be affected by discoloration. (See § 51.1162.)
(2) Firm;
(3) Mature;
(4) Similar varietal characteristics;
(5) Smooth texture;
(6) Well colored; and,
(7) Well formed.
(b) Free from:
(1) Ammoniation;
(2) Bruises;
(3) Buckskin;
(4) Caked melanose;
(5) Creasing;
(6) Cuts not healed;
(7) Decay;
(8) Growth cracks;
(9) Scab;
(10) Split navels;
(11) Sprayburn;
(12) Undeveloped segments; and,
(13) Wormy fruit.
(c) Free from injury caused by:
(1) Green spots;
(2) Oil spots;
(3) Rough, wide or protruding navels;
(4) Scale;
(5) Scars;
(6) Skin breakdown; and,
(7) Thorn scratches.
(d) Free from damage caused by:
(1) Dirt or other foreign material;
(2) Disease;
(3) Dryness or mushy condition;
(4) Hail;
(5) Insects;
(6) Riciness or woodiness;
(7) Sunburn; and,
(8) Other means.
(e) For Tolerances see § 51.1152.
(f) Internal quality:
(1) Lots meeting the internal requirements for "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" may be so specified in connection with the grade. (See §§ 51.1176–51.1179.)

§ 51.1142 U.S. No. 1 Bright.

The requirements for this grade are the same as for U.S. No. 1 except that no fruit may have more than one-fifth of its surface, in the aggregate, affected by discoloration.
(a) For tolerances see § 51.1152.
(b) Internal quality:
(1) Lots meeting the internal requirements for "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" may be so specified in connection with the grade. (See §§ 51.1176–51.1179.)

§ 51.1143 U.S. No. 1.

"U.S. No. 1" consists of oranges which meet the following requirements:
(a) Basic requirements:
(1) Color:
(i) Early and midseason varieties shall be fairly well colored.
(ii) For Valencia and other late varieties, not less than 50 percent, by count, shall be fairly well colored and the remainder reasonably well colored.
(2) Discoloration:
(i) Not more than one-third of the surface, in the aggregate, may be affected by discoloration. (See § 51.1162.)
(3) Fairly smooth texture;
(4) Firm;
(5) Mature;
(6) Similar varietal characteristics; and,
(7) Well formed.
(b) Free from:
(1) Cuts not healed;
(2) Bruises;
(3) Decay;
(4) Growth cracks; and,
(5) Wormy fruit.
(c) Free from damage caused by:
(1) Ammoniation;
(2) Buckskin;
(3) Caked melanose;
(4) Creasing;
(5) Dirt or other foreign material;
(6) Disease;
(7) Dryness or mushy condition;
(8) Green spots;
(9) Hail;
(10) Insects;
(11) Oil spots;
(12) Riciness or woodiness;
(13) Scab;
(14) Scale;
(15) Scars;
(16) Skin breakdown;
(17) Split, rough or protruding navels;
(18) Sprayburn;
(19) Sunburn;
(20) Thorn scratches; and,
(21) Other means.
(d) For tolerances see § 51.1152.
(e) Internal quality:
(1) Lots meeting the internal requirements for "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" may be so specified in connection with the grade. (See §§ 51.1176–51.1179.)

§ 51.1144 U.S. No. 1 Golden.

The requirements for this grade are the same as for U.S. No. 1 except that not more than the number of fruits permitted in § 51.1152, Tables I and II, shall have more than one-third of their surface, in the aggregate, affected by discoloration.
(a) For tolerances see § 51.1152.
(b) Internal quality:
(1) Lots meeting the internal requirements for "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" may be so specified in connection with the grade. (See §§ 51.1176–51.1179.)

§ 51.1145 U.S. No. 1 Bronze.

The requirements for this grade are the same as for U.S. No. 1 except that all fruit must show some discoloration. Not less than the number of fruits required in § 51.1152, Tables I and II, shall have more than one-third of their surface, in the aggregate, affected by discoloration. The predominating discoloration on these fruits shall be of rust mite type.
(a) For tolerances see § 51.1152.
(b) Internal quality:
(1) Lots meeting the internal requirements for "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" may be so specified in connection with the grade. (See §§ 51.1176–51.1179.)

§ 51.1146 U.S. No. 1 Russet.

The requirements for this grade are the same as for U.S. No. 1 except that not less than the number of fruits required in § 51.1152, Tables I and II, shall have more than one-third of their surface, in the aggregate, affected by any type of discoloration.
(a) For tolerances see § 51.1152.
(b) Internal quality:
(1) Lots meeting the internal requirements for "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" may be so specified in connection with the grade. (See §§ 51.1176–51.1179.)

§ 51.1147 U.S. No. 2 Bright.

The requirements for this grade are the same as for U.S. No. 2 except that no fruit may have more than one-fifth of its surface, in the aggregate, affected by discoloration.
(a) For tolerances see § 51.1152.
(b) Internal quality:
(1) Lots meeting the internal requirements for "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" may be so specified in connection with the grade. (See §§ 51.1176–51.1179.)

§ 51.1148 U.S. No. 2.

"U.S. No. 2" consists of oranges which meet the following requirements:
(a) Basic requirements:
(1) Discoloration:
(i) Not more than one-half of the surface, in the aggregate, may be affected by discoloration. (See § 51.1162.)
(2) Fairly firm;
(3) Mature;
(4) Reasonably well colored;
(5) Similar varietal characteristics;
(6) Slightly misshapen; and,
(7) Slightly rough texture.
(b) Free from:
(1) Bruises;
(2) Cuts not healed;
(3) Decay;
(4) Growth cracks; and,
(5) Wormy fruit.
(c) Free from serious damage caused by:
(1) Ammoniation;
(2) Buckskin;
(3) Caked melanose;
(4) Creasing;
(5) Dirt or other foreign material;
(6) Disease;
(7) Dryness or mushy condition;
(8) Green spots;
(9) Hail;
(10) Insects;
(11) Oil spots;
(12) Riciness or woodiness;
(13) Scab;
(14) Scale;
(15) Scars;
(16) Skin breakdown;
(17) Split, rough or protruding navels;

(18) Sprayburn;
(19) Sunburn;
(20) Thorn scratches; and,
(21) Other means.
(d) For tolerances see § 51.1152.
(e) Internal quality:
(1) Lots meeting the internal requirements for "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" may be so specified in connection with the grade. (See §§ 51.1176–51.1179.)

§ 51.1149 U.S. No. 2 Russet.

The requirements for this grade are the same as for U.S. No. 2 except that not less than the number of fruits required in § 51.1152, Tables I and II, shall have more than one-half of their surface, in the aggregate, affected by discoloration.
(a) For tolerances see § 51.1152.
(b) Internal quality:
(1) Lots meeting the internal requirements for "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" may be so specified in connection with the grade. (See §§ 51.1176–51.1179.)

§ 51.1150 U.S. No. 3.

"U.S. No. 3" consists of oranges which meet the following requirements:
(a) Basic requirements:
(1) Mature;
(2) Misshapen;
(3) Poorly colored:
(i) Not more than 25 percent of the surface may be of a solid dark green color.
(4) Rough texture, not seriously lumpy;
(5) Similar varietal characteristics; and,
(6) Slightly spongy.
(b) Free from:
(1) Cuts not healed;
(2) Decay; and,
(3) Wormy fruit.
(c) Free from very serious damage caused by:
(1) Ammoniation;
(2) Bruises;
(3) Buckskin;
(4) Caked melanose;
(5) Creasing;
(6) Disease;
(7) Dryness or mushy condition;
(8) Growth cracks;
(9) Hail;
(10) Insects;
(11) Riciness or woodiness;
(12) Scab;
(13) Scale;
(14) Scars;
(15) Skin breakdown;
(16) Split navels;
(17) Sprayburn;
(18) Sunburn; and,
(19) Other means.
(d) For tolerances see § 51.1152.
(e) Internal quality:
(1) Lots meeting the internal requirements for "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" may be so specified in connection with the grade. (See §§ 51.1176–51.1179.)

UNCLASSIFIED

§ 51.1151 Unclassified.

"Unclassified" consists of oranges which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.1152 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, based on sample inspection, the number of defective or off-size specimens in the individual sample, and the number of defective or off-size specimens in the lot, shall be within the limitations specified in Tables I and II. No tolerance shall apply to wormy fruit.

TABLE I—SHIPPING POINT [1]

(a) FOR 1 THROUGH 20 SAMPLES

Factor	Grades	AL [3]	Number of 50-count samples [2]																			
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
							Acceptance numbers [4] (maximum permitted)															
Decay	U.S. Fancy, U.S. No. 1, U.S. No. 2	1	0	1	[5] 1	1	2	[5] 2	2	3	3	3	[5] 3	3	4	4	[5] 4	4	5	5	5	5
	U.S. No. 3	2	0	1	2	[5] 2	2	[5] 3	3	4	4	[5] 4	5	5	[5] 5	6	6	[5] 6	6	7	7	[5] 7
Very serious damage including decay.	U.S. Fancy, U.S. No. 1, U.S. No. 2	6	4	6	9	11	14	16	18	20	22	24	26	28	30	33	35	37	39	41	43	45
Total defects including decay and very serious damage.	ALL	8	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
Off-size	----------	10	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
Discoloration	U.S. No. 1, U.S. No. 1 Bright, U.S. No. 2, U.S. No. 2 Bright.	10	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
	U.S. No. 1 Golden.	22	18	34	49	64	80	93	109	122	138	151	166	180	194	208	222	237	251	265	279	293
							Acceptance numbers [4] (minimum required)															
	U.S. No. 1 Bronze, U.S. No. 1 Russet.	11	15	32	51	69	88	106	125	144	162	182	201	220	240	259	278	297	317	336	355	374
	U.S. No. 2 Russet.	1	3	8	12	18	23	29	34	40	45	51	56	62	68	74	79	85	91	97	102	108

(B) FOR 21 THROUGH 40 SAMPLES

Factor	Grades	AL [1]	Number of 50-count samples [2]																			
			21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40
			Acceptance numbers [4] (maximum permitted)																			
Decay	U.S. Fancy, U.S. No. 1, U.S. No. 2	1	[3] 5	6	6	6	6	[3] 6	6	7	7	7	7	[3] 7	7	8	8	8	[3] 8	8	9	9
	U.S. No. 3	2	8	8	[3] 8	8	9	9	[3] 9	9	10	10	[3] 10	11	11	[3] 11	11	12	12	[3] 12	12	13
Very serious damage including decay.	U.S. Fancy, U.S. No. 1, U.S. No. 2	6	47	49	51	53	54	56	58	60	62	64	66	68	70	72	74	76	78	80	81	83
Total defects including decay and very serious damage.	All	8	98	103	107	111	116	120	124	129	133	137	141	146	150	154	159	163	167	171	176	180
Off-size		10	98	103	107	111	116	120	124	129	133	137	141	146	150	154	159	163	167	171	176	180
Discoloration	U.S. No. 1, U.S. No. 1 Bright, U.S. No. 2, U.S. No. 2 Bright.	10	98	103	107	111	116	120	124	129	133	137	141	146	150	154	159	163	167	171	176	180
	U.S. No. 1 Golden.	22	307	321	335	349	363	377	391	405	419	433	447	461	475	489	503	517	531	545	559	573
			Acceptance numbers [4] (minimum required)																			
	U.S. No. 1 Bronze, U.S. No. 1 Russet.	11	394	413	433	452	471	491	510	530	549	569	588	608	627	647	666	686	705	725	744	764
	U.S. No. 2 Russet.	1	114	119	125	131	137	143	149	155	161	166	172	178	184	190	196	202	208	214	220	226

[1] Shipping point, as used in these standards, means the point of origin of the shipment in the production area or at port of loading for ship stores or overseas shipments, or in the case of shipments from outside the continental United States, the port of entry into the United States.

[2] AL—Absolute limit permitted in individual 50-count sample.

[3] Sample size—50 count.

[4] Acceptance number—Maximum or minimum number of defective or off-size fruit permitted.

[5] Preferred number of samples for this acceptance number.

TABLE II—EN ROUTE OR AT DESTINATION

Factor	Grades	AL [1]	Number of 50-count samples [2]																			
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
			Acceptance numbers [3] (maximum permitted)																			
Decay	All	4	2	3	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	[4] 20	21
Very serious damage other than decay.	U.S. Fancy; U.S. No. 1; U.S. No. 2	6	4	6	9	11	14	16	18	20	22	24	26	28	30	33	35	37	39	41	43	45
Total defects including very serious damage other than decay.	All	8	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
Off-size		10	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
Discoloration	U.S. No. 1; U.S. No. 1 Bright; U.S. No. 2; U.S. No. 2 Bright	10	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
	U.S. No. 1 Golden.	22	18	34	49	64	80	93	109	122	138	151	166	180	194	208	222	237	251	265	279	293
			Acceptance numbers [3] (minimum required)																			
	U.S. No. 1 Bronze; U.S. No. 1 Russet.	11	15	32	51	69	88	106	125	144	162	182	201	220	240	259	278	297	317	336	355	374
	U.S. No. 2 Russet.	1	3	8	12	18	23	29	34	40	45	51	56	62	68	74	79	85	91	97	102	108

[1] AL—Absolute limit permitted in individual 50-count sample.
[2] Sample size—50 count.
[3] Acceptance number—maximum or minimum number of defective or off-size fruit permitted.
[4] Preferred number of samples for this acceptance number.

STANDARD PACK

§ 51.1153 Standard pack.

(a) Fruit shall be fairly uniform in size and shall be place packed in boxes or cartons and arranged according to the approved and recognized methods and shall meet the applicable size requirements set forth in this section.

(b) All containers shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising because of overfilled containers.

(c) When packed in half-standard 4/5-bushel nailed boxes or 1 3/5-bushel wire-bound boxes, the bulge of any box shall not exceed 1 1/4 inches; when packed in 4/5-bushel wire-bound boxes including the 4/5-bushel flat wire-bound boxes, the bulge of any box shall not exceed 1 inch; when packed in telescope cartons, the bottom of each telescope cover, when in place, shall not be more than 3/4 inch above the bottom of the carton container and each container shall be at least level full at time of packing.

(d) Fruit in each container shall meet the size, count, minimum diameter, and pack arrangement given in one of the following tables for the various types of fruit and sizes of containers:

TABLE III

(When oranges, including navels, are packed in 1 3/5 bushel wire-bound box)

Size and count	Pack	Rows	Layers	Minimum diameter in inches
100's	4 x 4 or 5 x 5	5	5	3 5/16
		4	5	3 9/16
125's	5 x 5	5	5	3 3/16
163's	7 x 6	5	5	2 13/16
200's	8 x 8	5	5	2 11/16
252's	7 x 7	6	6	2 9/16
324's	9 x 9	6	6	2 5/16

Provided, That when Navel oranges are packed in this container, the sizes and minimum diameter may be as follows:

Size and count	*Minimum diameter in inches*
96's	3 9/16
125's or 126's	3 3/16
150's	3
175's or 176's	2 13/16
216's	2 10/16
252's	2 9/16
288's or 294's	2 5/16
324's	2 1/16

TABLE IV

(When Temple oranges and Tangelos are packed in 4/5 bushel flat wire-bound box)

Size and count	Pack	Rows	Layers	Minimum diameter in inches
54's	4 x 5	4	3	3 5/16
66's	6 x 5	4	3	3 3/16
80's	4 x 4	5	4	3
100's	5 x 5	5	4	2 13/16
120's	5 x 5	6	4	2 9/16
156's	7 x 6	6	4	2 5/16

Provided, That when Murcott honey oranges are packed in this container, or in 4/5-bushel nailed box, or 4/5-bushel wire-bound box, or 4/5-bushel fiberboard carton, the sizes, packs, and minimum diameters shall be as follows:

Size and count	Pack	Rows	Layers	Minimum diameter in inches
100's	5 x 5	4	5	2 13/16
120's	4 x 4	5	6	2 11/16
150's	5 x 5	5	6	2 9/16
176's	6 x 6	5	6	2 5/16
210's	5 x 5	6	7	2 5/16
246's	6 x 6	6	7	2 3/16
294's	7 x 7	6	7	2

TABLE V

(When oranges, Temple oranges, Navel oranges and Tangelos are packed in 4/5 bushel wire-bound box and 4/5 bushel fiberboard carton)

Size	Count	Pack	Rows	Layers	Minimum diameter in inches
100's	48 or 50	3 x 3	4	4	3 9/16
		3 x 2	5	4	3 9/16
125's	64	4 x 4	4	4	3 3/16
163's	80 or 80	5 x 5	4	4	2 15/16
		4 x 4	4	5	2 15/16
200's	100 or 100	5 x 5	4	5	2 13/16
		4 x 4	5	5	2 13/16
252's	125	5 x 5	5	5	2 9/16
324's	163 or 163	7 x 6	5	5	2 9/16
		5 x 4	6	6	2 9/16

Provided, That when Navel oranges are packed in these containers, the size, pack, count, and minimum diameter may be as follows:

Size	Count	Pack	Rows	Layers	Minimum diameter in inches
96's	48	3 x 3	4	4	3 5/16
125's or 126's	64	4 x 4	4	4	3 3/16
150's	72	5 x 4	4	4	3
175's or 176's	88	4 x 3	5	5	2 15/16
216's	112	4 x 5	5	5	2 9/16
252's	125	5 x 5	5	5	2 9/16
288's	150	6 x 6	5	5	2 9/16
324's	162	6 x 7	5	5	2 9/16

(e) "Fairly uniform in size", as applied to oranges packed in containers as set forth in paragraph (d) of this section, means that not more than the number of fruits permitted in § 51.1152, Tables I and II, are below the minimum diameters given for the various packs and vary more than the following amounts:

Size	*Diameter range in inches*
100's and 125's	9/16
163's and 200's	5/16
252's and 324's	4/16

(f) In order to allow for variations incident to proper packing, not more than 5 percent of the containers in any lot may fail to meet the requirements of standard pack.

STANDARD SIZING

§ 51.1154 Standard sizing.

(a) Boxes, cartons, bag packs, or bulk loads in which oranges are not packed according to a definite pattern do not meet the requirements of standard pack, but may be certified as meeting the requirements of standard sizing: *Provided*, That the oranges are fairly uniform in size as defined in this section: *And provided further*, That when packed in boxes or cartons the contents have been properly shaken down and the container is at least level full at time of packing.

(b) "Fairly uniform in size" as applied to oranges packed as set forth in paragraph (a) of this section, means that not more than the number of fruits permitted in § 51.1152, Tables I and II, are outside the range of diameters given for the following pack sizes:

Size	Diameter in inches	
	Minimum	Maximum
100's	3 9/16	3 13/16
125's	3 3/16	3 9/16
163's	2 15/16	3 3/16
200's	2 13/16	3
252's	2 9/16	2 13/16
324's	2 3/16	2 9/16

(c) When oranges are packed in containers, in order to allow for variations incident to proper packing, not more than 5 percent of the containers in any lot may fail to meet the requirements of standard sizing.

DEFINITIONS

§ 51.1155 Similar varietal characteristics.

"Similar varietal characteristics" means that the fruits in any container are similar in color and shape.

§ 51.1156 Well colored.

"Well colored" means that the fruit is yellow or orange in color with practically no trace of green color.

§ 51.1157 Firm.

"Firm" as applied to common oranges and tangelos means that the fruit is not soft, or noticeably wilted or flabby; as applied to oranges of the Mandarin group (Satsumas, King, Mandarin), "firm" means that the fruit is not extremely puffy, although the skin may be slightly loose.

§ 51.1158 Well formed.

"Well formed" means that the fruit has the shape characteristic of the variety.

§ 51.1159 Mature.

(a) "Mature" for other than Temple oranges shall have the same meaning currently assigned that term in sections 601.19 and 601.20 of the Florida Citrus Code of 1949, as amended (ch. 25149, Laws of Florida, 1949), or as the definition of such term may hereafter be amended;

(b) "Mature" for Temple oranges shall have the same meaning currently assigned that term in sections 601.21 and 601.22 of the Florida Citrus Code of 1949, as amended (ch. 26492, Laws of Florida, 1951), or as the definition of such term may hereafter be amended; and,

(c) "Mature" for Tangelos shall have the same meaning currently assigned that term in sections 601.231 and 601.232 of the Florida Citrus Code of 1949, as amended (ch. 29757, Laws of Florida, 1955), or as the definition of such term may hereafter be amended.

§ 51.1160 Smooth texture.

"Smooth Texture" means that the skin is thin and smooth for the variety and size of the fruit.

§ 51.1161 Injury.

"Injury" means any specific defect described in § 51.1175, Table VI; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which slightly detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.1162 Discoloration.

"Discoloration" means russeting of a light shade of golden brown caused by rust mite or other means. Lighter shades of discoloration caused by superficial scars or other means may be allowed on a greater area, or darker shades may be allowed on a lesser area, provided no discoloration caused by speck type melanose or other means may detract from the appearance of the fruit to a greater extent than the shade and amount of discoloration allowed for the grade.

§ 51.1163 Fairly smooth texture.

"Fairly smooth texture" means that the skin is fairly thin and not coarse for the variety and size of the fruit.

§ 51.1164 Damage.

"Damage" means any specific defect described in § 51.1175, Table VI; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.1165 Fairly well colored.

"Fairly well colored" means that, except for an aggregate area of green color which does not exceed the area of a circle 1 inch in diameter, the yellow or orange color predominates over the green color.

§ 51.1166 Reasonably well colored.

"Reasonably well colored" means that the yellow or orange color predominates over the green color on at least two-thirds of the fruit surface, in the aggregate.

§ 51.1167 Fairly firm.

"Fairly firm" as applied to common oranges and tangelos, means that the fruit may be slightly soft, but not bruised; as applied to oranges of the Mandarin group (Satsumas, King, Mandarin), means that the skin of the fruit is not extremely puffy or extremely loose.

§ 51.1168 Slightly misshapen.

"Slightly misshapen" means that the fruit is not of the shape characteristic of the variety but is not appreciably elongated or pointed or otherwise deformed.

§ 51.1169 Slightly rough texture.

"Slightly rough texture" means that the skin is not of smooth texture but is not materially ridged, grooved, or wrinkled.

§ 51.1170 Serious damage.

"Serious damage" means any specific defect described in § 51.1175, Table VI; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.1171 Misshapen.

"Misshapen" means that the fruit is decidedly elongated, pointed or flat-sided.

§ 51.1172 Slightly spongy.

"Slightly spongy" means that the fruit is puffy or slightly wilted but not flabby.

§ 51.1173 Very serious damage.

"Very serious damage" means any specific defect described in § 51.1175, Table VI; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which very seriously detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.1174 Diameter.

"Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end.

§ 51.1175 Classification of defects.

TABLE VI

Factor	Injury	Damage	Serious damage	Very serious damage
Ammoniation		Not occurring as light speck type.	Scars are cracked or dark and aggregating more than a circle ¾ inch in diameter on a 200 size orange.	Aggregating more than 25 percent of the surface.
Buckskin		Aggregating more than a circle 1 inch in diameter on a 200 size orange.	Aggregating more than 25 percent of the surface.	Aggregating more than 50 percent of the surface.
Caked melanose		Aggregating more than a circle ⅝ inch in diameter on a 200 size orange.	Aggregating more than a circle ¾ inch in diameter on a 200 size orange.	Aggregating more than 25 percent of the surface.
Creasing		Materially weakens the skin, or extends over more than one-third of the surface.	Seriously weakens the skin, or extends over more than one-half of the surface.	Very seriously weakens the skin, or is distributed over practically the entire surface.
Dryness or mushy condition.		Affecting all segments more than ¼ inch at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.	Affecting all segments more than ½ inch at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.	Affecting all segments more than ¾ inch at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.
Green spots	More than slightly affecting appearance.	More than 10 spots caused by scale, each spot equivalent to the area of a circle ⅛ inch in diameter on a 200 size orange.	More than 25 spots caused by scale, each spot equivalent to the area of a circle ⅛ inch in diameter on a 200 size orange.	
Hail	Not well healed, or aggregating more than a circle ¾ inch in diameter on a 200 size orange.	Not well healed, or aggregating more than a circle ⅜ inch in diameter on a 200 size orange.	Not well healed, or aggregating more than a circle ½ inch in diameter on a 200 size orange.	Not well healed, or aggregating more than a circle ¾ inch in diameter on a 200 size orange.
Oil spots	More than slightly affecting appearance.	More than 5 spots, or aggregating more than a circle ¾ inch in diameter on a 200 size orange.	More than 10 spots, or aggregating more than a circle 1 inch in diameter on a 200 size orange.	
Scab		Materially detracts from the shape or texture, or aggregating more than a circle ⅝ inch in diameter on a 200 size orange.	Seriously detracts from the shape or texture, or aggregating more than a circle ¾ inch in diameter on a 200 size orange.	Aggregating more than 25 percent of the surface.

TABLE VI—Continued

Factor	Injury	Damage	Serious damage	Very serious damage
Scale	More than a few adjacent to the "button" at the stem end, or more than 6 scattered on other portions of the fruit.	Aggregating more than a circle ⅜ inch in diameter on a 200 size orange.	Aggregating more than a circle ¾ inch in diameter on a 200 size orange.	Covering more than 25 percent of the surface.
Scars	Depressed, not smooth, or detracts from appearance more than the amount of discoloration permitted in the grade.	Deep, not smooth, or shallow or fairly shallow and detracts from appearance more than the amount of discoloration permitted in the grade.	Very deep, fairly smooth, or detracts from appearance more than the amount of discoloration permitted in the grade.	Deep, rough or unsightly that appearance is very seriously affected.
Skin breakdown		Aggregating more than a circle ¼ inch in diameter on a 200 size orange.	Aggregating more than a circle ⅜ inch in diameter on a 200 size orange.	Affecting more than 25 percent of the surface.
Sprayburn		Aggregating more than a circle ⅜ inch in diameter on a 200 size orange.	Hard and aggregating more than a circle 1½ inches in diameter on a 200 size orange.	Aggregating more than 25 percent of the surface.
Sunburn		Skin is flattened, dry, darkened, or hard and the affected area exceeds 25 percent of the surface.	Skin is hard and affects more than one-third of the surface.	Affecting more than 50 percent of the surface.
Split, Rough, Protruding Navals.	Split is unhealed, or more than ¼ inch in length, or navel protrudes beyond the general contour, and opening is so wide, folded and ridged that it detracts from appearance.	Split is unhealed, or more than ¼ inch in length, or more than three well healed splits, or navel protrudes beyond the general contour, and opening is so wide, folded and ridged that it detracts from appearance.	Split is unhealed, or more than ½ inch in length, or two or more splits aggregate more than 1 inch in length, or navel protrudes beyond general contour, and opening is so wide, folded and ridged that it detracts from appearance.	Split is unhealed or fruit is seriously weakened.
Thorn scratches	Not well healed, or more unsightly than discoloration permitted in the grade.	Not well healed, or hard concentrated thorn injury aggregating more than a circle ⅜ inch in diameter on a 200 size orange.	Not well healed, or hard concentrated thorn injury aggregating more than a circle ¾ inch in diameter on a 200 size orange.	Affecting more than 25 percent of the surface.

STANDARDS FOR INTERNAL QUALITY OF COMMON SWEET ORANGES (CITRUS SINENSIS (L) OSBECK)

§ 51.1176 U.S. Grade AA Juice (Double A).

Any lot of oranges, the juice content of which meets the following requirements, may be designated "U.S. Grade AA Juice (Double A)":

(a) Each lot of fruit shall contain an average of not less than 5 gallons of juice per standard packed box of 1⅗ bushels.

(b) The average juice content for any lot of fruit shall have not less than 10 percent total soluble solids, and not less than one-half of 1 percent anhydrous citric acid, or more than the permissible maximum acid specified in Table VII of § 51.1178.

§ 51.1177 U.S. Grade A Juice.

Any lot of oranges, the juice content of which meets the following requirements, may be designated "U.S. Grade A Juice":

(a) Each lot of fruit shall contain an average of not less than 4½ gallons of juice per standard packed box of 1⅗ bushels.

(b) The average juice content for any lot of fruit shall have not less than 9 percent total soluble solids, and not less than one-half of 1 percent anhydrous citric acid, or more than the permissible maximum acid specified in Table VII of § 51.1178.

§ 51.1178 Maximum anhydrous citric acid permissible for corresponding total soluble solids.

For determining the grade of juice, the maximum permissible anhydrous citric acid content in relation to corresponding total soluble solids in the fruit is set forth in the following Table VII together with the minimum ratio of total soluble solids to anhydrous citric acid:

TABLE VII

Total soluble solids (average percent)	Maximum anhydrous citric acid (average percent)	Minimum ratio of total soluble solids to anhydrous citric acid
9.0	0.947	9.50-1
9.1	.963	9.45-1
9.2	.979	9.40-1
9.3	.995	9.35-1
9.4	1.011	9.30-1
9.5	1.027	9.25-1
9.6	1.043	9.20-1
9.7	1.060	9.15-1
9.8	1.077	9.10-1
9.9	1.094	9.05-1
10.0	1.111	9.00-1
10.1	1.128	8.95-1
10.2	1.146	8.90-1
10.3	1.164	8.85-1
10.4	1.182	8.80-1
10.5	1.200	8.75-1
10.6	1.218	8.70-1
10.7	1.237	8.65-1
10.8	1.256	8.60-1
10.9	1.275	8.55-1
11.0	1.294	8.50-1
11.1	1.306	8.50-1
11.2	1.318	8.50-1
11.3	1.329	8.50-1
11.4	1.341	8.50-1
11.5	1.353	8.50-1
11.6	1.365	8.50-1
11.7	1.376	8.50-1
11.8	1.388	8.50-1
11.9	1.400	8.50-1
12.0	1.412	8.50-1
12.1	1.424	8.50-1
12.2	1.435	8.50-1
12.3	1.447	8.50-1
12.4	1.459	8.50-1
12.5	1.471	8.50-1
12.6	1.482	8.50-1
12.7	1.494	8.50-1
12.8	1.506	8.50-1
12.9	1.517	8.50-1
13.0	1.530	8.50-1
13.1	1.541	8.50-1
13.2	1.553	8.50-1
13.3	1.565	8.50-1
13.4	1.576	8.50-1
13.5	1.588	8.50-1
13.6	1.600	8.50-1
13.7	1.612	8.50-1
13.8	1.624	8.50-1
13.9	1.635	8.50-1
14.0	1.647	8.50-1
14.1	1.659	8.50-1
14.2	1.671	8.50-1
14.3	1.682	8.50-1
14.4	1.694	8.50-1
14.5	1.705	8.50-1
14.6	1.718	8.50-1
14.7	1.729	8.50-1
14.8	1.741	8.50-1
14.9	1.753	8.50-1
15.0	1.765	8.50-1
15.1	1.776	8.50-1
15.2	1.788	8.50-1
15.3	1.800	8.50-1
15.4	1.812	8.50-1
15.5	1.824	8.50-1
15.6 or more		8.50-1

§ 51.1179 Method of juice extraction.

The juice used in the determining of solids, acid, and juice content shall be extracted from representative samples as thoroughly as possible with a hand reamer or by such mechanical extractor or extractors as may be approved. The juice shall be strained through cheese cloth or other approved straining device of extra fine mesh to prevent passage of juice cells, pulp, or seeds.

Dated: June 28, 1967.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 67-7519; Filed, July 7, 1967; 8:45 a.m.]

[7 CFR Part 51]

FLORIDA TANGERINES

Standards for Grades [1]

Notice is hereby given that the U.S. Department of Agriculture is considering the revision of U.S. Standards for Grades of Florida Tangerines (7 CFR 51.1810–51.1834) pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal should file the same in duplicate, not later than July 31, 1967, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, where they will be available for public inspection during official hours of business (par. (b) of § 1.27, as amended at 29 F.R. 7311).

Statement of considerations leading to the proposed revision of the grade standards. Trends in production and marketing practices, over the past few years, have prompted a revision of the U.S. Standards for Grades of Florida Tangerines which have been in effect since 1960.

In proposing this revision, the U.S. Department of Agriculture is introducing a new concept in grade standards which would involve the use of statistical principles and procedures in the application of tolerances to a greater extent than heretofore.

During the 1966–67 harvest season experimental studies were conducted in a number of Florida fresh fruit packinghouses utilizing these statistical procedures. As a result of these studies and demonstrations, a quality control master note sheet was developed and used under continuous inspection operations. The note sheet graphically presents the quality level being packed during any given period in the day. The proposal would involve the use of this quality control aid during the packing process as well as for establishing the grade of tangerines on a lot basis. This would bring about more uniformity and better industry understanding of the grade standards. The Florida citrus industry has requested that this new concept be adopted and incorporated in the standards. This would require the following changes in the presentation of tolerances:

(1) In selecting samples for grade determination, each sample would consist of 50 tangerines. When individual packages contain at least 50 tangerines, the sample is drawn from one package; when individual packages contain less than 50 tangerines a sufficient number of adjoining packages would be combined to form a 50-tangerine sample. The sample size would be constant regardless of the size of the containers.

(2) Tolerances: The tolerances for defects would be specified as acceptance numbers. The total maximum or minimum number of defective or off-size tangerines would be specified for all samples selected for grade determination in the lot.

(3) Under the proposal, individual 50-count samples would be limited to a maximum number of defective or off-size tangerines permitted, or to a minimum number of tangerines having the amount of discoloration required in certain grades. This limitation would be specified in the tolerance tables under the absolute limit heading, and would replace the Application of Tolerances section in the existing standards.

The requirements for the U.S. No. 1 Bronze and U.S. No. 1 Russet grades would be changed to correspond to the U.S. No. 1 Bronze and U.S. No. 1 Russet grades in the present Florida orange and grapefruit standards.

The existing Bronze grade requires that at least 75 percent of the fruit shall show some discoloration and more than 20 percent shall have more than one-third of their surface affected with bronzed russeting.

The proposed Bronze grade would require that all fruit must show some discoloration and rust mite type discoloration must predominate only on fruits showing more than one-third of their surface discolored. This will accomplish the elimination of a large amount of other more objectionable types of discoloration. The change would facilitate the sorting procedure, eliminate time consuming evaluation of the discoloration on each fruit and provide for a more uniform flow of Bronze grade fruit to market. Corresponding changes would be made in the Russet grade.

In these standards a new format is proposed in an effort to arrange in logical order the various requirements for the particular grade. This would promote uniformity and bring about better understanding and simplification of the standards.

A new Classification of Defects section would be provided which lists the various grade defects with limitations for these defects under the injury, damage, serious damage, and very serious damage headings.

Representatives of the U.S. Department of Agriculture will be available upon appointment to discuss and demonstrate the proposed revision to interested persons during the period provided for submitting comments. Request for such appointments should be made in writing to: Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, C&MS, U.S. Department of Agriculture, Washington, D.C. 20250.

The proposed standards, as revised, are as follows:

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

GRADES

Sec.
51.1810 U.S. Fancy.
51.1811 U.S. No. 1.
51.1812 U.S. No. 1 Bronze.
51.1813 U.S. No. 1 Russet.
51.1814 U.S. No. 2.
51.1815 U.S. No. 2 Russet.
51.1816 U.S. No. 3.

UNCLASSIFIED

51.1817 Unclassified.

TOLERANCES

51.1818 Tolerances.

STANDARD PACK

51.1819 Standard pack.

DEFINITIONS

51.1820 Mature.
51.1821 Firm.
51.1822 Well formed.
51.1823 Damage.
51.1824 Highly colored.
51.1825 Discoloration.
51.1826 Well colored.
51.1827 Fairly well colored.
51.1828 Fairly firm.
51.1829 Fairly well formed.
51.1830 Serious damage.
51.1831 Reasonably well colored.
51.1832 Very serious damage.
51.1833 Diameter.
51.1834 Classification of defects.

AUTHORITY: The provisions of this subpart issued under secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

GRADES

§ 51.1810 U.S. Fancy.

"U.S. Fancy" consists of tangerines which meet the following requirements:
(a) Basic requirements:
(1) Discoloration:
(i) Not more than one-tenth of the surface, in the aggregate, may be affected by discoloration. (See § 51.1825.)
(2) Firm;
(3) Highly colored;
(4) Mature; and,
(5) Well formed.
(b) Free from:
(1) Bruises;
(2) Caked melanose;
(3) Decay;
(4) Unhealed skin-breaks; and,
(5) Wormy fruit.
(c) Free from damage caused by:
(1) Ammoniation;
(2) Buckskin;
(3) Creasing;
(4) Dirt or other foreign material;
(5) Dryness or mushy condition;
(6) Disease;
(7) Green spots;
(8) Hail;
(9) Insects;
(10) Oil spots;
(11) Scab;
(12) Scale;
(13) Scars;
(14) Skin breakdown;
(15) Sprayburn;
(16) Sunburn;
(17) Unsightly discoloration; and,
(18) Other means.
(d) For tolerances see § 51.1818.

§ 51.1811 U.S. No. 1.

"U.S. No. 1" consists of tangerines which meet the following requirements:
(a) Basic requirements:
(1) Discoloration:
(i) Not more than one-third of the surface, in the aggregate, may be affected by discoloration. (See § 51.1825.)
(2) Fairly well colored;
(3) Firm;
(4) Mature; and,
(5) Well formed.
(b) Free from:
(1) Bruises;
(2) Decay;
(3) Unhealed skin-breaks; and,
(4) Wormy fruit.
(c) Free from damage caused by:
(1) Ammoniation;
(2) Buckskin;
(3) Caked melanose;
(4) Creasing;
(5) Dirt or other foreign material;
(6) Disease;
(7) Dryness or mushy condition;
(8) Green spots;
(9) Hail;
(10) Insects;
(11) Oil spots;
(12) Scab;
(13) Scale;
(14) Scars;
(15) Skin breakdown;
(16) Sprayburn;
(17) Sunburn;
(18) Unsightly discoloration; and,
(19) Other means.
(d) For tolerances see § 51.1818.

§ 51.1812 U.S. No. 1 Bronze.

The requirements for this grade are the same as for U.S. No. 1 except that all fruit must show some discoloration. Not less than the number of fruits required in § 51.1818, Tables I and II, shall have more than one-third of their surface, in the aggregate, affected by discoloration. The predominating discoloration on these fruits shall be of rust mite type.
(a) For tolerances see § 51.1818.

§ 51.1813 U.S. No. 1 Russet.

The requirements for this grade are the same as for U.S. No. 1 except that not less than the number of fruits required in § 51.1818, Tables I and II, shall have more than one-third of their surface, in the aggregate, affected by any type of discoloration.
(a) For tolerances see § 51.1818.

§ 51.1814 U.S. No. 2.

"U.S. No. 2" consists of tangerines which meet the following requirements:
(a) Basic requirements:
(1) Discoloration:
(i) Not more than one-half of the surface, in the aggregate, may be affected by discoloration. (See § 51.1825.)
(2) Fairly firm;
(3) Fairly well formed;
(4) Mature; and,
(5) Reasonably well colored.
(b) Free from:
(1) Bruises;
(2) Decay;
(3) Unhealed skin-breaks; and,
(4) Wormy fruit.
(c) Free from serious damage caused by:
(1) Ammoniation;
(2) Buckskin;
(3) Caked melanose;
(4) Creasing;
(5) Dirt or other foreign material;
(6) Disease;
(7) Dryness or mushy condition;
(8) Green spots;
(9) Hail;
(10) Insects;
(11) Oil spots;
(12) Scab;
(13) Scale;
(14) Scars;
(15) Skin breakdown;
(16) Sprayburn;
(17) Sunburn;
(18) Unsightly discoloration; and,
(19) Other means.
(d) For tolerances see § 51.1818.

§ 51.1815 U.S. No. 2 Russet.

The requirements for this grade are the same as for U.S. No. 2 except that not less than the number of fruits required in § 51.1818, Tables I and II, shall have more than one-half of their surface, in the aggregate, affected by discoloration.
(a) For tolerances see § 51.1818.

§ 51.1816 U.S. No. 3.

"U.S. No. 3" consists of tangerines which meet the following requirements:
(a) Basic requirements:
(1) Mature;
(2) Not flabby; and,
(3) Not seriously lumpy.
(b) Free from:
(1) Decay;
(2) Unhealed skin-breaks; and,
(3) Wormy fruit.
(c) Free from very serious damage caused by:
(1) Ammoniation;
(2) Bruises;
(3) Caked melanose;
(4) Creasing;
(5) Dirt or other foreign material;
(6) Disease;
(7) Dryness or mushy condition;
(8) Hail;
(9) Insects;
(10) Scab;
(11) Scale;
(12) Scars;
(13) Skin breakdown;
(14) Sprayburn;
(15) Sunburn;
(16) Unsightly discoloration; and,
(17) Other means.
(d) For tolerances see § 51.1818.

UNCLASSIFIED

§ 51.1817 Unclassified.

"Unclassified" consists of tangerines which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.1818 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, based on sample inspection, the number of defective or off-size specimens in the individual sample, and the number of defective or off-size specimens in the lot, shall be within the limitations specified in Tables I and II. No tolerance shall apply to wormy fruit.

TABLE I—SHIPPING POINT [1]

(a) FOR 1 THROUGH 20 SAMPLES

Factor	Grades	AL [2]	Number of 50-count samples [3]																			
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
			Acceptance numbers [4] (maximum permitted)																			
Decay	U.S. Fancy, U.S. No. 1, U.S. No. 2	1	0	1	[5]1	1	2	[5]2	2	3	3	3	[5]3	3	4	4	[5]4	4	5	5	5	5
	U.S. No. 3	2	0	1	2	[5]2	2	[5]3	3	4	4	[5]4	5	5	[5]5	6	6	[5]6	6	7	7	[5]7
Very serious damage including decay.	U.S. Fancy, U.S. No. 1, U.S. No. 2	6	4	6	9	11	14	16	18	20	22	24	26	28	30	33	35	37	39	41	43	45
Total defects including decay and very serious damage	All	8	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
Off-size		10	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
Discoloration	U.S. Fancy, U.S. No. 1, U.S. No. 2	10	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
	Serious damage by unsightly discoloration.	2	1	2	2	[5]3	4	[5]4	5	[5]5	6	[5]6	7	[5]7	8	[5]8	8	[5]9	9	10	[5]10	11
			Acceptance numbers [4] (minimum required)																			
	U.S. No. 1 Bronze, U.S. No. 1 Russet.	11	15	32	51	69	88	106	125	144	162	182	201	220	240	259	278	297	317	336	355	374
	U.S. No. 2 Russet.	1	3	8	12	18	23	29	34	40	45	51	56	62	68	74	79	85	91	97	102	108

(b) FOR 21 THROUGH 40 SAMPLES

Factor	Grades	AL [2]	Number of 50-count samples [3]																			
			21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40
			Acceptance numbers [4] (maximum permitted)																			
Decay	U.S. Fancy, U.S. No. 1, U.S. No. 2	1	[5] 5	6	6	6	6	[5] 6	6	7	7	7	7	[5] 7	7	8	8	8	[5] 8	8	9	9
	U.S. No. 3	2	8	8	[5] 8	8	9	9	[5] 9	9	10	10	[5] 10	11	11	[5] 11	11	12	12	[5] 12	12	13
Very serious damage including decay.	U.S. Fancy, U.S. No. 1, U.S. No. 2	6	47	49	51	53	54	56	58	60	62	64	66	68	70	72	74	76	78	80	81	83
Total defects including decay and very serious damage.	All	8	98	103	107	111	116	120	124	129	133	137	141	146	150	154	159	163	167	171	176	180
Off-size	.....	10	98	103	107	111	116	120	124	129	133	137	141	146	150	154	159	163	167	171	176	180
Discoloration	U.S. Fancy, U.S. No. 1, U.S. No. 2	10	98	103	107	111	116	120	124	129	133	137	141	146	150	154	159	163	167	171	176	180
	Serious damage by unsightly discoloration.	2	[5] 11	12	[5] 12	12	13	[5] 13	14	[5] 14	15	15	[5] 15	16	[5] 16	17	17	[5] 17	18	[5] 18	19	19
			Acceptance numbers [4] (minimum required)																			
	U.S. No. 1 Bronze, U.S. No. 1 Russet.	11	394	413	433	452	471	491	510	530	549	569	588	608	627	647	666	686	705	725	744	764
	U.S. No. 2 Russet.	1	114	119	125	131	137	143	149	155	161	166	172	178	184	190	196	202	208	214	220	226

[1] Shipping point, as used in these standards, means the point of origin of the shipment in the production area or at port of loading for ship stores or overseas shipments, or in the case of shipments from outside the continental United States, the port of entry into the United States.

[2] AL—Absolute limit permitted in individual 50-count sample.

[3] Sample size—50 count.

[4] Acceptance number—Maximum or minimum number of defective or off-size fruit permitted.

[5] Preferred total number of samples for this acceptance number.

TABLE II—EN ROUTE OR AT DESTINATION

Factor	Grades	AL[1]	Number of 50-count samples[2]																			
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
							Acceptance numbers[3] (maximum permitted)															
Decay	All	4	2	3	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	[4] 20	21
Very serious damage other than decay.	U.S. Fancy, U.S. No. 1, U.S. No. 2	6	4	6	9	11	14	16	18	20	22	24	26	28	30	33	35	37	39	41	43	45
Total defects including very serious damage other than decay.	All	8	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
Off-size		10	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
Discoloration	U.S. Fancy, U.S. No. 1, U.S. No. 2	10	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
	Serious damage by unsightly discoloration.	2	1	2	2	3	4	[4] 4	5	[4] 5	6	[4] 6	7	[4] 7	8	[4] 8	8	[4] 9	9	10	[4] 10	11
							Acceptance numbers[3] (minimum required)															
	U.S. No. 1 Bronze, U.S. No. 1 Russet.	11	15	32	51	69	88	106	125	144	162	182	201	220	240	259	278	297	317	336	355	374
	U.S. No. 2 Russet.	1	3	8	12	18	23	29	34	40	45	51	56	62	68	74	79	85	91	97	102	108

[1] AL—Absolute limit permitted in individual 50-count sample.
[2] Sample size—50 count.
[3] Acceptance number—Maximum or minimum number of defective or off-size fruit permitted.
[4] Preferred total number of samples for this acceptance number.

STANDARD PACK

§ 51.1819 Standard pack.

The tangerines in each container shall be packed in accordance with recognized methods. Each container shall be well filled and properly marked to indicate the size of the fruit. When the figures used to indicate size of fruit vary from the actual number of tangerines in the container, as in the case of fractional parts of boxes, the figures indicating size shall be followed by the letter "s" or the word "size," as, for example, "210's," or "210 size." Containers which are not so marked shall not be regarded as meeting requirements of "standard pack."

(a) Fruit in each container shall be of a size not less than the minimum diameters specified in Table III for the various packs. Packs other than those listed shall have a minimum diameter not less than specified for the nearest count.

TABLE III

Pack	*Diameter in inches (minimum)*
100	2 15/16
120	2 11/16
150	2 9/16
176	2 5/16
210	2 1/16
246	2 3/16
294	2

(b) In order to allow for variations incident to proper sizing, not more than the number of fruits permitted in § 51.1818, Tables I and II, are below the minimum size for the count as specified in Table III.

DEFINITIONS

§ 51.1820 Mature.

"Mature" shall have the same meaning currently assigned that term in sections 601.21 and 601.22 of the Florida Citrus Code of 1949, as amended (ch. 26492, Laws of Florida, 1951), or as the definition of such term may hereafter be amended.

§ 51.1821 Firm.

"Firm" means that the flesh is not soft and the fruit is not badly puffy and that the skin has not become materially separated from the flesh of the tangerine.

§ 51.1822 Well formed.

"Well formed" means that the fruit has the characteristic tangerine shape and is not deformed.

§ 51.1823 Damage.

"Damage" means any specific defect described in § 51.1834, Table IV; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.1824 Highly colored.

"Highly colored" means that the ground color of each fruit is a deep tangerine color with practically no trace of yellow color.

§ 51.1825 Discoloration.

"Discoloration" means russeting of a light shade of golden brown caused by rust mite or other means. Lighter shades

of discoloration caused by superficial scars or other means may be allowed on a greater area, or darker shades may be allowed on a lesser area, provided no discoloration caused by speck type melanose or other means may detract from the appearance of the fruit to a greater extent than the shade and amount of discloration allowed in the grade.

§ 51.1826 Well colored.

"Well colored" means that a good yellow or better ground color predominates over the green color on the entire fruit surface with no distinct green color present, and that some portion of the surface has a reddish tangerine blush.

§ 51.1827 Fairly well colored.

"Fairly well colored" means that the surface of the fruit may have green color which does not exceed the aggregate area of a circle 1¼ inches in diameter and that the remainder of the surface has a yellow or better ground color with some portion of the surface showing reddish tangerine blush.

§ 51.1828 Fairly firm.

"Fairly firm" means that the flesh may be slightly soft but is not bruised or badly puffy, and that the skin has not become seriously separated from the flesh of the tangerine.

§ 51.1829 Fairly well formed.

"Fairly well formed" means that the fruit may not have the shape characteristic of the variety but that it is not badly deformed.

§ 51.1830 Serious damage.

"Serious damage" means any specific defect described in § 51.1834, Table IV; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.1831 Reasonably well colored.

"Reasonably well colored" means that a good yellow or reddish tangerine color shall predominate over the green color on at least one-half of the fruit surface in the aggregate, and that each fruit shall show practically no lemon color.

§ 51.1832 Very serious damage.

"Very serious damage" means any specific defect described in § 51.1834, Table IV; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which very seriously detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.1833 Diameter.

"Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end.

TABLE IV

Factor	Damage	Serious damage	Very serious damage
Ammoniation	Not occurring as light speck type, or detracts more than discoloration permitted in the grade.	Scars are cracked or dark and aggregating more than ⅝ inch in diameter on a 176 size tangerine.	Aggregating more than 25 percent of the surface.
Buckskin	Aggregating more than a circle ¾ inch in diameter on a 176 size tangerine.	Aggregating more than 25 percent of the surface.	Aggregating more than 50 percent of the surface.
Caked melanose	Aggregating more than a circle ⅜ inch in diameter on a 176 size tangerine.	Aggregating more than a circle ⅝ inch in diameter on a 176 size tangerine.	Aggregating more than 25 percent of the surface.
Creasing	Materially weakens the skin, or extends over more than one-third of the surface.	Seriously weakens the skin, or extends over more than one-half of the surface.	Very seriously weakens the skin, or is distributed over practically the entire surface.
Dryness or mushy condition.	Affecting all segments more than ⅛ inch at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.	Affecting all segments more than ¼ inch at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.	Affecting all segments more than ½ inch at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.
Green spots	More than 10 spots caused by scale, each spot equivalent to the area of a circle ⅛ inch in diameter on a 176 size tangerine.	More than 25 spots caused by scale, each spot equivalent to the area of a circle ⅛ inch in diameter on a 176 size tangerine.	
Hail	Not well healed, or aggregating more than a circle ¼ inch in diameter on a 176 size tangerine.	Not well healed, or aggregating more than a circle ⅝ inch in diameter on a 176 size tangerine.	Not well healed, or aggregating more than a circle ⅝ inch in diameter on a 176 size tangerine.
Oil spots	More than 5 spots, or aggregating more than a circle ½ inch in diameter on a 176 size tangerine.	More than 10 spots, or aggregating more than a circle ¾ inch in diameter on a 176 size tangerine.	
Scab	Materially detracts from the shape or texture, or aggregating more than a circle ⅝ inch in diameter on a 176 size tangerine.	Seriously detracts from the shape or texture, or aggregating more than a circle ⅝ inch in diameter on a 176 size tangerine.	Aggregating more than 25 percent of the surface.
Scale	Aggregating more than a circle ⅜ inch in diameter on a 176 size tangerine.	Aggregating more than a circle ⅝ inch in diameter on a 176 size tangerine.	Aggregating more than 25 percent of the surface.
Scars	Not smooth, or causing any noticeable depression, or detracts from appearance more than the amount of discoloration permitted in the grade.	Not fairly smooth, or causing any materially depressed area, or detracts from appearance more than the amount of discoloration permitted in the grade.	Deep, rough, or unsightly that appearance is very seriously affected.
Skin breakdown	Aggregating more than a circle ¼ inch in diameter on a 176 size tangerine.	Aggregating more than a circle ⅝ inch in diameter on a 176 size tangerine.	Affecting more than 25 percent of the surface.
Sprayburn	Skin is hard and aggregating more than a circle ¾ inch in diameter on a 176 size tangerine.	Skin is hard and aggregating more than a circle 1¼ inches in diameter on a 176 size tangerine.	Aggregating more than 25 percent of the surface.
Sunburn	Skin is flattened, dry, darkened, or hard and the affected area exceeds 25 percent o the surface.	Skin is hard and affects more than one-third of the surface.	Affecting more than 50 percent of the surface.
Unsightly discoloration.	Color and pattern causes an unattractive appearance.	Color and pattern causes a distinctly unattractive appearance.	Very objectionable appearance caused by any means.

Dated: June 28, 1967.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 67-7520; Filed, July 7, 1967; 8:45 a.m.]

Maritime Administration

[32A CFR Ch. XVIII, SRM-5, Rev.]

MASTER LUMP SUM REPAIR CONTRACT—NSA-LUMPSUMREP

Proposed Revision

The Acting Director, National Shipping Authority has under consideration the revision of the Master Lump Sum Repair Contract, NSA-LUMPSUMREP with respect to vessel repairs, etc.

A copy of the proposed revised form of contract has been filed with the original of this document in the Office of the Federal Register.

Copies of said revised form may be obtained upon request to the Secretary, Maritime Administration.

Interested persons may present views or comments in connection with the foregoing by filing same in writing, in triplicate, with the Secretary, Maritime Administration, 441 G Street NW., Washington, D.C. 20235, by close of business on August 31, 1967.

Dated: June 30, 1967.

JAMES W. GULICK,
Acting Director,
National Shipping Authority.

[F.R. Doc. 67-7905; Filed, July 7, 1967; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 23]

[Docket No. 8070; Notice 67-11A]

AIRWORTHINESS STANDARDS

Small Airplanes Capable of Carrying More Than 10 Occupants; Extension of Comment Period

The Federal Aviation Administration proposed in Notice 67-11, published on April 7, 1967 (32 F.R. 5698), to amend Part 23 of the Federal Aviation Regulations to provide additional airworthiness standards for small airplanes capable of carrying more than 10 persons, and intended for use under Part 135, Air Taxi Operators and Commercial Operators of Small Aircraft. The notice stated that consideration would be given to all comments received on or before June 30, 1967.

The Aerospace Industries Association of America, Inc. (AIA), on behalf of its members, has requested a 168-day extension of the time for comments on this proposed regulatory action. This organization indicates that it has now determined that additional work on Notice 67-11 is necessary in order to provide the Administration with the information necessary to prepare regulations that will be readily adaptable to the expected large family of air taxi type aircraft. The AIA advises that the 168-day extension is necessary since all available manpower is being devoted to the preparation of industry response to Notice 67-14, and it will not be possible to begin review of Notice 67-11 until September 1967.

While the FAA recognizes the difficulties referred to in the petition, the petitioner has, nevertheless, not shown good cause for a 168-day extension of the comment period. Moreover, in view of the safety considerations which prompted the issuance of Notice 67-11, a grant of an extension for the requested length of time would not be consistent with the public interest. On the other hand, the FAA has previously acknowledged that Notice 67-11 contains complex proposals and that there may be some inconsistency with, or some duplication of, the proposals set forth in Notice 67-14 (32 F.R. 5791). Therefore, the FAA considers that the comment periods on Notices 67-11 and 67-14 should coincide, insofar as practicable, to permit the simultaneous evaluation of the two proposals with respect to any such inconsistencies or duplications.

In consideration of the foregoing, I find that the petitioner has shown a substantive interest in the proposed rule, that good cause exists for extending the comment period on Notice 67-11 to coincide with the comment period on Notice 67-14, and that such an extension is consistent with the public interest.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 11.45), the time within which comments on Notice 67-11 will be received is extended to September 9, 1967.

Issued in Washington, D.C., on June 30, 1967.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-7874; Filed, July 7, 1967; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-WE-38]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the controlled airspace in the Yuma, Ariz., area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. 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. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The control zone is required to protect aircraft executing prescribed instrument approach and departure procedures while operating below 1,000 feet above the surface. The 700-foot transition area will provide controlled airspace for aircraft executing prescribed instrument approach and departure procedures during operation between 700 and 1,200 feet above the surface. The 1,200-foot transition area will provide controlled airspace for aircraft executing prescribed instrument approach, departure, and holding procedures above 1,200 feet above the surface. The additional 1,200-foot above the surface and 4,000-foot MSL transition areas are required to provide controlled airspace for aircraft executing standard instrument departure procedures from Yuma MCAS and transition routings to Blythe and Imperial, Calif., VORTAC's.

In view of the foregoing, the FAA proposes the following airspace actions:

In § 71.171 (32 F.R. 2147) the Yuma, Ariz., control zone is amended as follows:

YUMA, ARIZ.

Within a 5-mile radius of Yuma MCAS/Yuma International Airport (latitude 32°-39'23" N., longitude 114°36'18" W.), within 2 miles each side of the Yuma VORTAC 181° radial, extending from the 5-mile radius zone to 2 miles south of the VORTAC, and within 2 miles each side of the 044° bearing from the MCAS Yuma RBN, extending from the 5-mile radius zone to 8 miles northeast of the RBN.

In § 71.181 (32 F.R. 2273) the Yuma, Ariz., transition area is amended as follows:

YUMA, ARIZ.

That airspace extending upward from 700 feet above the surface, within an 11-mile radius of Yuma MCAS/Yuma International Airport (latitude 32°39'23" N., longitude 114°36'18" W.), within 2 miles each side of the Yuma VORTAC 181° radial, extending from the 11-mile radius area to 21 miles south of the VORTAC; that airspace extending upward from 1,200 feet above the surface, within 12 miles west and 11 miles east of the Yuma VORTAC 351° radial, extending from the north edge of V-66 to 20 miles north of the VORTAC, within 5 miles north and 8 miles south of the Yuma VORTAC 087° radial, extending from the VORTAC to 14 miles east of the VORTAC, within 11 miles east and 8 miles west of the Yuma VORTAC 180° radial, extending from the VORTAC to the United States/Mexico border; and that airspace northwest of Yuma, extending upward from 4,000 feet MSL, bounded on the north by the arc of an 18-mile radius circle centered on the Blythe, Calif., Airport (latitude 33°37'15" N., longitude 114°43'00" W.), on the east by the west edge of V-135, on the south by the north edge of V-66, and on the northwest and west by lines 5 miles northwest and west of and parallel to the Imperial and Blythe, Calif., VORTAC's, 064° and 187° radials respectively; excluding that portion outside the United States.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on June 29, 1967.

A. E. HORNING,
Acting Director, Western Region.

[F.R. Doc. 67-7875; Filed, July 7, 1967; 8:47 a.m.]

[14 CFR Part 61]

[Docket No. 8260; Notice 67-26]

LIMITING CERTAIN PILOT PRIVILEGES

Operation of Hot Air Balloons Without an Airborne Heater

The Federal Aviation Administration is considering amending Part 61 of the Federal Aviation Regulations to limit the privileges of certain student and commercial pilots (lighter-than-air) to operating only hot air balloons without an airborne heater, if they do not meet all of the applicable aeronautical knowledge and experience requirements.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before September 5, 1967, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Since 1951, the FAA and its predecessor agencies have allowed pilots to operate hot air balloons upon a demonstration of very limited aeronautical knowledge, experience, or skill. At present, the holder of a student pilot certificate who passes the written test required by § 61.71(c)(1) may act as pilot in command of a hot air balloon (subject to the limitations in § 61.71(b)). After he meets the flight instruction requirements of § 61.71(c)(2), he may act as pilot in command of any free balloon (also subject to § 61.71(b)). At present, an applicant for a commercial pilot certificate (lighter-than-air, free balloon class) who successfully performs the maneuvers required by § 61.130 may be issued a commercial pilot certificate with lighter-than-air category and free balloon class ratings limited to "Hot Air Balloons Only", and may give flight instruction in those balloons. After he meets the aeronautical knowledge and experience requirements of §§ 61.113(c) and 61.128, the "Hot Air Balloons Only" limitation may be removed from his commercial pilot certificate.

Originally when hot air was the lifting means, a ballon was filled with hot air from a heater that was located on the ground and that was no longer available after the balloon ascended. As the balloon rose, the hot air cooled rapidly resulting in flights of limited distance and altitude. Longer flights at higher altitudes usually were possible only with balloons that depended on a captive lighter-than-air gas for lift, rather than on retained heat, and the present regulations reflect the greater aeronautical knowledge, experience, and skill necessary for operating those balloons.

The development of compact and efficient airborne heaters for hot air balloons in recent years, and their increasing use, has greatly extended the altitude, distance, and duration capabilities of hot air balloons. Basically, the operating characteristics of a hot air balloon with an airborne heater are more similar to those of a lighter-than-air gas balloon than they are to the operating characteristics of a hot air balloon without an airborne heater. The FAA believes that the greater aeronautical knowledge, experience, and skill necessary to operate a hot air balloon with an airborne heater should be recognized, while continuing to allow presently authorized operations of hot air balloons without an airborne heater.

Accordingly, the FAA proposes to extend the general limitations as to class ratings in §§ 61.16(b) and 61.16(c) to all pilots of lighter-than-air aircraft, except those who operate hot air balloons without an airborne heater, and also to reflect that change in § 61.15(e). The proposed amendment to § 61.15(e) would require holders of the certificates named in that paragraph to either exchange their certificates or limit their pilot activities to operating hot air balloons without an airborne heater. Holders of certificates that now are limited to "Hot Air Balloons Only", and that either expire under § 61.9(c) or may be exchanged under § 61.15(e)(3), would be reissued a certificate that bears the new limitations described in proposed § 61.130(c). Proposed amendments to § 61.71 would allow a student pilot to operate a hot air balloon without an airborne heater after his instructor certifies on his student pilot certificate that the student is familiar with the general and visual flight rules in §§ 91.1 through 91.9 and Subpart B of Part 91 (rather than after passing the written test now required). However, he would be limited to operating those balloons until he acquired the necessary aeronautical experience. Under proposed § 61.130(c), an applicant for a commercial pilot certificate (lighter-than-air category, free balloon class) who demonstrates his aeronautical skill under §§ 61.130(a) and 61.130(b) would be eligible for a certificate limited to "Hot Air Balloons Without Airborne Heater Only". This limitation, or a limitation to "Hot Air Balloons Only", could be removed when the applicant meets the aeronautical knowledge and experience requirements of §§ 61.113(c) and 61.128. Under proposed § 61.131(c), the holder of a certificate issued under § 61.130(c), or one limited to "Hot Air Balloons Only", would have commercial pilot and flight instruction privileges only as to hot air balloons without an airborne heater.

Present §§ 61.101(a)(5) and 61.101(b) do not clearly reflect that only lighter-than-air category and airship class ratings are issued to private pilots under Subpart C of Part 61. Present § 61.39(a)(2)(iv) does not provide for logging free balloon flight instruction received from a private pilot (lighter-than-air, airship class). Appropriate clarifying amendments are proposed to those sections.

In consideration of the foregoing, it is proposed to amend Part 61 of the Federal Aviation Regulations as follows:

1. By amending the introductory language of paragraph (e) and subparagraph (e)(3) of § 61.15 to read as follows:

§ 61.15 Aircraft ratings.

* * * * *

(e) Subject to § 61.16, the holder of a lighter-than-air pilot certificate, a pilot certificate with a lighter-than-air category rating, or a free balloon pilot certificate may continue to exercise the privileges of that certificate or rating. However, if he exchanges his certificate— * * *

(3) The holder of a free balloon pilot certificate is issued a commercial pilot certificate with a lighter-than-air category rating and free balloon class rating, and if appropriate, with the limitation provided in § 61.130(c).

* * * * *

2. By amending subparagraph (d)(4) of § 61.16 to read as follows:

§ 61.16 General limitations.

* * * * *

(d) * * *

(4) The holder of a pilot certificate with a lighter-than-air category rating when operating a hot air balloon without an airborne heater.

3. By amending subdivision (a)(2)(iv) of § 61.39 to read as follows:

§ 61.39 Pilot logbooks: Except airline transport pilots.

(a) * * *

(2) * * *

(iv) Flight instruction from an appropriately rated flight instructor, in the case of airplanes or rotorcraft; from an appropriately rated flight instructor or commercial glider pilot, in the case of gliders; from an appropriately rated commercial pilot, in the case of airships; or from an appropriately rated private or commercial pilot, in the case of free balloons.

* * * * *

4. By amending § 61.71 by amending the flush paragraph at the end of paragraph (a), by amending paragraph (c), and by adding the following new paragraph (d), to read as follows:

§ 61.71 Lighter-than-air operations: Flight limitations.

(a) * * *

Subparagraph (2) of this paragraph does not apply to a student pilot who holds a free balloon class rating, unless that rating bears a limitation named in § 61.130(c).

* * * * *

(c) A student pilot (lighter-than-air) may not operate a free balloon as pilot in command until his instructor certifies on his certificate that he is familiar with the general and visual flight rules of §§ 91.1 through 91.9 and Subpart B of Part 91 of this chapter.

(d) A student pilot (lighter-than-air) may not operate a free balloon, other than a hot air balloon without an airborne heater, as pilot in command until his instructor certifies on his certificate that he has had at least six instruction flights, totaling at least 6 hours, in free balloons.

§ 61.101 [Amended]

5. By amending the parenthetical clauses in subparagraph (a)(5) and in paragraph (b) of § 61.101 to read "(lighter-than-air, airship class)".

6. By amending the introductory language of paragraph (c) of § 61.113 to read as follows:

§ 61.113 **Aeronautical knowledge.**

* * * * *

(c) An applicant for a commercial pilot certificate (lighter-than-air, free balloon class), other than a certificate issued under § 61.130(c), must pass a written test on the following:

* * * * *

7. By amending § 61.128 to read as follows:

§ 61.128 **Lighter-than-air rating (free balloon class): aeronautical experience.**

An applicant for a commercial pilot certificate (lighter-than-air, free balloon class), other than a certificate issued under § 61.130(c), must have made at least eight ascents averaging 2 hours in duration, substantiated by a logbook, including six ascents under the supervision of an appropriately rated private or commercial pilot, one ascent in control to an altitude of 10,000 feet under that supervision, and one solo ascent.

8. By adding the following new paragraph (c) at the end of § 61.130:

§ 61.130 **Lighter-than-air rating (free balloon class): aeronautical skill.**

* * * * *

(c) An applicant who meets the requirements of this section, but who does not meet the requirements of §§ 61.113(c) and 61.128, may obtain a commercial pilot certificate with lighter-than-air category and free balloon class ratings limited to "Hot Air Balloons Without Airborne Heater Only". Upon meeting the requirements of §§ 61.113(c) and 61.128, the "Hot Air Balloons Without Airborne Heater Only" limitation, or a "Hot Air Balloons Only" limitation, may be removed.

9. By amending paragraph (c) of § 61.131 to read as follows:

§ 61.131 **General privileges and limitations.**

* * * * *

(c) Unless his certificate is issued under § 61.130(c) or is limited to "Hot Air Balloons Only", a commercial pilot (lighter-than-air, free balloon class) may act as pilot in command of, and give flight instruction in, a free balloon. A commercial pilot (lighter-than-air, free balloon class) whose certificate is issued under § 61.130(c) or is limited to "Hot Air Balloons Only", may act as pilot in command of, and give flight instruction in, only a hot air balloon without an airborne heater.

This proposal is made under the authority of sections 313(a), 601, and 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, and 1422).

Issued in Washington, D.C., on July 3, 1967.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-7876; Filed, July 7, 1967; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[191.11]

STATEMENT OF ORGANIZATION, FUNCTIONS, AND PROCEDURES

In compliance with 5 U.S.C. 552, this notice provides a statement for the guidance of the public of the Bureau of Customs central and field organization; 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; and the general course and method by which the Bureau of Customs functions are channeled and determined, including the nature and requirements of all formal and informal procedures available, superseding the material appearing in 16 F.R. 6964 [1951]:

Part

I Central Organization and Functions.
II Field Organization and Functions.
III Sources and Methods of Securing Information.
IV Procedures.
V Substantive Rules.

I. CENTRAL ORGANIZATION AND FUNCTIONS

SECTION 1. *Official address and business hours*—(a) *Official address.* The principal office of the Bureau of Customs is at 2100 K Street NW., Washington, D.C. 20226. Communications to the Bureau of Customs should be addressed to the Commissioner of Customs at the above address unless otherwise specifically directed.

(b) *Business hours.* Principal and field offices are open on each business day from 8:30 a.m. to 5 p.m., unless otherwise posted.

SEC. 2. *Commissioner and Deputy Commissioner of Customs*—(a) *Appointment.* The Commissioner is appointed pursuant to law by the Secretary of the Treasury.

(b) *Authority*—(1) *Commissioner.* Under the general supervision of the Secretary of the Treasury, and pursuant to authority delegated by him, the Commissioner of Customs establishes the policies and supervises the activities of the Customs Service, including the appointment of its personnel and the management of its finances. The Commissioner is responsible for the implementation and administration of all executive directives and legislation relating to customs activities. He promulgates rules and regulations with the approval of the Secretary of the Treasury, and makes decisions under authority delegated to him.

(2) *Deputy Commissioner.* The Deputy Commissioner acts as Commissioner when the Commissioner is absent or when the office is vacant. He participates in the establishment of policies, and has general administrative supervision and control, under the general direction of the Commissioner, over all the work of the Bureau. He further participates in the supervision of the four Assistant Commissioners and the Regional Commissioners.

(c) *Officers empowered to act during absence, disability, or vacancy.* The officers of customs empowered to act as Commissioner of Customs during the absence or disability of the Commissioner, or when there is a vacancy in the office, are designated in Customs Delegation Order No. 27, dated November 25, 1966, T.D. 66-265 (31 F.R. 15098). If any change in the order of succession is hereafter made, a further delegation order will be published in the FEDERAL REGISTER.

SEC. 3. *Office of the Commissioner.* The Commissioner and other Bureau officials are assisted by five Assistants to the Commissioner on Bureau programs in the areas of equal employment opportunity, foreign customs assistance, public information, security, and priority correspondence.

SEC. 4. *Office of the Chief Counsel.* This office, which is a part of the Office of the General Counsel of the Treasury Department, is under the supervision of an Assistant General Counsel. The Chief Counsel serves as the legal advisor to the Commissioner and his staff on all matters pertaining to the administration and enforcement of the customs and related laws. His office also performs such other duties of a legal nature as may be assigned by the Commissioner of Customs, his Deputy, or Assistants. The Chief Counsel supervises the five Regional Counsels located in Chicago, Houston, Miami, New York, and San Francisco. (See Part II, sec. 3 of this notice.)

SEC. 5. *Offices and Divisions*—(a) *Office of Administration.* Under the supervision of an Assistant Commissioner of Customs, this office is composed of six divisions, each headed by a director. This office is responsible for the development, implementation and evaluation of internal programs relating to budgeting, accounting, personnel, data processing, audit, management analysis, administrative services, and facilities management. The designations of the divisions are generally descriptive of the functions performed in each: Division of Finance and Management Analysis; Division of Administrative Services; Division of Audits; Division of Personnel Management; Division of Data Processing; and Division of Facilities Management.

(b) *Office of Investigations.* Under the supervision of an Assistant Commissioner of Customs, this office is composed of four divisions, each headed by a director. This office is responsible for the development, implementation, and evaluation of programs relating to the investigative and enforcement activities of the Bureau, and for supervision of the field personnel of the Customs Agency Service (see Part II, sec. 2). The designations of the divisions are generally descriptive of the functions and responsibilities of each: Division of Planning and Inspection; Division of Enforcement; Division of Technical and Fraud Investigations; and Division of Intelligence and Communications.

(c) *Office of Operations.* Under the supervision of an Assistant Commissioner of Customs, this office is responsible for the development, implementation, and evaluation of programs relating to the identification, control, and disposition of imported merchandise, the control of carriers arriving in and departing from the United States, the procedural and operational requirements for enforcement of the regulations of other Government agencies by Customs personnel, the operational facilitation of the international movement of land, sea, and air carriers, passengers, baggage, and cargo, for the application of factual information concerning matters of value, tariff classification, and operational matters pertaining to acceptance and liquidation of entries, examination of merchandise, the collection and refund of duties and taxes on imported merchandise, the administration of import quotas, and for the furnishing of technical and scientific information. The responsibilities of the three divisions, each headed by a director, are indicated in a general way by the designations of the divisions: Division of Inspection and Control; Division of Appraisement and Collections; and Division of Technical Services.

(d) *Office of Regulations and Rulings.* Under the supervision of an Assistant Commissioner of Customs, this office is responsible for continuing review of customs decisions, programs, and procedures to assure conformity with the laws and regulations administered by the Bureau of Customs, for interpretation of the Antidumping Act, 1921, the countervailing duty provision of the Tariff Act of 1930 (19 U.S.C. 1303), and the laws relating to the tariff classification of merchandise, to personal or administrative exemptions, and to entry or valuation of merchandise, for decisions on matters relating to claims, fines, penalties, and forfeitures, for interpretation of the law and for decisions relating to the entrance, clearance and use of vessels, vehicles, and aircraft, for drafting regulations and rulings to implement Treasury and Bureau decisions and procedures, and for drafting or participating in the drafting of legislation. The responsibilities of the four divisions, each headed by a director, are indicated in a general way by the designations of the divisions: Division of Tariff Classification Rulings; Division of Entry Procedures and Penalties; Division

of Marine and Transportation Rulings; and Division of Regulations.

SEC. 6. *Office of Planning and Research.* This office is headed by the Director of Planning and Research, who reports directly to the Commissioner, and consults with and provides technical advice and assistance to the Commissioner and officers of Customs on budget program and planning matters.

II. FIELD ORGANIZATION

SECTION. 1. *Field audit.* Under the direction of the Division of Audits, Office of Administration, field audit offices, headed by a director, conduct internal audits of regional fiscal procedures, accounts and records, property, and control of imported merchandise, and examine certain aspects of the accounts and records of customhouse brokers and wool manufacturers and processors. Field audit offices and the regions assigned to them are located as set forth in § 1.4a of the Customs Regulations (19 CFR 1.4a).

SEC. 2. *Customs Agency Service.* Under the direction of the Office of Investigations, Customs Agency Service investigative and enforcement staffs are responsible for preventing, detecting, and investigating offenses against Customs and related laws, and for providing information in matters of personnel security. The location and jurisdiction of Customs Agency Service offices is set out in § 1.5 of the Customs Regulations (19 CFR 1.5).

SEC. 3. *Office of the Regional Counsel.* Although assigned to the field and located in the offices of the Regional Commissioners in Chicago, Houston, Miami, New York, and San Francisco, the Regional Counsels are under the general supervision of the Chief Counsel at Bureau headquarters. The Regional Counsels serve as legal advisors to the principal customs field officers and their staffs and perform such other functions as are assigned.

SEC. 4. *Regional and District Offices.* There are nine Customs regions, each headed by a Regional Commissioner, with their offices in the following cities: Region I, Boston, Mass.; Region II, New York City, N.Y.; Region III, Baltimore, Md.; Region IV, Miami, Fla.; Region V, New Orleans, La.; Region VI, Houston, Tex.; Region VII, Los Angeles, Calif.; Region VIII, San Francisco, Calif.; Region IX, Chicago, Ill. The geographical areas and the location of customs districts or areas assigned to each region are as published in § 1.2 of the Customs Regulations (19 CFR 1.2).

SEC. 5. *Regional Commissioner of Customs.* The Regional Commissioner represents and acts for the Commissioner of Customs and is responsible for effective implementation in his region of the policies, programs, and procedures established by the Commissioner. He is also responsible for the development and implementation of regional policies, programs, and procedures, and the coordination, control, and supervision of all customs activities in his region, except those of Field Audit, and the Customs Agency Service.

SEC. 6. *Office of the Regional Commissioner.* The responsibilities and functions of the regional staffs are divided as follows unless some other division is required by circumstances and authorized by the Commissioner:

(a) *Assistant Regional Commissioner of Customs for Administration.* This officer is responsible for developing, implementing, and evaluating programs for the budget, accounting, personnel, data processing, management analysis, and administrative services functions of the region. Under his immediate supervision are the Deputy Assistant Regional Commissioners of Customs for Personnel Management, and for Financial Management, whose responsibilities are indicated in a general way by the designations of their offices.

(b) *Assistant Regional Commissioner of Customs for Operations.* This officer is responsible for the development, implementation, and evaluation of operational programs relating to the inspection and control of persons, carriers, cargo, and baggage arriving in the United States, the inspection, identification, and control, assessment of duties and taxes upon, and disposition of imported merchandise, and the enforcement of the regulations of other Government agencies. Under his immediate supervision are the Deputy Assistant Regional Commissioners of Customs for Classification and Value, and for Inspection and Control, and the Chief Chemist of the region, whose responsibilities are indicated in a general way by the designations of their offices.

SEC. 7. *District Offices*—(a) *District Director of Customs.* The District Director of Customs represents and acts for the Regional Commissioner and is responsible for the implementation in his district of Bureau and regional policies, programs, and procedures, the development, implementation, and evaluation of district programs and procedures, and the coordination, control, and supervision of all customs activities in the district except laboratory, audit, and Agency Service activities. The district director also is the port director for the district headquarters port. Under his supervision are the Assistant District Directors of Customs for Inspection and Control, and for Classification and Value. These officers, as indicated by their designations, are responsible for operational functions pertaining to the entry and clearance of vessels, inspection and control of persons, carriers, baggage, and cargo, and for entry, examination, appraisement, and classification of imported merchandise, the liquidation of entries and the collection of duties and taxes.

(b) *Customs Port Director.* The Port Director serves as the principal operating official at each port other than district headquarters and is a staff assistant to the District Director of Customs. He is responsible for the final implementation of customs policies, programs, and procedures which apply to the every day activities of the port, except audit, laboratory, and Customs Agency Service activities. At each port where the volume of activity justifies it, the Port Director is assisted by one or more Assistant Port Directors.

III. SOURCES AND METHODS OF SECURING INFORMATION

SECTION 1. The places at which and the methods whereby the public may secure official information in matters administered by the Bureau of Customs are as follows:

(a) A request for information relating to the activities or functions of a District Director of Customs may be addressed to him at the headquarters office of his district or to a port director at a port other than at the headquarters port. Oral requests for information may be made at a customhouse in any port having jurisdiction over the subject matter of the request.

(b) A request for information relating to activities or functions of other field officials of the Customs Service may be addressed to the official in charge of the appropriate office having jurisdiction over the subject matter.

(c) Requests for information may also be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226.

(d) Oral requests may be made to any official of the central organization of the Bureau for information on a subject within the jurisdiction of that official.

SEC. 2. No formal procedures for obtaining information relating to any matter within the Customs jurisdiction are required unless prescribed in the published regulations of the Bureau of Customs (19 CFR Ch. I). However, to assure prompt action upon a request, all pertinent facts relevant to the subject matter of the inquiry should be furnished.

SEC. 3. The availability of information in all cases shall be subject to any pertinent limitations or restrictions contained in Parts 14, 17, and 26 of the regulations (19 CFR Parts 14, 17, 26).

IV. PROCEDURES

SECTION 1. No formal procedures other than those relating solely to internal agency management are required in connection with any function of the Customs Service except those described by, or referred to or cited in, the regulations published in 19 CFR, Chapter I, or regulations issued jointly by the Secretary of the Treasury, or the Commissioner of Customs with the approval of the Secretary of the Treasury, and the heads of other agencies, Departments, or Bureaus as referred to or cited in the published regulations of the Bureau of Customs. In addition to these procedures, interested parties may request conferences with appropriate officials of the Bureau to discuss matters within their responsibility.

SEC. 2. In general, required procedures and any required forms or documents for use in connection therewith are described or identified in the appropriate part of 19 CFR, Chapter I, although procedures, forms, or documents applicable to a given situation may be described, identified, or referred to in more than one part or section of that chapter. The part headings and section headings of

the regulations are designated as a general index of subject matter with sufficient accuracy to enable related procedures, forms, or documents to be considered. Information regarding procedures, forms, or documents are set forth in the parts indicated below:

Part
1 General provisions.
4 Vessels in foreign and domestic trades.
5 Customs relations with contiguous foreign territory.
6 Air commerce regulations.
7 Customs relations with insular possessions and Guantanamo Bay Naval Station.
8 Liability for duties; entry of imported merchandise.
9 Importations by mail.
10 Articles conditionally free, subject to a reduced rate, etc.
11 Packing and stamping; marking; trademarks and trade names; copyrights.
12 Special classes of merchandise.
13 Examination, measurement, and testing of certain products.
14 Appraisement.
15 Relief from duties on merchandise lost, stolen, destroyed, injured, abandoned, or short-shipped.
16 Liquidation of duties.
17 Protests and reappraisements.
18 Transportation in bond and merchandise in transit.
19 Customs warehouses and control of merchandise therein.
20 Disposition of unclaimed and abandoned merchandise.
21 Cartage and lighterage.
22 Drawback.
23 Enforcement of customs and navigation laws.
24 Customs financial and accounting procedure.
25 Customs bonds.
26 Disclosure of information.
30 Foreign-trade zones.
31 Customhouse brokers.
32 Trade fairs.

Information regarding procedures covering temporary situations presently in effect and the required forms or documents for use therewith are set forth in the following parts:

Part
54 Certain importations temporarily free of duty.
56 Extensions of time pursuant to Proclamation of the President under section 318, Tariff Act of 1930.

SEC. 3. Except where formal procedures are required as heretofore indicated, all informal procedures available for obtaining information, as described in Part III of this notice, are available for use in appropriate circumstances in any application for reconsideration of an official customs ruling or decision made in the field or at headquarters, in any petition for mitigation of a fine, penalty, or forfeiture, in any request for amendment of regulations or suggestion for the improvement of the Customs Service, or in any other matter within the jurisdiction of the Customs Service. In making use of such informal procedures all pertinent facts should be stated in correspondence to avoid delay.

SEC. 4. Requests, applications, petitions, or other communications soliciting or contemplating action by the central organization respecting matters within its jurisdiction, if addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226, will be referred to the proper assistant for appropriate attention. If such communications concern specific transactions arising at a field office, action thereon will be expedited if the request, application, petition, or communication so addressed is first submitted to the district director of customs for the district in which the transaction arose, who will transmit it to the Bureau with his report thereon. There are no forms for or procedures governing the submission of such requests, applications, or petitions other than those set forth in the Customs Regulations as amended from time to time, which may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, or may be consulted at the Bureau headquarters office or at the customhouse at any port of entry.

V. SUBSTANTIVE RULES

Substantive rules and statements of general policy or interpretations formulated and adopted by the Treasury Department or the Bureau of Customs for the guidance of the public generally are included in the regulations of the Bureau of Customs and the joint regulations heretofore mentioned. Amendments of or supplements to such regulations, as promulgated from time to time, will be published in the FEDERAL REGISTER and the Code of Federal Regulations.

This notice shall be effective upon publication in the FEDERAL REGISTER.

Dated: June 30, 1967.

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

[F.R. Doc. 67-7886; Filed, July 7, 1967; 8:48 a.m.]

Bureau of Narcotics

STATEMENT OF ORGANIZATION, FUNCTIONS AND PROCEDURES

In compliance with 5 U.S.C. 552, this notice provides a statement for the guidance of the public of the Bureau of Narcotics' central and field organization; 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; and the general course and method by which the Bureau's functions are channeled and determined, including the nature and requirements of all formal and informal procedures available. Any revision or amendment of this statement will be published in the FEDERAL REGISTER. A current synopsis of the statement will be published annually by the Office of the Federal Register in the U.S. Government Organization Manual. The prior statements of organization, functions and procedures of the Bureau of Narcotics are revised to read as follows:

Sec.
1. Introduction.
2. Central organization.
(a) Commissioner of Narcotics.
(b) Deputy Commissioner of Narcotics.
(c) Office of Chief Counsel.
(d) Office of Assistant Commissioner (Enforcement).
(e) Office of Assistant Commissioner (Administration).
(f) Office of Assistant Commissioner (Permissive).
(g) Office of Assistant to the Commissioner (Information and Law Enforcement Training).
(h) Office of Inspection and Internal Audit.
3. Field organization.
4. Public information; submittals, requests, decisions.
5. Formal and informal procedures.

SECTION 1. *Introduction.* Under the Commissioner of Narcotics, the Bureau is responsible for investigating, detecting, and preventing violations of the Federal narcotic and marihuana laws and related statutes, including the Harrison Narcotic Act, the Narcotic Drugs Import and Export Act, the Opium Poppy Control Act, the Marihuana Tax Act, the Narcotic Control Act, and the Narcotics Manufacturing Act; and seizing and effecting forfeitures of vehicles, vessels, and aircraft under the Act of August 9, 1939, used in the transportation or concealment of contraband narcotic drugs or marihuana. In cooperation with the U.S. Public Health Service, the Bureau determines the quantities of crude opium and coca leaves to be imported into the United States for medical and scientific purposes; issues permits to import crude drugs; and limits the quantities of narcotic drugs manufactured in the United States. The Bureau has authority to issue licenses for the production of poppies and the manufacture of opium products therefrom if and when such production and manufacture shall become necessary to supply medical and scientific needs for opium products. The Bureau issues export permits for narcotic drugs and preparations in accordance with the international conventions and protocols. The Bureau cooperates with the State Department in the discharge of international obligations of the United States pertaining to the traffic in narcotic drugs and with the several States in the suppression of the abuse of narcotic drugs and marihuana in their respective jurisdictions. The headquarters office of the Bureau of Narcotics is located at 633 Indiana Avenue NW., Washington, D.C. 20226.

SEC. 2. *Central organization*—(a) *Commissioner of Narcotics.* The Commissioner of Narcotics is appointed by the President, and is the head of the Bureau of Narcotics. Subject to general supervision of the Secretary of the Treasury, he has the responsibility and authority to direct the administration of the Bureau and enforce the laws and regulations of the United States relating to narcotic drugs and marihuana. Specifically, the Secretary of the Treasury has imposed upon the Commissioner of Narcotics all the rights, privileges, powers, and duties relating to—

(1) The detection and punishment of violations of the narcotic drug and marihuana laws, and regulations issued thereunder;

(2) Exemptions from any of the provisions of the applicable laws and regulations;

(3) The books, records, and returns required to be kept or rendered under any of the applicable laws;

(4) The prescribing of forms and order forms under any of the applicable laws;

(5) The appointment of a committee for the certification and disposition of confiscated narcotic drugs and marihuana, and the manner in which application shall be made for the use of confiscated narcotic drugs and marihuana;

(6) The compromise of criminal and civil cases arising under certain provisions of the applicable laws;

(7) Seizures of property for violations of applicable laws, and the custody, control, sale, and disposition of property so seized;

(8) The determination of quantities of narcotic drugs which may be imported into the United States for medical and scientific purposes, and the issuance of import and export permits;

(9) The determination of the necessity to produce opium poppies for medical and scientific use in the United States, and the issuance of licenses for that purpose;

(10) The administration of the provisions of the laws relating to the licensing of narcotic drug manufacturers, the establishing of basic classes of narcotic drugs, the establishing of quotas, and the determination of substances as "opiates";

(11) The prescribing of such regulations as may be necessary for the execution of the functions imposed under the applicable laws;

(12) The appointment of such officers and employees as may be necessary for the execution of the functions imposed upon the Bureau of Narcotics.

(b) *Deputy Commissioner of Narcotics.* The Deputy Commissioner of Narcotics acts as Commissioner of Narcotics in his absence; he exercises general supervision over the Bureau of Narcotics, including the field force, with particular emphasis on administrative functions; and assists the Commissioner generally in all matters of narcotic drug and marihuana law enforcement and administration.

(c) *Office of Chief Counsel.* Under the general supervision and direction of the General Counsel of the Treasury Department, the Chief Counsel is the chief law official of the Bureau. The Chief Counsel is responsible to the Commissioner of Narcotics and to the General Counsel for the supervision and coordination of all legal duties of the Bureau. The legal activities include the rendering of advice and the consideration and resolution of all legal problems arising in connection with the administration of the duties and functions of the Bureau.

(d) *Office of Assistant Commissioner (Enforcement).* This office is responsible for policy coordination and direction of the Bureau's law enforcement activities, including the Bureau's investigations and coordination with the functions of other Federal, State, municipal, and international law enforcement agencies; studying and reporting trends of the national and international narcotic and marihuana traffic; and establishing and maintaining liaison with United States and foreign narcotic law enforcement agencies for exchange of information and improvement of cooperation in suppression of the narcotic and marihuana traffic.

(e) *Office of Assistant Commissioner (Administration).* This office is responsible for policy coordination, supervision and direction of field administrative matters; direction and supervision of the Bureau's Fiscal, Personnel, Statistics and Records, and Supplies and Equipment Divisions; budget programs; and liaison in connection with admnistrative control activities of the Treasury Department and other agencies.

(f) *Office of Assistant Commissioner (Permissive).* This office is responsible for policy coordination and direction of matters of concern to the Returns Division of the Bureau of Narcotics, pertaining to imports, exports, storage, manufacture, and distribution of narcotic drugs through legitimate channels for medical and scientific purposes; directs the activities of the Drugs Disposal Committee; audits returns of narcotic drug production and distribution; maintains records on imports, exports, manufacture, distribution, seizure, and diversion of narcotic drugs; and establishes and maintains liaison with manufacturers, medical and paramedical groups in connection with narcotic drug controls.

(g) *Office of Assistant to Commissioner (Information and Law Enforcement Training).* This office correlates general information on narcotic drugs and trafficking, and handles public information and correspondence of general nature; writes articles for publication in various trade journals and other news media; prepares the annual report of the Bureau; directs and conducts the Federal Bureau of Narcotics Training School; and programs technical narcotic law enforcement in-service training.

(h) *Office of Inspection and Internal Audit.* This office makes inspections of Bureau and field operations; conducts financial audits; and reports on the effectiveness of each operation, including general narcotic law enforcement conditions in the field.

SEC. 3. *Field organization.* The field organization is responsible for conducting investigations of violations of the narcotic drug, marihuana, and applicable statutes; establishing and maintaining liaison with the U.S. attorneys, the courts, State and municipal officials at local levels, and in foreign areas; and conducting inspections and examining procedures for effective control of the legitimate trade. The field organization is divided into districts, each of which is headed by a district supervisor, as follows:

Number; Headquarters Office; Territory

1. 1425 Post Office and Courthouse, Boston, Mass. 02109, Maine, Rhode Island, New Hampshire, Vermont, Connecticut, Massachusetts.

2. 90 Church Street, Suite 605, New York, N.Y. 10007, New York State, Newark I.R.S. District of New Jersey.

3. 605 U.S. Customhouse, Second and Chestnut Sts., Philadelphia, Pa. 19106, Pennsylvania, Delware, New Jersey (except Newark I.R.S. District).

5. 103 South Gay Street, Baltimore, Md. 21202, Maryland, District of Columbia, North Carolina, Virginia, West Virginia.

6. 1056 Federal Office Building, Atlanta, Ga. 30303, Georgia, Florida, Alabama, South Carolina, Tennessee.

8. 602 Federal Building, Detroit, Mich. 48226, Michigan, Ohio, Kentucky.

9. 1836 U.S. Courthouse and Federal Office Building, Chicago, Ill. 60604, Illinois, Indiana, Wisconsin.

10. 1114 Commerce Street, Room 1104, Dallas, Tex. 75202, Texas, Louisiana, Mississippi.

11. 1502 Federal Office Building, Kansas City, Mo. 64106, Missouri, Kansas, Arkansas, Oklahoma.

12. 402 Federal Building, 110 South Fourth Street, Minneapolis, Minn. 55401, Minnesota, Iowa, Nebraska, North Dakota, South Dakota.

13. 3317 U.S. Customhouse, Denver, Colo. 80202, Colorado, Utah, Wyoming, New Mexico.

14. 450 Golden Gate Avenue, Box 36035, San Francisco, Calif. 94102, California, Nevada, Arizona.

15. 311 U.S. Courthouse, Seattle, Wash. 98104, Washington, Oregon, Idaho, Montana, Alaska, Hawaii.

16. American Embassy, 95 Wireless Road, Bangkok, Thailand. Address mail to: Treasury, American Embassy, APO San Francisco, Calif. 96346, Far East.

17. American Embassy, Via Veneto 62A, Room 112, Rome, Italy. Address mail to: Narcotics Division, American Embassy, APO New York, N.Y. 09794, Europe, Middle East.

18. American Embassy, Mexico, D.F., Mexico. Address mail to: American Embassy—Nar. Apartado Postal 88 Bis., Mexico, D.F., Mexico. Mexico, Central and South America.

SEC. 4. *Public information; submittals, requests, decisions.*—(a) *Public information.* Requests for final opinions and all orders made in the adjudication of cases, those statements of policy and interpretations which have been adopted and not published in the FEDERAL REGISTER, administrative staff manuals and instructions to staff that affect a member of the public and other Bureau of Narcotics records or information may be made in person or by correspondence as provided in 21 CFR Part 308.

(b) *Submittals, requests, decisions.* Submittals, requests for decisions or other requests may be made in person or by correspondence to the Deputy Commissioner of Narcotics at the headquarters office in Washington, D.C., or with the appropriate district supervisor in the area described in the above section 3.

SEC. 5. *Formal and informal procedures.* The formal and informal provisions relating to functions of the Bureau of Narcotics may be found in the Code of Federal Regulations. The provisions relating to appeal and review to the Secretary of the Treasury of the action or nonaction of the Commissioner of Narcotics are in 21 CFR Part 301; the provisions relating to importation and exportation of narcotic drugs are in 21 CFR Part 302; the provisions relating to the growing of opium poppies are in 21 CFR Part 303; the provisions relating to adjudication and licensing procedure are in 21 CFR Part 304; the provisions relating to the determination of substances

as "opiates" are in 21 CFR Part 305; the provisions relating to the surrender of heroin are in 21 CFR Part 306; the provisions relating to the manufacture of narcotic drugs are in 21 CFR Part 307; the provisions relating to public access to information are in 21 CFR Part 308, the provisions relating to the regulatory taxes on smoking opium are in 21 CFR Part 150; the provisions relating to the regulatory taxes on narcotic drugs are in 26 CFR Part 151; the provisions relating to the regulatory taxes on marihuana are in 26 CFR Part 152; and the provisions relating to seizures of vehicles, vessels, and aircraft under the Act of August 9, 1939, are in 26 CFR Part 153. Certain other provisions may be found in the procedures published by the Office of the Secretary of the Treasury in 31 CFR Subtitle A and 41 CFR Part 10.

Additionally, provisions relating to Government employment and the purchase, sale, and disposition of Government property, are found in the respective procedures prescribed in the Federal Personnel Manual and the General Services Administration regulations. For specific instructions in connection with these procedures, interested persons may request conferences with the officials listed in this notice and assistance will be provided.

Effective date: This notice shall be effective as of July 4, 1967.

[SEAL] HENRY L. GIORDANO,
Commissioner of Narcotics.

Approved: June 3, 1967.

JAMES POMEROY HENDRICK,
Special Assistant to the Secretary (for Enforcement).

[F.R. Doc. 67-7888; Filed, July 7, 1967; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 18595]

ALM DUTCH ANTILLEAN AIRLINE

Notice of Hearing

Notice is given herewith, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that public hearing in the above-entitled proceeding is assigned to be held before the undersigned Examiner on July 26, 1967, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on June 27, 1967, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

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

[SEAL] RICHARD A. WALSH,
Hearing Examiner.

[F.R. Doc. 67-7890; Filed, July 7, 1967; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. CI61-448 etc.]

MARVIN E. WILHITE ET AL.

Findings and Orders

JUNE 26, 1967.

Findings and orders after statutory hearing issuing certificates of public convenience and necessity, amending certificates, canceling docket number, severing proceeding, permitting and approving abandonment of service, terminating certificates, making successor co-respondent, redesignating proceeding requiring filing of agreement and undertaking, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC gas rate schedules and propose to initiate, abandon or add natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that the sales from the Permian Basin area of Texas are authorized to be made at or below the applicable area base rates and under the conditions prescribed in Opinion Nos. 468 and 468-A.

Rocanville Corp. (Operator) et al., Applicant in Docket No. CI61-1806, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to W. H. Hudson (Operator) et al., FPC Gas Rate Schedule No. 2. Said rate schedule will be redesignated as that of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI64-605. Therefore, Applicant will be made a co-respondent in said proceeding, the proceeding will be redesignated accordingly, and Applicant will be required to file an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

Forest Oil Corp., Applicant in Docket No. CI67-1388, has filed an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the sale of natural gas made pursuant to an unconditioned temporary certificate issued in Docket No. CI61-248. The pending certificate application is consolidated with Union Texas Petroleum et al., Docket No. G-13221 et al. Inasmuch as the gas supply is depleted, the application filed in Docket No. CI67-1388 will be construed as an amendment to the application filed in Docket No. CI61-248, Docket No. CI67-1388 will be canceled, the application in Docket No. CI61-248 will be severed from the consolidated proceeding, and the temporary certificate will be terminated. Although the temporary certificate which will be terminated contained no express refund condition, there is a possibility that some portion of the initial price may have to be refunded,[1] and the termination of the certificate should not be construed to relieve Applicant of any such obligation. Likewise the termination of the temporary certificate should not be construed to relieve Applicant of any refund obligation in Docket No. RI65-216, in which proceeding an increased rate under the related rate schedule is effective subject to refund.

The staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice, no petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on June 15, 1967, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments, and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

[1] P.S.C. of the State of New York v. F.P.C., 329 F. 2d 242, cert. denied sub nom. Prado Oil & Gas Co. v. F.P.C.

(3) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefore should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. CI61-448, CI61-819, CI61-874, CI61-1096, CI61-1806, CI62-303, CI62-578, CI62-1127, CI65-403, CI66-714, CI66-853, CI66-867, CI66-942, and CI67-1104 should be amended as hereinafter ordered and conditioned.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the application pending in Docket No. CI61-248 should be severed from the proceeding in Union Texas Petroleum et al., Docket No. G-13221 et al.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket No. CI67-1388 should be canceled and that the application filed therein should be construed as an amendment to the application filed in Docket No. CI61-248.

(8) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to the respective Applicants relating to the abandonments hereinafter permitted and approved should be terminated.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Rocanville Corp. (Operator) et al., should be a co-respondent in the proceeding pending in Docket No. RI64-605, that said proceeding should be redesignated accordingly, and that Rocanville Corp. should be required to file an agreement and undertaking.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements, and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after April 15, 1965, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d) of the Commission's statement of general policy No. 61-1, as amended, shall be filed prior to the applicable dates, as indicated by footnotes 2 and 4 in the attached tabulation.

(E) The initial rates for sales authorized in Docket Nos. CI67-1075 and CI67-1461 shall be the applicable base area rates prescribed in Opinion No. 468, as modified by Opinion No. 468-A, as adjusted for quality, or the contract rates, whichever are lower; and no increases in rate in excess of said initial rates shall be filed before January 1, 1968.

(F) If the quality of the gas delivered by Applicants in Docket Nos. CI67-1075 and CI67-1461 deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468-A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to the provisions of section 4 of the Natural Gas Act: *Provided, however*, That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rate.

(G) Within 90 days from the date of initial delivery Applicants in Docket Nos. CI67-1075 and CI67-1461 shall file three copies each of a rate schedule quality statement in the form prescribed in Opinion No. 468-A.

(H) Certificates are issued herein in Docket Nos. CI67-658 and CI67-1301 authorizing the respective Applicants to continue the sales of natural gas being rendered on June 7, 1954.

(I) A certificate is issued herein in Docket No. CI67-1181 authorizing Applicant to continue the sale of natural gas which was being rendered without prior Commission authorization by the predecessor.

(J) The certificates heretofore issued in Docket Nos. CI61-874, CI66-853, CI66-867, CI66-942, and CI67-1104 are amended by adding thereto authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations pursuant to the rate schedule supplements as indicated in the tabulation herein.

(K) The certificate heretofore issued in Docket No. CI61-819 is amended to include the sale of natural gas from the additional acreage at 15.0 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement, plus B.t.u. adjustment; however, in the event that the Commission amends its Policy Statement No. 61-1, by adjusting the boundary between the Panhandle area and the "Other" Oklahoma area so as to increase the initial wellhead price for new gas in the area involved herein, Applicant thereupon may substitute the new rate reflecting the amount of such increase, and thereafter collect such new rate prospectively in lieu of the initial rate herein required.

(L) The certificates heretofore issued in Dockets Nos. CI61-448, CI61-1096, CI61-1806, CI62-303, CI62-578, CI62-1127, and CI66-714 are amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(M) The certificate heretofore issued in Docket No. CI65-403 is amended by permitting Applicant to continue the sale of natural gas from interest acquired from the coowner which was previously covered under said certificate and rate schedule pursuant to the rate schedule supplements as indicated in the tabulation herein.

(N) The application pending in Docket No. CI61-248 is severed from the proceeding pending in *Union Texas Petroleum* et al., Docket No. G-13221 et al.

(O) Docket No. CI67-1388 is canceled.

(P) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein are granted.

(Q) Permission for and approval of the abandonment in Docket No. CI67-1474 shall not be construed to relieve Applicant of any refund obligations which may be ordered in the rate suspension proceedings pending in Docket Nos. G-19914, RI61-191, RI62-62, RI63-158, and RI64-261.

(R) The temporary certificate heretofore issued in Docket No. CI61-248 is terminated and the termination of said certificate shall not be construed to relieve Applicant of any refund obligation in said docket or in Docket No. RI65-216.

(S) The certificate heretofore issued in Docket No. G-3577 is terminated only insofar as it pertains to Maoco Drilling & Supply Co.'s FPC Gas Rate Schedule No. 11.

(T) The certificates heretofore issued in Docket Nos. G-12730, G-16992, and CI66-1158 are terminated.

(U) Rocanville Corp. (Operator) et al., shall be a co-respondent in the proceeding pending in Docket No. RI64-605 and said proceeding is redesignated accordingly.[8]

(V) Within 30 days from the issuance of this order Rocanville Corp. (Operator) et al., shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI64-605 to assure the refund of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(W) Rocanville Corp. (Operator) et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by Rocanville Corp. in Docket No. RI64-605 shall remain in full force and effect until discharged by the Commission.

(X) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further, the rate schedules relating to the successions herein are accepted and redesignated, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[8] W. H. Hudson (Operator) et al., and Rocanville Corp. (Operator) et al.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI61-448 E 4-19-67	Marvin E. Wilhite et al. (successor to Superior Oil and Gas, Inc.).	Consolidated Gas Supply Corp. De Kalb District, Gilmer County, W. Va.	Superior Oil and Gas, Inc., FPC GRS No. 1.	3	
			Notice of succession 10-26-66.		
			Assignment 7-11-66 [1]	3	1
			Effective date: 7-11-66		
CI61-819 C 2-6-67 [2]	Skelly Oil Co.	Michigan Wisconsin Pipe Line Co., acreage in Major County, Okla.	Amendatory agreement 10-6-66.[2]	165	6
CI61-874 C 3-17-67 [4]	Barnwell, Inc. (Operator) et al.	Texas Gas Transmission Corp., Minden Field, Webster and Claiborne Parishes, La.	Ratified 11-1-65 [3] [5]	1	1
CI61-1096 E 4-19-67	Marvin E. Wilhite et al. (successor to Superior Oil and Gas, Inc.).	Consolidated Gas Supply Corp., De Kalb District, Gilmer County, W. Va.	Superior Oil and Gas, Inc., FPC GRS No. 2.	4	
			Notice of succession 10-26-66.		
			Assignment 7-11-66 [1]	4	1
			Effective date: 7-11-66		
CI61-1806 E 2-27-67	Rocanville Corp. (Operator) et al. (successor to W. H. Hudson (Operator) et al.).	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	W. H. Hudson (Operator), et al., FPC GRS No. 2.	1	
			Supplement Nos. 1-3	1	1-3
			Assignment 2-1-67	1	4
			Assignment 2-1-67	1	5
			Effective date: 2-1-67		
CI62-303 E 4-19-67	Marvin E. Wilhite et al. (successor to Superior Oil and Gas, Inc.).	Consolidated Gas Supply Corp., De Kalb District, Gilmer County, W. Va.	Superior Oil and Gas, Inc., FPC GRS No. 4.	2	
			Notice of succession 10-26-66.		
			Assignment 7-11-66 [1]	2	1
			Effective date: 7-11-66		
CI62-578 E 1-20-67	Rodman Petroleum Corp. (Operator) et al. (successor to E. G. Rodman (Operator) et al.).	Northern Natural Gas Co., Hansford (Morrow) Field, Hansford County, Tex.	E. G. Rodman (Operator) et al., FPC GRS No. 5.	5	
			Supplement No. 1	5	1
			Notice of succession 9-15-66.		
			Assignment 9-8-66 [6]	5	2
			Effective date: 9-1-66		
CI62-1127 EI 4-19-67	Hayward Summers, agent for H & C Oil & Gas Co. (successor to Henry Cohen et al.).	Consolidated Gas Supply Corp., Union District, Ritchie County, W. Va.	Henry Cohen et al., FPC GRS No. 2.	1	
			Notice of succession 4-18-67.		
			Assignment 12-1-66 [7]	1	1
			Effective date: 12-1-66		
CI64-682 (CI61-1273) B 12-11-63	Tenneco Oil Co.	United Gas Pipe Line Co., Waskom Field, Caddo Parish, La.	Notice of cancellation 12-9-63. [8] [8a] [9]	101	1
CI65-403 F 4-13-67 [10]	Mobil Oil Corp. (Operator) et al.	El Paso Natural Gas Co., Pegasus Gasoline Plant, Midland and Upton Counties, Tex.	Assignment 2-10-67 [11]	368	6
			Letter agreement 3-8-67 [12]	368	7
			Effective date: 1-1-67		
CI66-714 E 4-12-67	Sun Oil Co. (Southwest Division) (successor to Shell Oil Co.).	Lone Star Gathering Co., Speary Field, Karnes County, Tex.	Shell Oil Co., FPC GRS No. 326.	217	
			Supplement Nos. 1-2	217	1-2
			Notice of succession 4-10-67.		
			Assignment 3-14-67 [13]	217	3
			Effective date 3-1-67		
CI66-853 C 4-24-67 [2]	Service Gas Products Co. (Operator) et al.	Panhandle Eastern Pipe Line Co., East Aline Processing Plant, Alfalfa County, Okla.	Amendatory agreement 12-22-66.[2] [14]	7	2
CI66-867 C 4-26-67 [4]	Chevron Oil Co., Western Division.	El Paso Natural Gas Co., Huerfanito Mesa Verde Unit, San Juan County, N. Mex.	Supplemental agreement 2-27-67.[2]	11	2
CI66-942 C 4-21-67 [2]	Pan American Petroleum Corp.	Northern Natural Gas Co., Northeast Arnett Field, Ellis County, Okla.	Supplemental agreement 4-7-67.[2]	449	3
CI67-243 (G-3577) B 9-1-66 4-17-67 [14]	Maoco Drilling & Supply Co.	Consolidated Gas Supply Corp., Benezette Township, Elk County, Pa.	Assignment 8-28-59 [15]	11	1
			Notice of cancellation 4-14-67.[4] [9]	11	2
CI67-658 A 11-15-66 1-20-67 [17] [18]	Joe Hobson & Judith D. Archer, trustees.	United Fuel Gas Co., acreage in Pike County, Ky.	Contract 10-9-34	1	
			Letter agreement 12-15-52.	1	1
			Court order 6-20-53.[19]	1	2
			Court order 12-17-54.[20]	1	3
			Court order 6-23-58.[21]	1	4
CI67-1075 A 2-17-67 [22]	The Superior Oil Co.[23]	Transwestern Pipeline Co., Worsham-Bayer Ellenburger Field, Reeves County, Tex.	Contract 2-1-67 [3]	122	
CI67-1104 C 4-24-67 [2]	Humble Oil & Refining Co.	Arkansas Louisiana Gas Co., Kinta Field, Le Flore County, Okla.	Supplemental agreement 3-22-67.[2]	420	1

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

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI67-1181 A 2-28-67 [14]	J. K. Gregg	The Manufacturers Light & Heat Co., Mahoning Township, Armstrong County, Pa.	Contract 7-8-55 [15] Assignment 1-13-66 [16] Effective date: 1-13-66.	1 1	 1
CI67-1301 A 3-17-67 [14]	Homer B. King et al.	The Manufacturers Light & Heat Co., Richhill Township, Greene County, Pa.	Contract 8-18-49 [17] Assignment 9-26-53 [18] Assignment 10-10-53 [19]	 1 1 1	 1 2
CI67-1388 (CI61-248) B 4-5-67 [20]	Forest Oil Corp.	Transcontinental Gas Pipe Line Corp., Mosquito Bay Area, Terrebonne Parish, La.	Notice of cancellation 4-3-67 [21]	[20a] 14	3
CI67-1461 A 4-17-67 [24]	Mobil Oil Corp. [22]	El Paso Natural Gas Co., Wilshire (Devonian) Plant, Upton County, Tex.	Contract 4-3-67 [23]	398	
CI67-1463 A 4-13-67 [4]	W. H. Mosser	Equitable Gas Co., West Union District, Doddridge County, W. Va.	Contract 3-21-67 [5]	68	
CI67-1464 A 4-19-67 [4]	East Texas Municipal Gas Corp. (Operator) et al.	United Gas Pipe Line Co., Joaquin Field, Shelby County, Tex.	Contract 1-6-67 [5]	1	
CI67-1465 A 4-18-67 [3]	Cleary Petroleum, Inc. (Operator) et al.	Panhandle Eastern Pipe Line Co., Northeast Freedom Area, Woods County, Okla.	Contract 3-14-67	22	
CI67-1466 A 4-18-67 [4]	James F. Scott, agent et al., d.b.a. Cumberledge Well No. 1.	Consolidated Gas Supply Corp., McClellan District, Doddridge County, W. Va.	Contract 11-4-66 [5]	10	
CI67-1468 A 4-18-67 [4]	Okmar Oil Co.	Consolidated Gas Supply Corp., Sheridan District, Calhoun County, and Murphy District, Ritchie County, W. Va.	Contract 10-20-66 [5]	16	
CI67-1469 A 4-12-67	Empire Development Corp., Inc.	The Ohio Fuel Gas Co., Olive Township, Meigs County, Ohio.	Contract 12-4-64 Contract 10-6-65 [5]	1 1	 1
CI67-1471 A 4-20-67 [4]	Pennzoil Co. et al.	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	Contract 11-23-66 [5]	15	
CI67-1473 A 4-20-67 [4]	Harry J. Owens (Operator) et al.	Arkansas Louisiana Gas Co., North Scottsville and Waskom Fields, Harrison County, Tex.	Contract 4-5-67 [5]	1	
CI67-1474 (G-16992) B 4-21-67	Kerr-McGee Corp. (Operator) et al.	United Fuel Gas Co., Go Around Bayou Field, Cameron Parish, La.	Notice of cancellation 4-18-67 [6]	[25] 60	6
CI67-1475 (CI66-1158) B 4-21-67	Larco Drilling Co.	United Gas Pipe Line Co., South Magee Field, Simpson and Smith Counties, Miss.	Notice of cancellation 4-19-67 [6]	3	1
CI67-1476 (G-12730) B 4-21-67	Estate of Rupert Cox et al.	Texas Eastern Transmission Corp., Albrecht (Yegua) Field, Goliad County, Tex.	Notice of cancellation 3-30-67 [6]	[26] 4	4
CI67-1477 A 4-21-67 [4]	J. & J. Enterprises, Inc.	Cumberland and Allegheny Gas Co., Union District, Upshur County, W. Va.	Contract 4-11-67 [5]	20	
CI67-1478 A 4-21-67 [4]	do	Cumberland & Allegheny Gas Co., Union District, Harbour County, W. Va.	Contract 3-31-67 [5]	21	
CI67-1479 A 4-21-67 [4]	do	Cumberland & Allegheny Gas Co., Union District, Upshur County, W. Va.	Contract 4-11-67 [5]	22	
CI67-1480 A 4-21-67 [4]	Louis Fabian et al., d.b.a. Lou Fabian & Bonanza Ventures et al.	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	Contract 10-10-66 [5]	2	
CI67-1481 A 4-21-67 [4]	Robert Weeks, agent for Wolf Run Oil & Gas Co.	Consolidated Gas Supply Corp., Union District, Ritchie County, W. Va.	Contract 10-25-66 [5]	3	
CI67-1484 A 4-21-67 [4]	J. & J. Enterprises, Inc.	Cumberland & Allegheny Gas Co., Warren District, Upshur County, W. Va.	Contract 6-6-66 [5]	23	
CI67-1485 A 4-21-67 [4]	do	Cumberland & Allegheny Gas Co., Union District, Upshur County, W. Va.	Contract 3-18-67 [5]	15	
CI67-1486 A 4-21-67 [4]	do	do	Contract 3-16-67 [5]	17	
CI67-1487 A 4-21-67 [4]	do	Cumberland & Allegheny Gas Co., Warren District, Upshur County, W. Va.	Contract 4-11-67 [5]	19	

See footnotes at end of table.

[1] From Superior Oil & Gas, Inc., to Marvin E. Wilhite.
[2] July 1, 1967, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
[3] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[4] Jan. 1, 1968, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
[5] Ratification by Dr. J. S. Rushing of Applicant's contract dated Nov. 30, 1966 with the buyer and dedicating additional leases not previously dedicated.
[6] Assignment of acreage from E. G. Rodman to Rodman Petroleum Corp.
[7] From Henry Cohen to H & C Oil and Gas Co.
[8] Source of gas depleted.
[8a] Abandons the sale of gas previously covered under the certificate in Docket No. CI61-1278, which certificate was previously terminated (cancels FPC GRS No. 101).
[9] Effective date: Date of this order.
[10] Succession by Mobil to Paul Kendall's interest in the Pegasus Gasoline Plant. Such interest was formerly covered by Mobil, as operator, under Mobil's contract of Sept. 24, 1964 (Mobil's FPC GRS No. 398) pursuant to a ratification agreement dated Dec. 22, 1964.
[11] From Paul Kendall and Leonora W. Kendall to Mobil Oil Corp.
[12] Cancels ratification agreement dated Dec. 22, 1964 as it pertains to Mobil's acquired interest and dedicates interest to Mobil's contract.
[13] Transfers properties from Shell Oil Co. to Sun Oil Co.
[14] Adds acreage and amends certain provisions of the basic contract including the increase of the limit on the upward B.t.u. adjustment.
[15] Additional material submitted on Apr. 17, 1967 and May 18, 1967.
[16] From Mid-Atlantic Oil & Gas Co. to Macco.
[17] Filing completed.
[18] Sale being rendered on June 7, 1954.
[19] Appoints Joe Hobson and Joseph D. Harkins, Jr., as trustees to receive payments under the subject contract.
[20] Appoints Mrs. Joseph D. Harkins, Jr., to succeed Joseph D. Harkins, Jr., as trustee.
[21] Appoints Judith D. Archer to succeed Mrs. Joseph D. Harkins, Jr., as trustee.
[22] Jan. 1, 1968, moratorium provided by Opinion No. 468.
[23] By letters dated Feb. 28, 1967 and Mar. 17, 1967, Applicant agreed to accept a permanent certificate consistent with Opinion No. 468.
[24] Sale being rendered without prior Commission authorization.
[25] Between T. N. Phillips Gas & Oil Co. and The Manufacturers Light & Heat Co. (no certificate or rate filings ever made by predecessor).
[26] From Phillips to J. K. Gregg.
[27] Between S. B. McCracken and The Manufacturers Light & Heat Co.
[28] Instrument whereby Homer B. King et al., became owners of said contract.
[29] Application in Docket No. CI67-1388 will be construed as an amendment to the application filed in Docket No. CI61-248 (unconditioned temporary certificate issued in Docket No. CI61-248), and Docket No. CI67-1388 will be canceled.
[29a] By order issued July 23, 1964, in Docket No. G-13221 et al. (Opinion No. 436) the Commission found a rate of 20.0 cents to be proper for this sale. This order has been stayed pending final judicial review (rate subject to refund in Docket No. RI65-216).
[30] Applicant stated its willingness to accept a permanent certificate containing conditions similar to those imposed by Opinion No. 468.
[31] FPC GRS No. 60 is involved in the rate suspension proceedings in Docket Nos. G-19914, RI61-191, RI62-62, RI63-158, and RI64-261; revenues have been collected subject to refund under said dockets.
[32] Rate schedule on file as Rupert Cox et al.

[F.R. Doc. 67-7550; Filed, July 7, 1967; 8:45 a.m.]

[Docket No. CP67-382]

EL PASO NATURAL GAS CO.

Notice of Application

JULY 3, 1967.

Take notice that on June 27, 1967, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 77999, filed in Docket No. CP67-382 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities for the sale and delivery of additional volumes of natural gas to an existing customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate the following natural gas facilities:

(1) Approximately 5.5 miles of 16-inch O.D. pipeline and necessary appurtenances, commencing at a point of connection with its 26-inch O.D. Sumas Mainline and terminating at a point of connection with its existing 16-inch O.D. North Seattle Lateral loopline, all in Snohomish County, Wash.;

(2) Relocate its existing pressure regulator station from its present location at the beginning of the existing 16-inch O.D. loopline to the point of interconnection of the 16-inch loopline proposed in (1) above; and

(3) Add an additional 12¾ inch O.D. orifice meter run and make modifications to the existing North Seattle Lateral and loop, Snohomish County, Wash.

Applicant proposes to sell and deliver to Washington Natural Gas Co. (Washington), through the facilities proposed above, additional volumes of natural gas to meet Washington's estimated needs during the 1967-68, 1968-69, 1969-70, and 1970-71 heating seasons. Applicant states that Washington estimates its needs for the 1970-71 heating season at 123,479 Mcf per day of natural gas. Applicant states that Washington has experienced continuous load growth in the Seattle area since the inception of natural gas service and will require the volumes of natural gas proposed above to meet its growing demands.

Applicant estimates the total cost of the proposed facilities at approximately $571,907, said cost to be financed through working funds, supplemented, as necessary, by short-term bank loans.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before July 28, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-7860; Filed, July 7, 1967; 8:46 a.m.]

[Project No. 2131]

KINGSFORD CO. AND WISCONSIN MICHIGAN POWER CO.

Notice of Application for Transfer of Interest in License for Constructed Project

JUNE 30, 1967.

Public notice is hereby given that application for transfer of interest in license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Kingsford Co. of Iron County, Mich. (corporate successor to Kingsford Chemical Co. to whom the license was originally issued) and Wisconsin Michigan Power Co. (correspondence to: Owen Pyle, President, Kingsford Co., Post Office Box 1033, Louisville, Ky. 40201, and John G. Quale, Vice President and General Counsel, Wisconsin Michigan Power Co., 231 West Michigan Street, Milwaukee, Wis. 53201) for transfer of Kingsford Co.'s interest in the license to Wisconsin Michigan Power Co.

The existing project, known as Kingsford Hydroelectric Plant, is located partially in the city of Kingsford, in Dickinson County, Mich., and Florence County, Wis., on the Menominee River, and affects public lands of the United States consisting of several islands. The project consists of: (1) A dam about 845 feet long composed of, a powerhouse intake section, a gated spillway section, and two earth sections; (2) a detached earth dike about 313 feet long on the Michigan side of the river; (3) a powerhouse containing three 3,200 horsepower turbines, each connected to a 2,400 kilowatt generator; (4) a double circuit transmission line about three miles long; and (5) appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is August 18, 1967. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-7861; Filed, July 7, 1967; 8:46 a.m.]

[Docket No. RP67-21]

NATURAL GAS PIPELINE CO. OF AMERICA

Order Providing for Hearing and Suspending Revised Tariff Sheets

JUNE 30, 1967.

Natural Gas Pipeline Co. of America (Natural) tendered for filing on May 31, 1967, changes in its FPC Gas Tariff, First Revised Volume No. 1[1] to become effective on July 1, 1967. The proposed changes would increase Natural's sales rates by $19,158,000, based on billing demand units and volumes for the year beginning December 1, 1967, and its storage service rate by $757,000 per year. The proposed increases would be applicable to Natural's rate schedules as follows: 11 cents per Mcf in the demand rate and 1.9 cents per Mcf in the commodity rate of CD-1, CD-2, and PL-1; 1.9 cents per Mcf on I-1; 2.62 cents per Mcf on G-1 and G-2. Natural's S-1 storage service rate which is a cost-of-service formula rate, would be increased by changing the rate of return therein from 6¼ percent to 7 percent.

In support of its proposed increase, the company states that on or before December 1, 1967, it will have completed and placed in service facilities authorized in recent dockets[2] at an estimated cost of $95.7 million. The company also states that it will experience increased purchased gas costs during the test period due to new supplies from Southern Louisiana and increases filed by other producers under contract provisions. Additionally, Natural claims that its overall rate of return should be 7 percent because its cost of capital has increased materially due to higher interest cost on new financing and retirement of older, low cost debt. Natural estimates its capital needs for the near future at about $130 million. The proposed rates also reflect normalized taxes and a 1½ percent rate of return on accumulated deferred income taxes. Analysis of the filing indicates that, among other things, the data submitted in support of the proposed increases present issues concerning rate base, the overall rate of return, the claimed allowance for income taxes, the use of normalized taxes and a 1½ percent rate of return on accumulated deferred income taxes, the estimated sales volumes, claimed purchased gas costs and rate design.

The increased rates proposed have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions

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[1] The proposed revised sheets include First Revised Sheets Nos. 25-B, 25-E; Second Revised Sheets Nos. 25-C, 25-D, 25-F; Third Revised Sheets Nos. 16, 19, 19-C, 22; Fifth Revised Sheets Nos. 6, 12, 15, 18; Sixth Revised Sheets Nos. 9, 13, 19-A, 19-B.

[2] The dockets referred to are: CP66-169 (Phase II) (not including facilities authorized on May 15, 1967, by an amendment to the Commission's order), CP65-169, CP66-170, and CP64-150.

of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications and services contained in Natural's FPC Gas Tariff, and that the proposed revised tariff sheets listed above be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held on a date fixed by notice from the Presiding Examiner concerning the lawfulness of the rates, charges, classifications and services contained in Natural Gas Pipeline Co.'s FPC Gas Tariff, as proposed to be amended by First Revised Sheets Nos. 25-B, 25-E; Second Revised Sheets Nos. 25-C, 25-D, 25-F; Third Revised Sheets Nos. 16, 19, 19-C, 22; Fifth Revised Sheets Nos. 6, 12, 15, 18; Sixth Revised Sheets Nos. 9, 13, 19-A, 19-B.

(B) Pending such hearing and decision thereon, the proposed tariff sheets listed in paragraph (A) above are suspended and the use thereof deferred until December 1, 1967, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Natural, having already served its direct evidence, the Commission staff and interveners shall serve their direct testimony and exhibits in this proceeding upon the Presiding Examiner and all other parties as follows: Staff, on or before October 24, 1967, and interveners on or before November 6, 1967.

(D) Pursuant to § 1.18 of the Commission's rules of practice and procedure, a prehearing conference before the Presiding Examiner shall commence at 10 a.m., e.s.t., on November 27, 1967, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, for the purpose of effectuating the expeditious disposition of this proceeding.

(E) Presiding Examiner Ewing G. Simpson, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the prehearing conferences and hearing in this matter, pursuant to the Commission's rules of practice and procedure, and particularly §§ 1.27, 1.18 and 2.59 thereof: *Provided, however*, That the Presiding Examiner may in his discretion set the date for service of rebuttal evidence before or after cross-examination of the direct evidence.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary*.

[F.R. Doc. 67-7862; Filed, July 7, 1967; 8:46 a.m.]

[Project No. 2157]

PUBLIC UTILITY DISTRICT NO. 1 OF SNOHOMISH COUNTY, WASH., AND CITY OF EVERETT, WASH.

Supplemental Order

JUNE 30, 1967.

Pursuant to the Commission's order of May 19, 1967, as amended, a hearing was convened in Seattle, Wash., on inter alia water releases in the Sultan River, project inspection and consideration of repairs to project structures. Testimony of witnesses for the joint licensees at pages 76, 77, 86, 87, and 123 of the record makes it clear that repairs to Culmback Dam outlet tunnel, one of the project structures, may be safely deferred until next year. However, conditions of the downstream diversion dam utilized in water supply to the city of Everett are such that repairs are immediately necessary this year in order to avoid danger of structural failure and subsequent serious impairment of the city's water supply system.

To meet the above conditions by accomplishing necessary repairs to the diversion dam this summer, staff, joint licensees and petitioners State of Washington Departments of Fisheries and Game, recognized the need for certain minimum water releases during the period of repair to preserve fish life. The understanding of the joint licensees and petitioners is reflected in an agreement dated June 15, 1967, pages 239 and 240 of the record.

Following execution of the June 15, 1967, agreement the hearing was recessed by the presiding examiner to permit joint licensees to begin immediate plans for making repairs as soon as possible to the diversion dam and to provide the minimum water releases for fish (Tr. 240-241).

Counsel for the Public Utility District at page 237 of the record noted that the June 15 agreement was made with the understanding that it would not prejudice the rights of the Public Utility District or city with regard to future water releases when repairs are made at Culmback Dam and/or the city's diversion dam in 1968 or beyond.

The Commission finds: It is necessary and appropriate for the purposes of the Federal Power Act, the Commision's regulations thereunder and the license for Project No. 2157 to order as hereinafter provided.

The Commission orders:

(A) Further hearings in this proceeding are continued for a period of 120 days.

(B) The Commission's order of May 19, 1967, requiring continuation of present flows is modified in accordance with the terms of the June 15 agreement of the joint licensees and petitioners which is hereby incorporated by reference in its entirety, so as to provide a temporary minimum flow of water for fish during the period the diversion dam is under repair.

(C) Joint licensees shall submit within 21 days from the date hereof for Commission consideration revised Exhibit L drawings reflecting the proposed repairs or modification of the diversion dam facility.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary*.

[F.R. Doc. 67-7863; Filed, July 7, 1967; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S-567]

CALIFORNIA

Notice of Proposed Classification of Public Lands for Multiple-Use Management

JUNE 28, 1967.

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411-18), and to the regulations in 43 CFR, Parts 2410 and 2411, it is proposed to classify for multiple-use management, the public lands described in paragraph 3 together with any lands in the areas described in paragraph 3 that may become public lands in the future. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Publication of this notice segregates (a) all public lands described below from appropriation under the agricultural land laws (43 U.S.C., Chs. 7 and 9, and 25 U.S.C. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171) and (b) the lands described in paragraph 4 from appropriation under the mining laws (30 U.S.C., Ch. 2).

3. The public lands are located within the following described areas within Amador and Calaveras Counties, west of Stanislaus National Forest. For the purposes of this proposed classification, the lands have been subdivided into Blocks, each of which has been analyzed in detail and described in documents and on maps available for inspection at the Folsom District Office, Bureau of Land Management, 63 Natoma Street, Folsom, Calif. 95630, and in the Sacramento Land Office, Bureau of Land Management, 650 Capitol Mall, Sacramento, Calif. 95814. The overall descriptions of the areas are as follows:

MOUNT DIABLO MERIDIAN, CALIFORNIA

BLOCK NO. 1

All public lands in:

T. 1 N., R. 13 E.,
Secs. 2, 4, 5, 8, 9, 11, 15, 21, 22, 28, and 29.
T. 2 N., R. 13 E.,
Secs. 21, 23, 24, 25, and 26.

T. 2 N., R. 14 E.,
Secs. 4, 5, 6, 8, 9, 17, 19, and 20.
T. 3 N., R. 14 E.,
Secs. 1, 2, 11, 12, 13, 14, 15, 22, 23, 26, 27, 31, 33, and 34.
T. 4 N., R. 14 E.,
Secs. 34, 35, and 36.

BLOCK NO. II

All public lands in:

T. 3 N., R. 11 E.,
Secs. 3, 4, 9, 10, 11, 13, 14, 15, 17, 18, 20, 21, 23, 24, 25, and 28.
T. 4 N., R. 11 E.,
Secs. 25, 26, and 35.
T. 3 N., R. 12 E.,
Secs. 19 and 30.

Except the following public lands:

T. 3 N., R. 11 E.,
Sec. 3, lot 4 and SE¼NE¼.

BLOCK NO. III

All public lands in:

T. 5 N., R. 11 E.,
Sec. 1.
T. 5 N., R. 12 E.,
Secs. 5 and 6.
T. 6 N., R. 12 E.,
Secs. 1, 11, 12, 13, 14, 23, 24, 25, 26, 27, 29, 32, 33, 34, and 35.
T. 6 N., R. 13 E.,
Secs. 1, 2, 3, 5, 6, 7, 8, 9, 12, 13, 14, and 15, secs. 17 to 27, inclusive, and sec. 30.
T. 7 N., R. 13 E.,
Secs. 13, 20, 21, 23 to 29, inclusive, and secs. 31 to 36, inclusive.
T. 5 N., R. 14 E.,
Secs. 1, 2, and 3.
T. 6 N., R. 14 E.,
Secs. 4, 5, 7, 8, 15, 17, 18, 19, 20, 26, 29, 30, 32, and 35.
T. 7 N., R. 14 E.,
Sec. 30.

Except the following public lands:

T. 6 N., R. 13 E.,
Sec. 30, lots 9 and 79B.
T. 7 N., R. 13 E.,
Sec. 21, lot 2;
Sec. 26, those portions of lots 2 and 3 lying between Mineral Survey 5082 and lot 46, and those portions of lots 2 and 3 lying east of lot 46;
Sec. 29, lots 1 to 5, inclusive;
Sec. 32, tract designated as Mineral Land in W½NW¼ and fractional W½W½W½SE¼NW¼;
Sec. 35, tract designated as Mineral Land in SW¼NE¼.
T. 7 N., R. 14 E.,
Sec. 30, lots 3 and 4.

BLOCK IV

All public lands in:

T. 4 N., R. 12 E.,
Secs. 1 and 2, and secs. 11 to 14, inclusive.
T. 5 N., R. 12 E.,
Secs. 11, 13, and 14, secs. 22 to 26, inclusive, sec. 35.
T. 4 N., R. 13 E.,
Secs. 5 to 8, inclusive, sec. 13, secs. 18 to 30, inclusive, and secs. 33 to 36, inclusive.
T. 5 N., R. 13 E.,
Sec. 30.
T. 4 N., R. 14 E.,
Sec. 19, and secs. 29 to 32, inclusive.

Except the following public lands:

T. 5 N., R. 12 E.,
Sec. 11, that portion of lot 1 lying west of Mineral Survey 6114;
Sec. 24, lot 2.
T. 4 N., R. 13 E.,
Sec. 27, lot 12;
Sec. 33, lot 1.
T. 4 N., R. 14 E.,
Sec. 30, lots 6 and 7.

BLOCK NO. V

All public lands in:

T. 4 N., R. 10 E.,
Secs. 3 and 4.
T. 5 N., R. 10 E.,
Secs. 32, 33, and 34.
T. 7 N., R. 11 E.,
Secs. 10 to 15, inclusive.
T. 6 N., R. 12 E.,
Sec. 9.
T. 7 N., R. 12 E.,
Secs. 1, 2, 9, 10, 12, 13, 14, 17, 18, 19, 20, 28, 29, 33, and 34.
T. 4 N., R. 13 E.,
Secs. 3, 10, 11, and 15.
T. 5 N., R. 13 E.,
Sec. 6, secs. 8 to 11, inclusive, secs. 17, 20, 27, 33, and 34.
T. 6 N., R. 13 E.,
Sec. 31.
T. 4 N., R. 14 E.,
Secs 4, 7, 22, and 27.
T. 5 N., R. 14 E.,
Secs. 11, 13, 14, 18, 19, and 23.
T. 6 N., R. 14 E.,
Secs. 24 and 31.

Except the following public lands:

T. 7 N., R. 11 E.,
Sec. 15, SE¼SE¼.
T. 5 N., R. 12 E.,
Sec. 2, tract in W½ designated as Mineral Land.
T. 7 N., R. 12 E.,
Sec 33, lot 42.
T. 4 N., R. 13 E.,
Sec. 10, N½NW¼SE¼;
Sec. 11, NE¼NW¼SE¼.
T. 5 N., R. 13 E.,
Sec. 33, E½SW¼SE¼.
T. 4 N., R. 14 E.,
Sec. 7, lots 12 and 18.

The public lands proposed to be classified aggregate approximately 30,972 acres.

4. As provided in paragraph 2, the following lands are segregated from appropriation under the mining laws (totaling approximately 1,997 acres):

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 8 N., R. 9 E.,
Sec. 25, NE¼NW¼ and S½NW¼.
T. 5 N., R. 10 E.,
Sec. 32, NE¼SE¼ and S½SE¼;
Sec. 33, SW¼NW¼ and NW¼SW¼.
T. 8 N., R. 10 E.,
Sec. 22, SW¼NW¼.
T. 3 N., R. 12 E.,
Sec. 9, E½SE¼NW¼.
T. 6 N., R. 12 E.,
Sec. 34, NW¼SE¼.
T. 4 N., R. 13 E.,
Sec. 6, SE¼NW¼.
T. 5 N., R. 13 E.,
Sec. 11, W½SE¼SE¼;
Sec. 27, Emma Quartz Mine;
Sec. 34, NW¼NE¼ and NE¼NW¼.
T. 6 N., R. 13 E.,
Sec. 3, tract in S½NW¼ designated as Mineral Land.
T. 7 N., R. 13 E.,
Sec. 13, SE¼SW¼SE¼ and SE¼SE¼;
Sec. 23, NE¼SE¼ and SE¼SW¼SE¼;
Sec. 24, lots 2, 3, 4, 5, and 6, N½NW¼NE¼, N½NE¼NW¼, NW¼NW¼, W½SW¼NW¼, and NW¼SE¼;
Sec. 26, W½NE¼NE¼, W½NE¼, SE¼SE¼NW¼, NE¼SW¼, SE¼NW¼SW¼, SW¼SW¼, and NW¼SE¼SW¼;
Sec. 27, SE¼SE¼SE¼;
Sec. 32, S½ of lot 1, SE¼NW¼SW¼, E½SW¼SW¼, and portion of N½SE¼;
Sec. 33, NE¼NE¼, S½NW¼NE¼, S½NE¼, SE¼NW¼, NW¼NE¼SW¼, and NW¼SW¼;
Sec. 34, N½NE¼, W½NW¼, and SE¼NW¼;
Sec. 35, NW¼NW¼NW¼.
T. 2 N., R. 14 E.,
Sec. 4, NW¼SW¼;
Sec. 17, W½SW¼.
T. 3 N., R. 14 E.,
Sec. 33, SE¼SE¼;
Sec. 34, NW¼NW¼.
T. 6 N., R. 14 E.,
Sec. 4, W½NW¼;
Sec. 5, E½NE¼;
Sec. 18, NE¼SE¼;
Sec. 26, W½SE¼.

5. For a period of sixty (60) days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Folsom District Manager, Bureau of Land Management, 63 Natoma Street, Folsom, Calif. 95630, or at the public hearing.

6. A public hearing on this proposed classification will be held at 10 a.m. on July 19, 1967, in the City Hall, San Andreas, Calif.

For the State Director.

H. CURT HAMMIT,
District Manager.

[F.R. Doc. 67-7867; Filed, July 7, 1967; 8:46 a.m.]

[N-1348]

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 30, 1967.

The Atomic Energy Commission has filed the above application for the withdrawal of the lands described below, from all forms of appropriation including the Taylor Grazing Act and the mining and mineral leasing laws.

The applicant desires the land for an underground nuclear testing and buffer area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 3008, Federal Building, 300 Booth Street, Reno, Nev.

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

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

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

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

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 9 N., R. 51 E., unsurveyed,

Beginning at a point which is N. 36°08'09" W., 15,911.46 feet, from the southeast corner of T. 9 N., R. 51 E.; thence W., 5,280 feet; thence N., 5,280 feet; thence E., 5,280 feet; thence S., 5,280 feet, to the point of beginning.

The area described contains 640 acres.

DANIEL P. BAKER,
Land Office Manager.

[F.R. Doc. 67-7868; Filed, July 7, 1967; 8:46 a.m.]

Office of the Secretary

[Order No. 2508, Amdt. No. 72]

COMMISSIONER OF INDIAN AFFAIRS

Delegation of Authority

Delegation of authority to Commissioner of Indian Affairs with respect to the distribution of funds derived from appropriations in satisfaction of awards to Indian tribes by the Indian Claims Commission and the Court of Claims. Order 2508, as amended, is further amended to add subparagraphs 32 through 38 to section 30. As so amended, section 30 reads as follows:

SEC. 30. *Authority under specific acts.* (a) In addition to any authority delegated elsewhere in this order, the Commissioner of Indian Affairs, except as provided in paragraph (b) of this section, is authorized to perform the functions and exercise the authority vested in the Secretary of the Interior by the following acts or portions of acts or any acts amendatory thereof:

* * * * *

(32) Act of August 20, 1964, P.L. 88-464, 78 Stat. 563: The Snake and Paiute Indians of the former Malheur Reservation;

(33) Act of August 20, 1964, P.L. 88-506, 78 Stat. 639: The Nehalem Band of the Tillamook Indians and the Tillamook Band of the Tillamook Indians;

(34) Act of October 14, 1966, P.L. 89-655, 80 Stat. 905-906: The Quileute and Hoh Tribes;

(35) Act of October 14, 1966, P.L. 89-656, 80 Stat. 906: The Nooksack Tribe;

(36) Act of October 14, 1966, P.L. 89-659, 80 Stat. 909-910: The Miami Indians of Indiana and Oklahoma;

(37) Act of October 14, 1966, P.L. 89-660, 80 Stat. 910-911: The Duwamish Tribe of Indians.

(38) All other acts which may authorize the Secretary of the Interior to prepare a roll for purposes of distributing judgment funds and to distribute such funds to those persons whose names appear on the rolls.

(b) * * *

CHARLES F. LUCE,
Acting Secretary of the Interior.

JULY 3, 1967.

[F.R. Doc. 67-7869; Filed, July 7, 1967; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

STATEMENT OF ORGANIZATION, FUNCTIONS AND DELEGATIONS OF AUTHORITY

Pursuant to the authority contained in 5 U.S.C. 552 and 559, there is hereby published the Statement of Organization, Functions, and Delegations of Authority of the Foreign Agricultural Service.

SECTION 1. *General.* The Foreign Agricultural Service, hereinafter referred to as "FAS", was established March 10, 1953, by the Secretary of Agriculture pursuant to the authority vested in him by section 161, Revised Statutes, 5 U.S.C. 22, and Reorganization Plan No. 2 of 1953. The central office of FAS is located at Washington, D.C., in the South Building of the Department of Agriculture.

SEC. 2. *Functions.* FAS is responsible for the general administration of a wide range of programs relating to foreign trade in agricultural commodities. The Service (a) has primary responsibilities for Department activities relating to foreign agricultural trade, including coordination of U.S. agricultural interests before bodies such as the Special Representative for Trade Negotiations, the Trade Expansion Act Advisory Committee, and other departmental committees concerned with the administration of the Trade Expansion Act of 1962, the Organization for Economic Cooperation and Development, the General Agreement on Tariffs and Trade, and the European Economic Community (the Common Market); development of foreign markets for agricultural products of the United States; relationships with foreign areas; marketing and economic investigations and service work related to current and prospective competition with and demand for specific U.S. agricultural products in foreign commodity markets; functions under 7 U.S.C. 1761-1766, 19 U.S.C. 1354, 22 U.S.C. 501, but excluding basic and long-range analyses of world conditions and developments affecting supply, demand, and trade in farm products and general economic analyses of the international financial and monetary aspects of agricultural affairs as assigned to Economic Research Service; (b) has responsibility for the administration of section 22 of the Agricultural Adjustment Act (of 1933), as amended, 7 U.S.C. 624, and export and import controls, except those under 7 U.S.C. 608e-1, but including the coordination of Department positions, actions, and recommendations as they pertain to the administration of the Export Control Act of 1949, as amended, 50 U.S.C. 2021-2032; (c) has responsibility for the coordination of relationships in the field of its primary responsibilities between the Department of Agriculture and the Department of State, other departments and agencies of the Government, and the Food and Agriculture Organization of the United Nations; (d) has responsibility for acting as the liaison agency between the Department of Agriculture and the Department of State, and coordinates, to the extent permitted by law, the carrying out by Department agencies of their functions in foreign areas, including relations with the Department of State at U.S. diplomatic and consular missions, foreign governments, private and public organizations, private firms, and other departments and agencies of the U.S. Government; (e) has responsibility for the administration of commodity export sales programs including export pricing policies, and export subsidy programs, other than section 32, 7 U.S.C. 612c; (f) has primary responsibility for the administration of barter programs under which agricultural commodities are exported in exchange for strategic and other materials, including strategic and critical materials for the National Stockpile, 15 U.S.C. 714b; strategic and other materials for the supplemental stockpile, 7 U.S.C. 1856; materials, goods, and equipment required in connection with foreign economic and military aid and assistance programs, for offshore construction programs, and for specific requirements of government agencies, 7 U.S.C. 1692; (g) has primary responsibility for Department functions under Title I of the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480), as amended, 7 U.S.C. 1701-1709, 1731-1736, including market development trade programs under section 104(b)(1) of the Act, but excluding utilization research in aid of market development under section 104(b)(1), and farm, forestry, marketing, and utilization research under section 104(b)(3) of the Act; (h) has responsibility for activities involving program development, evaluation and review, including related liaison with the Agency for International Development, participating

private relief agencies and intergovernmental organizations with respect to the donation of foods for distribution to needy persons in foreign countries, but excluding responsibilities related to program execution involving procurement, reprocessing, packaging, delivery of commodities, and maintenance of records pertaining thereto; and (i) has responsibility for ocean transportation functions under the provisions of Public Law 480, but excluding the responsibility for designating and moving to port position commodities donated under Title II of Public Law 480 and the fiscal examination and accounting functions for Public Law 480 transactions.

SEC. 3. *Organization and functional responsibilities.* The Administrator, who is also a Vice President of the Commodity Credit Corporation (hereinafter referred to as "CCC"), is responsible to the Assistant Secretary for International Affairs for the general direction and supervision of programs assigned to FAS.

(a) *Associate Administrator.* The Associate Administrator acts for and assists the Administrator in formulating and administering the policies and programs of FAS and CCC, and acts in the capacity of Vice President, CCC, in the absence of the Administrator.

(b) *General Sales Manager.* The General Sales Manager is primarily responsible for administering CCC and FAS export programs and pricing policies relating to foreign sale for dollars of CCC owned or price-support commodities, and export pricing policies and programs with respect to special export programs except for the wheat and flour export programs.

(c) *Assistant Administrator for Export Programs.* The Assistant Administrator for Export Programs is primarily responsible for the policies and programs of FAS with respect to Title I of Public Law 480. He coordinates such programs with other agencies of the Government, in making use of foreign currencies and related appropriations in the development of new, and expansion of existing, foreign markets through such activities as international agricultural trade fairs and specialized trade projects.

(d) *Barter and Stockpiling Manager.* The Barter and Stockpiling Manager is primarily responsible for administering the program and policies for barter of U.S. surplus agricultural commodities in meeting specific national objectives, cooperating with other U.S. Government agencies in determining the impact of current barter activities on foreign policy and the U.S. balance of payments, and developing in conjunction with other U.S. agencies new opportunities for enlarging the use of barter in support of U.S. Government objectives.

(e) *Assistant Administrator for Commodity Programs.* The Assistant Administrator for Commodity Programs is primarily responsible for administering policies and programs involving studies of worldwide production, trade, marketing, prices, consumption, and other factors affecting exports and imports of U.S. agricultural commodities designed for use in the development of programs, and the provision of such information to domestic producers, the agricultural trade, the public, and other interests; and the promotion of normal commercial markets abroad.

(f) *Assistant Administrator for International Trade.* The Assistant Administrator for International Trade is primarily responsible for administering and coordinating the responsibilities of the Department of Agriculture with respect to international trade agreement programs and negotiations. He also administers specified agricultural import and export controls.

(g) *Assistant Administrator for Agricultural Attaches.* The Assistant Administrator for Agricultural Attaches is primarily responsible for administering the worldwide Agricultural Attache program in coordinating the collection, interpretation, and reporting by attaches of marketing, economic, and trade information in foreign areas essential to the administration of U.S. foreign agricultural policies and programs, assuring effective Department liaison through Agricultural Attaches with Chiefs of the U.S. Diplomatic Missions, and assuring effective working relationships by Agricultural Attaches with other U.S. agencies and foreign government officials, private agencies in the fields of agriculture, commerce, industry and finance, trade organizations, exporters, distributors, farmers, and international trade, farm and commodity groups, and organizations.

(h) *Assistant Administrator for Management.* The Assistant Administrator for Management assists the Administrator in the formulation, coordination, and evaluation of FAS programs and operations. He also designs and administers management and information operations essential to effective conduct of FAS activities.

SEC. 4. *Delegations of Authority.* The Administrator formulates and administers programs assigned to FAS under delegated authority from the Secretary of Agriculture, 29 F.R. 16210. This includes authority to execute any document, authorize any expenditure, promulgate any rule, regulation, order or instruction required by law or deemed by him to be necessary and proper to the discharge of the functions assigned to FAS, and take any other actions incident to the discharge of such functions. This authority is exercised under the general direction and supervision of the Assistant Secretary for International Affairs and is subject to the general responsibilities of the Secretary to the President and to Congress. The Administrator may delegate his authority and provide for redelegation of such authority to appropriate officers and employees. However, in no case does any delegation of authority to the Administrator preclude the Secretary, Under Secretary, or the appropriate Assistant Secretary from exercising any of the powers or functions so delegated.

SEC. 5. *Availability of Records and Information.* Any person desiring information or wishing to make submittals or requests with respect to the programs and functions of FAS should address his request to the Assistant Administrator for Management, FAS, Department of Agriculture, Washington, D.C. 20250. Records of FAS are available for examination in accordance with regulations governing the availability of records issued by the Secretary of Agriculture and the Administrator, 7 CFR Parts 1 and 1520, as amended.

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

RAYMOND A. IOANES,
Administrator,
Foreign Agricultural Service.

Approved: July 3, 1967.

JOHN A. BAKER,
Acting Secretary.

[F.R. Doc. 67-7879; Filed, July 7, 1967; 8:47 a.m.]

Office of the Secretary

ORGANIZATION, FUNCTIONS, AND AVAILABILITY OF INFORMATION

Notice is hereby given for the guidance of the general public as to the organization, functions, and availability of information of the Office of the Secretary, U.S. Department of Agriculture, pursuant to 5 U.S.C. 552, 559.

SECTION 1. *Organization and functions.* The Office of the Secretary, U.S. Department of Agriculture, consists of the Secretary, Under Secretary, and Assistant Secretaries of Agriculture, and other staff members. The Office of the Secretary provides the overall policy guidance and direction of the activities of the Department of Agriculture. Overall policy statements and announcements are made from this Office.

The Office of the Secretary is located in Washington, D.C. Hours of duty are from 9 a.m. to 5:30 p.m.

SEC. 2. *Availability of internal directives.* Internal administrative and program directives of the Office of the Secretary are available for public inspection and copying except as may be exempt under section 3. An index to such material is also available for inspection and copying. Facilities for inspection and copying are available in the Administration Building, U.S. Department of Agriculture, Washington, D.C. Arrangements for such may be made by contacting the Chief, Secretary's Records and Communications Division, Office of Plant and Operations, U.S. Department of Agriculture, either in person or by mail. Applicable fees are prescribed by the Director, Office of Plant and Operations.

SEC. 3. *Availability of identifiable records.* All records of the Office of the Secretary are available for inspection and copying except exempt records, which include the following:

(a) Matters specifically required by Executive order to be kept secret;

(b) Matters related solely to the internal personnel rules and practices of the Department;

(c) Matters specifically exempt from disclosure by statute;

(d) Trade secrets and commercial or financial information obtained from any person and privileged or confidential;

(e) Interagency or intraagency memoranda or letters which would not be available by law to a party other than an agency in litigation with the Department;

(f) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and

(g) Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency.

SEC. 4. *Requests for records.* Requests for Office of the Secretary records may be made in writing or in person to the Chief, Secretary's Records and Communications Division, Office of Plant and Operations, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250. Each request shall be reasonably specific in order to properly identify the record(s) sought.

SEC. 5. *Determination.* The Chief, Secretary's Records and Communications Division, shall make records available when requested in accordance with section 4, unless he determines that it is an exempt record. The Chief, Secretary's Records and Communications Division, shall give written notice of any such determination, together with the reasons therefor.

SEC. 6. *Appeals.* A denial by the Chief, Secretary's Records and Communications Division, for an Office of the Secretary record or records may be appealed, by the person who made the request, to the Assistant Secretary of Agriculture for Administration. The appeal shall be made in writing within 15 days of the date of the notice of denial. The Assistant Secretary will give written notice of the final determination of the Office of the Secretary.

SEC. 7. *Inspection and copies.* A person requesting available records may inspect them and, upon payment of applicable fees, copy them, in the Office of the Chief, Secretary's Records and Communications Division, on business days from 9:30 a.m. to 5 p.m. Copies of such records may also be purchased by mail. The applicable fees are prescribed by the Director, Office of Plant and Operations, U.S. Department of Agriculture.

Effective Date: The provisions of this notice are effective on July 4, 1967.

JOSEPH M. ROBERTSON,
Assistant Secretary for Administration.

JUNE 30, 1967.

[F.R. Doc. 67-7881; Filed, July 7, 1967; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

OHIO STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6 (c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 67-00016-33-90000. Applicant: The Ohio State University, 190 North Oval Drive, Columbus, Ohio 43210. Article: Bennett Stereotaxic Apparatus, with parts and accessories. Manufacturer: Whitby Tool & Engineering Co., Ltd., United Kingdom. Intended use of article: Applicant states:

> This apparatus is designed to enable the Surgeon to perform any operation of stereotaxic surgery with certainty and ease. * * *
>
> Anterior and lateral views define the target in three dimensions, so that the semicircular instrument carrier is readily set to guide to the chosen part of the brain any straight instrument, electrode, needle, cannula, X-ray, or ultrasonic beam.
>
> The carrier and its bearings are marked off in degrees so that instruments or beams can be directed to meet at a single point from any combination of approaches. Three-dimensional patterns of electrodes or radioactive pellets can be set up. Lateral approaches through the temporal area as in the treatment of temporal lobe epilepsy can be made with guide plates mounted on the frame.
>
> For some applications it has been found valuable to use the apparatus to set the direction of single or multiple hole guides fastened subcutaneously to the skull, so that repeated observations or interventions can be made over a period of time. Such guides have been successfully used in the treatment of Parkinson's Disease and in the exploration of the thalamus. The stereotaxic apparatus measures the distance from the surface of the indwelling guides to the target area.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to such article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The stereotaxic apparatus is to be used in the neurosurgical treatment of human disease. Accuracy in placement of electrodes, ease and versatility in the use of the instrument, and comfort of the patient are of major importance in the design of such apparatus. The foreign article provides needed accuracy without requiring correction for parallax or specialized X-ray equipment in order to achieve this accuracy. The foreign article also provides wide versatility in its range of application to any area within the human head. In addition, the foreign article permits the use of a variety of lesion producing methods with a single apparatus. In our judgment, the greater utility and versatility of the foreign article can provide not only a greater degree of success in the operating theater or laboratory, it can also in certain cases insure success rather than failure. The Department of Commerce knows of no instrument or apparatus being made in the United States, which is of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

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

[F.R. Doc. 67-7855; Filed, July 7, 1967; 8:45 a.m.]

OREGON REGIONAL PRIMATE RESEARCH CENTER OF THE MEDICAL RESEARCH FOUNDATION OF OREGON

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No.: 67-00017-33-46040. Applicant: Oregon Regional Primate Research Center of the Medical Research Foundation of Oregon, 505 Northwest 185th Avenue, Beaverton, Oreg. 97005. Article: Electron Microscope Model EM-300 S, No. 30030000; Anticontamination Device No. 38300700, and Desiccator No. 38301000. Manufacturer: Philips Electronic Instruments, Inc., Holland. Intended use of article: Applicant states:

> The instrument will be used in conjunction with the medical-biological research programs * * *. The projects include the following diverse activities:
>
> A. Investigation of the ultrastructure of the fetal, neonatal, and adult Rhesus monkey adrenal cortex with particular reference to cytological expressions of sexual dimorphism and response to stress.
>
> B. A fine-structural investigation of the ciliation of the oviduct in the Rhesus mon-

key with emphasis on the control exerted by various gonadal hormones over ciliary atrophy and morphogenesis.

C. A study of the development of the fetal skin, including sweat glands, sebacious glands, and hair follicles.

D. An ultrastructural investigation of the development of epidermal tumors after the administration of carcenogenic agents.

E. A study of developing elastin in ligaments and in the aorta in normal animals and in copper deficient animals.

F. An investigation to describe the ultrastructural features of cardiac and skeletal muscle both in normal animals as well as in animals exposed to special diets (i.e., high fat) or to the effects of various pharmacological agents.

G. A fine structural study of human melanocytes and melanomas, part of these grown in tissue culture.

H. The study of simple photoreseptors with emphasis on the correlation of structure and function of specific cell types.

I. A descriptive study of fetal, neonatal, and adult pituitary under the influence of hormonal manipulation, such as gonadectomy.

J. In addition to the aforementioned, other problems are pursued on a routing service basis for other investigative staff of this Regional Primate Research Center who have projects amenable to the electron microscope program.

Comments: Comments were received from one domestic manufacturer, Radio Corporation of America (RCA), which alleged inter alia that "the RCA Model EMU-4 Electron Microscope with/named/accessories is of equivalent scientific value to the instrument and accessories for which duty free entry has been requested for the purposes stated in the application for which the instrument is intended to be used." (RCA comment, Apr. 27, 1967, par. (3).) Decision: Application Approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The pertinent characteristics and pertinent specifications of the foreign article were compared with similar pertinent characteristics and pertinent specifications of the RCA EMU-4 electron microscope. With respect to resolving power, the foreign article offers 5 Angstroms or better (the lower the numerical value in terms of Angstrom units, the higher the resolving power). (See specification sheet of foreign article attached to application, page I.) The domestic instrument offers 8 Angstroms or better. (See RCA comment, par. 4(c)(1).) While the major applications of the foreign article will involve the use of sectioned materials in which the fine structure beyond the resolution capabilities claimed for the domestic instrument is not preserved, the applicant intends to apply the article also to samples prepared by techniques that do preserve structural detail to the limit of resolution claimed for the foreign article.

The differences in resolution capabilities between the domestic instrument and the foreign article are therefore pertinent to the evaluation of scientific equivalency.

The foreign article also offers accelerating voltages of 20, 40, 60, 80, and 100 kilovolts. (See page 1 of specification sheet attached to application.) The domestic instrument offers only accelerating voltages of 50 and 100 kilovolts. (See par. 4(c)(iii) of comment by RCA.) The domestic manufacturer states that it has not been demonstrated that the additional accelerating voltages offered by the foreign article have produced any results. However, it is known that for certain types of specimens contrast is increased as the accelerating voltage is reduced below 50 kilovolts. The applicant has described the scientific benefits, particularly the maximum contrast obtained in unstained specimens, which can be achieved through using lower accelerating voltages. (See reply of applicant to comments of RCA, dated May 4, 1967, p. 3.) The availability of the lower accelerating voltages is, therefore, pertinent to the research objectives of the applicant.

The domestic manufacturer also claims that the microfocus gun is needed as an accessory to the foreign article only when the lower accelerating voltages are utilized. (See RCA comment par. 4(c)(v).) However, the applicant has demonstrated the need for the lower accelerating voltage. Moreover, as cited by the applicant (page 4 of applicant's reply to RCA comment), the microfocus gun can be used advantageouly with other operating voltages.

Therefore, the availability of the microfocus gun is pertinent to achieving the research objectives of the applicant.

In our judgment, the differences in resolving power and accelerating voltages, plus the availability of the microfocus gun as an accessory, lead to the conclusion that the domestic instrument is not scientifically equivalent to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus which is of equivalent scientific value to the foreign article for the purpose for which the article is intended to be used and is being made in the United States.

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

[F.R. Doc. 67-7856; Filed, July 7, 1967; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

CONSTRUCTION OF NONCOMMERCIAL EDUCATIONAL TELEVISION BROADCAST FACILITIES

Notice of Acceptance for Filing of Application for Federal Financial Assistance

Notice is hereby given that effective with this publication the following described applications for Federal financial assistance in the construction of noncommercial educational television broadcast facilities are accepted for filing in accordance with 45 CFR, section 60.7:

Memphis Community Television Foundation, Memphis State University, Box 80,000, Memphis, Tenn., File No. 202, to expand the facilities of noncommercial educational television station WKNO, Channel 10, Memphis, Tenn.

Hampton Roads Educational Television Association, 402 East Charlotte Street, Norfolk, Va., File No. 170, to amend its application for improvement of WHRO-TV, Channel 15, Norfolk, Va., by adding a transmitter unit which will increase power and expand coverage.

Arizona Board of Regents, Arizona State University, Tempe, Ariz., File No. 203, to improve the facilities of noncommercial educational television station KAET, Channel 8, Phoenix, Ariz.

Northeastern Pennsylvania Educational Television Association, 29 West Northhampton Street, Wilkes-Barre, Pa., File No. 204, to improve the facilities of noncommercial educational television station WVIA, Channel 44, Scranton, Pa.

Nebraska Educational Television Commission, 1600 R Street, Lincoln, Nebr., File No. 205, to improve the facilities of noncommercial educational television station KUON, Channel 12, Lincoln, Nebr.

Any interested person may, pursuant to 45 CFR, section 60.8 within 30 calendar days from the date of this publication, file comments regarding the above applications with the Chief, Educational Television Facilities Branch, U.S. Office of Education, Washington, D.C. 20202.

(76 Stat. 64, 47 U.S.C. 390)

DONALD M. TRAPP,
Acting Chief, Educational Television Facilities Branch, U.S. Office of Education.

[F.R. Doc. 67-7898; Filed, July 7, 1967; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-213]

CONNECTICUT YANKEE ATOMIC POWER CO.

Notice of Issuance of Provisional Operating License

Please take notice that no request for a hearing by the applicant or petition for leave to intervene by any interested person having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued Provisional Operating License No. DPR-14 to Connecticut Yankee Atomic Power Co. authorizing the licensee to possess, use, and operate the Haddam Neck Plant pressurized water nuclear reactor located on Connecticut Yankee's site on the east bank of the Connecticut River, approximately 21 miles south-southeast of Hartford, in the town of Haddam, Middlesex County, Conn. The license authorizes operation of the reactor at power levels not to exceed 1473 thermal megawatts,

and incorporates Technical Specifications.

The Commission has inspected the facility and determined that it has been constructed in accordance with the application, as amended, and the provisions of Construction Permit No. CPPR-14.

The provisional operating license, as issued, is as set forth in the Notice of Proposed Issuance of Provisional Operating License published in the FEDERAL REGISTER on May 12, 1967, 32 F.R. 7187, except for the following changes in paragraph 3.C. of the license: (1) In line 3 of subparagraph (1) the words "a nuclear system" have been substituted for "the facility" in order to clarify the reporting requirement, and (2) in subparagraph (4) the listing of reporting requirements has been changed to a reference to the reporting requirements described in the Technical Specifications.

Dated at Bethesda, Md., this 30th day of June 1967.

For the Atomic Energy Commission.

S. LEVINE,
For Peter A. Morris,
Director,
Division of Reactor Licensing.

[F.R. Doc. 67-7853; Filed, July 7, 1967; 8:45 a.m.]

BUREAU OF THE BUDGET

TENNESSEE VALLEY AUTHORITY

Order Transferring the Use, Possession, and Control of the Coal and Coal Rights in and Under Lands From the General Services Administration

By virtue of the authority vested in the President of the United States by section 7(b) of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831f(b)), and delegated to the Director of the Bureau of the Budget by section 1(15) of Executive Order No. 11230 of June 28, 1965:

It is ordered, That the use, possession, and control of the coal and coal rights in and under the land hereinafter described are transferred from the General Services Administration to the Tennessee Valley Authority.

It is further ordered, That the right to use any surface areas of said land which are reasonably necessary in order to use any and all methods and processes, whether now known or hereafter developed, to prospect for, explore, mine, operate, produce, store and remove coal therefrom and the nonexclusive right of use of existing roads on said land for ingress and egress subject to liability to the owner or owners of the said surface area for actual damage caused thereby to the surface, growing crops, improvements, and livestock be and the same are transferred from the General Services Administration to the Tennessee Valley Authority.

The above transfers are deemed necessary and proper for the purposes of the Tennessee Valley Authority as stated in the Tennessee Valley Authority Act of 1933, as amended.

That certain tract of land designated on TVA land records as tract CBCR-1, the said land consisting of a portion of the U.S. Military Reservation identified as Camp Breckinridge, situated in the counties of Union, Webster, and Henderson, State of Kentucky, and more particularly described as follows:

NOTE: It is understood and agreed by the agencies affected by this transfer that when reference is made in the following property descriptions by way of identifying a given parcel of land by a number following the prefix "A," "B," or "E" (as the case may be), it is the intention that the same be deemed to refer to parcels correspondingly numbered and shown, in a general way and without accurate boundaries, on the "Land Acquisition Map—Morganfield, Kentucky, Triangular Division Camp Site—Portions of Union, Henderson, and Webster Counties, Ky.," a copy of which is attached hereto as Exhibit B.

Beginning on the northern boundary of Camp Breckinridge at the point of intersection of the south right-of-way line of U.S. Highway No. 60 and the center line of Little Air Line Road (Young-Harris Road), same also being the northwest corner of a tract of land formerly owned by P. B. Waller et al. (B-1); thence with said U.S. Highway No. 60 south right-of-way line N. 78°10' E., 53.71 poles to a corner common to a tract of land formerly owned by the Henderson-Union Rural Electric Co-op Corp. et al. (B-2); thence continuing with said U.S. Highway No. 60 south right-of-way line N. 78°10' E., 6.06 poles to a corner common to a tract of land formerly owned by Minnie Thomas et al. (B-3); thence continuing with said U.S. Highway No. 60 south right-of-way line in a northeasterly direction to the point of its intersection of the center line of Warehouse Road as designated on the reservation road map of Camp Breckinridge (attached hereto as Exhibit A); thence following the centerline of Warehouse Road in a southeasterly direction to a point which is approximately 795 feet northwest of the intersection of Road W-3 and Warehouse Road as designated on the reservation road map of Camp Breckinridge; thence in a southwesterly direction and parallel to Road W-3, a distance of approximately 850 feet; thence at a right angle in a southeasterly direction and parallel to Warehouse Road a distance of approximately 620 feet to a point; thence at a right angle in a southwesterly direction and parallel to Road W-3, approximately 200 feet to a point.

Thence at a right angle in a southeasterly direction and parallel to Road No. 26 as designated on the reservation map of Camp Breckinridge, approximately 175 feet to a point in the centerline of Road W-3; thence in a northeasterly direction with the centerline of Road W-3 to a point of intersection with the centerline of Warehouse Road; thence following the centerline of Warehouse Road in a southeasterly direction to its point of intersection with Road A as designated on the reservation map of Camp Breckinridge; said point also being Point H, which is an established internal property corner located in the intersection of Road A and Warehouse Road; thence in a generally easterly direction along the centerline of said Road A to a point where it intersects with the centerline of East Road as designated on the reservation road map of Camp Breckinridge; thence following the centerline of East Road in a northeasterly direction to the point of intersection of the south right-of-way line of U.S. Highway No. 60 and the centerline of East Road as designated on the reservation road map (attached hereto as Exhibit A) of Camp Breckinridge, said point being located in the northwest property line of a tract of land formerly owned by Margaret I. Drury (B-15); thence along the south right-of-way line of U.S. Highway No. 60 in a northeasterly direction to the point of intersection of the south right-of-way of U.S. Highway No. 60 and the northeast right-of-way line of Kentucky State Highway No. 141, a corner to a tract of land formerly owned by Fred Douglas Suggs et al. (B-29).

Thence with said U.S. Highway No. 60 south right-of-way line N. 72°35' E., 23.7 poles more or less to a corner common to the land formerly owned by John C. Roberts Estate (B-23) and the said Suggs tract (B-22); thence continuing with the south right-of-way line of U.S. Highway No. 60 N. 72°25' E., 87.0 poles; thence leaving the south right-of-way line of U.S. Highway No. 60 and with the northeast line of the said Roberts Estate tract (B-23) S. 49°55' E., 92 poles to a point in the center of Beaver Dam Road; thence with the centerline of said Beaver Dam Road N. 41°00' E., 3 poles to a corner common to the land formerly owned by Pearl Nally et vir. (B-24); thence continuing with the centerline of Beaver Dam Road N. 38°30' E., 95.8 poles to a corner common to tracts of land formerly owned by Charles R. Thomas (E-158) and the aforesaid Roberts Estate (B-23), said corner being the intersection of the centerline of Beaver Dam Road and the centerline of Highland Lick Road; thence with the west line of said Thomas tract N. 03° W., 67 poles to a point in the south right-of-way line of U.S. Highway No. 60; thence with said south right-of-way line of U.S. Highway No. 60 N. 85°10' E., 112 poles to a corner common to a tract of land formerly owned by Frank C. Rapier (E-158½) and to the aforesaid Thomas tract (E-158); thence continuing with the south right-of-way line of U.S. Highway No. 60 N. 85°10' E., 1,330 feet; thence continuing in a northeasterly direction along the south right-of-way line of U.S. Highway No. 60 and crossing a dirt road to a corner of a tract of land formerly owned by E. R. Rapier et al. (E-178).

Thence with the south right-of-way line of U.S. Highway No. 60 N. 85°10' E., 132 poles to a corner of said Rapier's tract (E-178); thence leaving said south right-of-way line of U.S. Highway No. 60 and with the northeast boundary line of said Rapier tract, S. 54°40' E., 93 poles; thence S. 38°25' W., 44 poles to a corner of a tract formerly owned by Susan Mills et al. (E-177); thence with said Mills northeast boundary line S. 56° E., 160 poles crossing the old bed of Casey Creek to the most easterly corner in said Mills tract; thence with the south boundary line of said Mills tract S. 46°32' W., 91 poles to the northeast right-of-way line of House Bridge Road; thence in a southwesterly direction and crossing House Bridge Road S. 33°30' W., 34 poles to a point in the old bed of Casey Creek which is a corner to a tract of land formerly owned by LeRoy Thomas et ux. (E-176); thence with the northeast line of said Thomas tract of land S. 50°45' E., 104 poles to the northeast corner of said Thomas tract; thence with the southeast boundary of said Thomas tract S. 38°40' W., 83 poles to the north corner of a tract of land formerly owned by Lillie G. Hosman et al. (E-183); thence with the northeast line of said Hosman tract S. 53°00' E., 58 poles; thence S. 38°05' W., 116 poles to the most northerly corner of a 1.06 acre school lot formerly owned by the Board of Education of Union County, Ky. (E-190); thence with the lines of said school lot S. 50°20' E., 17 poles; thence S. 38°05' W., 10 poles to a corner common to a tract of land formerly owned by Irene

Fowler et vir. (E-174) and to the tract of Board of Education of Union County (E-190).

Thence S. 53°20' E. along the northeast boundary line of said Fowler tract (E-174) and a tract of land formerly belonging to the Mary Ann Higginson Estate (E-173) to a corner common to a tract of land formerly owned by William A. Roberts et al. (E-291) and the Mary Ann Higginson Estate; thence with the northeast line of William A. Roberts' tract S. 54°54' E., 148 poles to a corner common to a tract of land formerly owned by Mary Katherine Roberts et al. (E-293) and the William A. Roberts tract; thence with the northeast line of Mary Katherine Roberts' tract S. 54°50' E., 77 poles; thence N. 28°05' E., 27.5 poles; thence S. 38°50' E., 22 poles to a point in the bed of the Old Highland Creek Ditch, thence with the center of the Old Highland Creek bed the following courses and distances: S. 11°00' W., 15 poles, thence S. 21°00' E., 5 poles, thence with the centerline of the Old Highland Creek N. 86°00' E., 15 poles, thence S. 20°30' E., 35 poles, thence S. 84°00' E., 15 poles, thence S. 63°00' E., 20 poles, thence S. 33°00' E., 10 poles, thence S. 45°00' W., 10 poles, thence S. 73°10' W., 27 poles; thence leaving the bed of the Old Highland Creek and continuing along the northeast boundary line of said Mary Katherine Roberts tract S. 54°45' E., 544.5 feet to a point, said point being the northwest corner of Federal Lease BLM-A-050213 (said lease being recorded in Oil and Gas Lease Book 86 at page 643 in the office of the County Clerk of Henderson County), said point also being in the northeastern boundary of Camp Breckinridge and is located 1,320 feet on a course N. 54°45' W. from the intersection of Herman-Corydon Road and the northeast boundary line of said Mary Katherine Roberts tract; thence south 6,630 feet along the westerly boundary of said Federal Lease BLM-A-050213 to a point being the southwest corner of said Federal Lease BLM-A-050213.

Thence east 6,990 feet along the southerly boundary of said Federal Lease BLM-A-050213 to Point O, said Point O being the southeast corner of said Federal Lease BLM-A-050213, this said Point O being located 2,800 feet due south of a point in the centerline of Duncan Road, which point is designated "X" and is located 132.25 feet on a course of S. 54°45' E. from the intersection of the centerline of Duncan Road and the northwest boundary line of a tract of land formerly owned by H. K. Tapp et ux. (E-688), the said boundary line also being the southwest line of an 8.8 acre tract formerly owned by H. K. and Barbara Tapp (E-696); thence north along the east boundary line of said Federal Lease BLM-A-050213 to Point X; thence from Point X along the centerline of Duncan Road and the H. K. Tapp northeast property line (E-688) to the corner of a tract formerly owned by Barbara Tapp et al. (E-687); thence with the centerline of Duncan Road S. 54°45' E., 39 poles; thence with the centerline of Duncan Road which is a northwest boundary line of the said Barbara Tapp tract (E-687) to the north corner of said tract in the centerline of Duncan Road; thence S. 56°00' E. with the centerline of Duncan Road which is the northwest boundary line of said Barbara Tapp tract (E-687) and a tract of land formerly owned by Nealie Tapp et al. (E-697) to a point in the center of White Lick Road and at the northwest corner of a tract of land formerly owned by Byron Tapp et ux. (E-682), said corner also being common to a tract formerly owned by Nealie Tapp, et al. (E-697).

Thence leaving the centerline of White Lick Road and following the northeast line of said Byron Tapp tract S. 55°10' E., 197 poles to a point in the northwest line of a tract formerly owned by Nannie Tapp et al. (E-680); thence with the northwest line of said tract and the centerline of Poole Road N. 38°25' E. to a point at the northwest corner of said Nannie Tapp tract and in the center of Poole Road; thence leaving the centerline of said road and continuing with the northeast line of the Nannie Tapp tract S. 52°30' E., 124 poles to the northeast corner of said tract; thence S. 38°40' W., 159 poles passing the Henderson-Webster County line to a point in the northeast property line of a tract formerly owned by E. C. Tapp et ux. (E-677); thence with the northeast line of the E. C. Tapp tract S. 51°20' E., 30.5 poles to the northeast corner of the said tract (E-677); thence S. 37°30' W., 73 poles to a corner common to a tract formerly owned by Jewel C. Duncan et vir. (E-679) and E. C. Tapp (E-677); thence with the line of Jewel C. Duncan's tract S. 57°25' E., 125 poles; thence S. 7°40' W., 27 poles; thence S. 81°40' E., 12 poles; thence S. 10°35' W., 30.5 poles to a point in the northeast line of a tract formerly owned by Mary Jane Melton et al. (E-678); thence with the north line of said Melton tract S. 79°00' E., 88 poles to a point in the center of the Jonestand Road (as located at the time of the Government's acquisition of the said tract E-678); thence following the centerline of Jonestand Road located as aforesaid which is the southeast line of the Mary Jane Melton tract S. 37°30' W., 96 poles; thence S. 24°20' W., 19 poles; thence S. 09°10' E., 25 poles to a point in the northwest line of a tract formerly owned by R. C. Bumpus et al. (E-702), said line also being common to Mary Jane Melton tract (E-678).

Thence with the center of Jonestand Road (as located at the time of the Government's acquisition of the tract E-702) S. 06°35' E., 17 poles, more or less, S. 38°0' E., 17.25 poles, more or less, S. 2°30' E., 14 poles, more or less, S. 18°35' E., 15 poles, more or less, S. 47°30' E., 8 poles to a corner common to a tract formerly owned by J. W. Tapp et ux. (E-651) and the R. C. Bumpus tract; thence with the center of the Jonestand Road (as located at the time of the Government's acquisition of the tract E-651) which is the east line of the J. W. Tapp tract, S. 17°45' E., 29 poles to a point in the east line of the J. W. Tapp tract; thence S. 05°45' W., 4 poles to a corner common to a tract formerly owned by G. M. Gibson et ux. (E-703) and the J. W. Tapp tract; thence continuing along the centerline of the Jonestand Road (as located at the time of the Government's acquisition of tract E-703) this being the east boundary line of the Gibson tract (E-703) S. 18° W., 8 poles, more or less; thence S. 07°55' W., 18 poles, more or less; thence S. 27°35' W., 24.5 poles, more or less; thence S. 1°25' E., 37.5 poles, more or less; thence S. 12°25' W., 29 poles, more or less; thence S. 14°30' W., 35 poles, more or less; thence S. 05°20' W., 67 poles, more or less, to a point in the north line of a tract formerly owned by T. T. Fulcher et ux. (E-618), said line also being common to G. M. Gibson tract; thence along the centerline of Jonestand Road (as located at the time of the Government's acquisition of tract E-618) S. 05° W., 56 poles, more or less; thence S. 17°45' E., 28 poles, more or less, to the northeast corner of a tract formerly owned by R. A. Tapp et ux. (E-700); thence with said R. A. Tapp property line and the centerline of the Jonestand Road (as located at the time of the Government's acquisition of tract E-700) S. 03°20' W., 49 poles to the southeast corner of tract E-700.

Thence N. 87°55' W., 15 poles along the south line of tract E-700; thence S. 03°20' W., 7.3 poles to a point in the north right-of-way line of Kentucky State Highway No. 56; thence with said Kentucky State Highway No. 56 north right-of-way line and R. A. Tapp's property line N. 87°55' W., 68 poles; thence N. 76°15' W., 23 poles to a point in the south line of tract E-700; thence leaving Kentucky State Highway No. 56 north right-of-way line and continuing with R. A. Tapp's line N. 6°35' E., 13 poles to a corner of tract formerly owned by Lula Melton et al. (E-610); thence along the southerly boundary of said Melton tract (E-610) N. 78°45' W., 53 poles to a point, and thence N. 78°10' W., 22 poles to a corner of a tract formerly owned by Gardie Tapp et ux. (E-615); thence N. 76°15' W. along the southerly boundary line of the said Gardie Tapp tract 31 poles, more or less, to a point in the east line of a tract formerly owned by David Tapp et ux. (E-621); thence along said David Tapp's east line S. 3°30' E., 15.2 poles to a point in the north right-of-way line of Kentucky State Highway No. 56; thence continuing along the north right-of-way line of said Kentucky State Highway No. 56 in a westerly direction to the southeast corner of a tract of land formerly owned by Rosabella Liles et vir. (E-228); thence continuing with the north right-of-way line of Kentucky State Highway No. 56, N. 78°05' W., 20.5 poles; thence S. 39°25' W. crossing said Kentucky State Highway No. 56 and continuing the same course in all 6.5 poles to the northeast corner of a tract of land owned by I. C. Russell; thence with the north line of the Russell tract N. 76°45' W., 40 poles; thence N. 78°30' W., 43 poles to the southeast corner of a tract of land formerly owned by J. E. Caton (E-218).

Thence with the east line of the said Caton tract N. 36°30' E. crossing the centerline of said Kentucky State Highway No. 56 at 5 poles and continuing to the north right-of-way line of said Kentucky State Highway No. 56; thence in a northwesterly direction along the north right-of-way line of said Kentucky State Highway No. 56 to Point F, said Point F which is the intersection of the north right-of-way line of Kentucky State Highway No. 56 and the intersection of the northerly line of Richards Road extended to intersect the north right-of-way line of said Kentucky State Highway No. 56, said point also being a corner in a tract of land formerly owned by Ella Bruce Waller (E-204); thence in a northwesterly direction in a straight line to Point C, said Point C being 14,583 feet south of latitude 37°40'00" and 2,500 feet west of longitude 87°50'00"; thence continuing in a straight line in a northwesterly direction to Point B, said Point B being 10,125 feet south of latitude 37°40'00" and 625 feet west of longitude 87°52'30"; thence in a northwesterly direction in a straight line to Point A, said Point A being 6,000 feet south of latitude 37°40'00" and 7,542 feet west of longitude 87°52'30" thence continuing in a northwesterly direction in a straight line to Point G, said Point G being 3,542 feet south of latitude 37°40'00" and 667 feet west of longitude 87°55'00", said point being in the northwest line of tracts of land formerly owned by E. R. McBride et al. (E-110), and B. G. Waller (E-109), said line also being the westerly boundary of Camp Breckinridge; thence in a northeasterly direction along the westerly boundary of Camp Breckinridge and the northwest lines of the McBride and Waller tracts to the southwesterly corner of a tract of land formerly owned by T. S. Waller, Jr., et ux. (E-108).

Thence with said T. S. Waller line N. 40°00' E., 148.50 poles to the southwest corner of a tract of land formerly owned by Walter W. Letter et ux. (E-107); thence with the line of said Letter tract N. 40°00' E., 150 poles to a point in the south right-of-way line of Kentucky State Highway No. 56; thence continuing in a northeasterly direction crossing said Kentucky State Highway No. 56 to a point in the north right-of-way line of said Highway No. 56, said point also being a corner to a tract of land formerly owned by Lonnie Baird et ux. (A-19); thence with the

property lines of the Lonnie Baird tract and running with the north right-of-way line of said Kentucky State Highway No. 56 N. 26°25' W., 28.20 poles to a point in the north right-of-way line of said Kentucky State Highway No. 56; thence leaving said highway, N. 58°20' E., 92.50 poles to a point in the west line of the Lonnie Baird tract; thence N. 37°55' E., 149.20 poles to a point in the center of Beaver Dam Road and the point of the northerly corner of the Baird tract; thence in a southeasterly direction along the centerline of Beaver Dam Road to the point of its intersection with the centerline of Coleman Lane; said point also being the southwest corner of a tract of land formerly owned by Tom Ellis et ux. (A-5); thence along the centerline of Coleman Lane and the line of Tom Ellis N. 38°49' E., 182.49 poles, thence N. 32°04' E., 15 poles; thence N. 36°04' E., 2.4 poles to the southwest corner of a tract formerly owned by the Trustees Coleman Cemetery (A-6); thence with the center of Coleman Lane and the line of said cemetery N. 36°04 E., 6.30 poles to the northwest corner of said cemetery, also a corner to Tom Ellis.

Thence with the center of Coleman Lane and Tom Ellis lines N. 36°04' W., 7.70 poles to the southwest corner of a tract of land formerly owned by Rice Cleveland et ux. (A-3); thence continuing along the centerline of Coleman Lane and the line of Rice Cleveland N. 35°34' E., 51.5 poles; thence N. 47°34' E., 19.5 poles; thence N. 39°50' E., 29 poles to a point in the center of Coleman Lane, a corner of a tract formerly owned by Zeda Ellis Wright (A-2); thence continuing with the centerline of Coleman Lane and Zeda Ellis Wright's line N. 40°04' E., 61 poles to the centerline of Little Air Line Road (Young-Harris Road); thence along the centerline of Little Air Line Road N. 50°00' W., 90.8 feet to the south right-of-way line of U.S. Highway No. 60, the point of beginning, containing 30,590 acres, more or less, and being all the land, except as noted below, within the tracts shown on Map D-Ky-432-B, Camp Breckinridge Minerals, a copy of which is attached hereto as Exhibit C, as follows:

Tract 2—4,975 acres, more or less.
Tract 3—3,950 acres, more or less.
Tract 4—4,390 acres, more or less.
Tract 5—3,600 acres, more or less.
Tract 6—5,075 acres, more or less.
Tract 7—4,270 acres, more or less.
Tract 8—4,330 acres, more or less.

Less and excepting from the above description and from this transfer:

1. The Independent Order of Odd Fellows Cemetery which is located on the south side of Kentucky State Highway No. 56 and west of the intersection of Kentucky State Highway No. 141, described as follows: Beginning at a point in the south right-of-way line of Kentucky State Highway No. 56 and the northeast corner of a tract of land formerly owned by Ulis M. Woodring et ux. (E-86), said corner also being common to a tract of land owned by the Independent Order of Odd Fellows Cemetery (E-101); thence with the north boundary line of said cemetery S. 85° E., 34.4 poles, said boundary line also being the south right-of-way line of Kentucky State Highway No. 56 to a corner of tract of land formerly owned by L. N. Duncan et al. (E-102); thence leaving said Kentucky State Highway No. 56 S. 04° W., 15 poles along a line common to said L. N. Duncan tract of land and to the Independent Order of Odd Fellows Cemetery to a point in the north line of tract of land formerly owned by L. N. Duncan et al. (E-100); thence with Duncan's north line 86°15' W., 13 poles; thence with the west line of said L. N. Duncan tract S. 04°00' W., 18 poles to the east corner of a tract of land formerly owned by Ulis M. Woodring (E-86); thence with the lines of said Woodring tract of land as follows: N. 85°30' W., 13 poles; thence N. 04° E., 18 poles; thence N. 86°15' W., 9 poles; thence N. 04°15' E., 15 poles to the point of beginning.

2. All rights of the State of Kentucky, any political subdivision thereof, and the public in those portions of the above described property lying within roads and highways known or designated as: (a) Kentucky State Highway No. 56, (b) Bordley Road, and (c) House Bridge Road.

3. All rights of the State of Kentucky, any political subdivision thereof, and the public in that portion of Kentucky State Highway No. 141 which lies south of the intersection of said highway and Kentucky State Highway No. 56 which may be situated within the above described property.

4. Any rights which may not have been acquired by the United States of America in and to the 2-acre church and cemetery plot which was excepted from the deed to Parcel E-173 dated July 14, 1942, recorded in Deed Book 110, page 95, Union County.

The above property was duly designated surplus and assigned to the Administrator of the General Services Administration for disposal pursuant to the provisions of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, and regulations and orders promulgated thereunder, and this transfer is made subject to the terms and conditions of Invitation for Bids GSA Disposal No. D-Ky-432B, as modified and amended by Addendum No. 1 dated March 25, 1965, and the Tennessee Valley Authority's agreement to pay the sum of Seven Million Four Hundred and Ten Thousand Dollars ($7,410,000) to the General Services Administration conditioned upon the handling of such payment in accordance with the procedure set forth in the letter of April 17, 1967, from the Commissioner, Property Management and Disposal Service, General Services Administration, to the Chairman of the Board of Directors of the Tennessee Valley Authority.

Dated: June 29, 1967.

PHILLIP S. HUGHES,
Acting Director.

[F.R. Doc. 67-7854; Filed, July 7, 1967; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

AMERICAN PRESIDENT LINES AND LUCKENBACH STEAMSHIP CO., INC.

Notice of Proposed Cancellation of Agreements

Notice is hereby given that a request for cancellation of the following agreement, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814) has been filed with the Commission.

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of intent to cancel Agreement 7535 filed by:

Mr. G. M. Jordana, Acting Manager, American President Lines, 918 16th Street NW., Washington, D.C. 20006.

Agreement 7535, approved on October 7, 1941, between American President Lines, Ltd., and Luckenbach Steamship Co., Inc., provided that certain vessels of Luckenbach were to be used in American President Lines Trans-Pacific trade and the Luckenbach Co. agreed not to thereafter base any claim that it was an established operator in said trade. American President Lines has notified the Commission of their intention to terminate their participation in Agreement 7535.

Dated: July 5, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-7891; Filed, July 7, 1967; 8:48 a.m.]

HAMBURG-AMERIKA LINIE ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Hamburg-Amerika Linie, Norddeutscher Lloyd, and States Marine Lines, Inc., Global Bulk Transport Inc.

Notice of Agreement filed for approval by:

Mr. William J. Gestal, Container Division, States Marine-Isthmian Agency, Inc., 90 Broad Street, New York, N.Y. 10004.

Agreement 9638, between Hamburg-Amerika Linie and Norddeutscher Lloyd and States Marine Lines, Inc., and Global Bulk Transport Inc., provides for the

interchange of empty cargo containers and/or related equipment in the trades between Antwerp/Hamburg Range and U.S. North Atlantic ports in the Hampton Roads/Portland, Maine Range in accordance with the terms and conditions set forth therein.

Dated: July 5, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-7892; Filed, July 7, 1967; 8:48 a.m.]

HAWAII/EUROPE RATE AGREEMENT

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

F. Conger Fawcett, Esquire, Graham James & Rolph, 310 Sansome Street, San Francisco, Calif. 94104.

Agreement 8410-5, between the member lines of the Hawaii/Europe Rate Agreement, amends the basic agreement to provide for (1) transshipment of cargoes destined to ports in the United Kingdom of Great Britain and Northern Ireland; Ireland; the Scandinavian Peninsula; Continental Europe, including ports on and in the Baltic and Mediterranean Seas, as well as the seas and waters bordering thereon; Morocco and the Atlantic Islands of the Azores, Madeira, Canary, and Cape Verdes, and (2) by transshipment only at the aforementioned ports to ports in West, South, and East Africa, Iceland, and on the Gulf of Aden, and to ports on and in the Red Sea and Persian Gulf. The proposed amendment will clarify the trade areas presently served by the parties directly and/or via transshipment.

Dated: July 5, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-7893; Filed, July 7, 1967; 8:48 a.m.]

KEAT NAVIGATION CO., LTD., AND ORIENT OVERSEAS LINE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. K. W. Schmolze, Vice President, Thor Eckert & Co., Inc., 19 Rector Street, New York, N.Y. 10006.

Agreement 9637 between Keat Navigation Co., Ltd. (Keat), and Orient Overseas Line (OOL) provides for the transportation of rubber under through bills of lading from Bhuket, Thailand, served by Keat to U.S. Atlantic and Gulf ports served by OOL with transshipment at Penang, Malaysia, under terms and conditions as set forth in the agreement.

Dated: July 5, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-7894; Filed, July 7, 1967; 8:48 a.m.]

LYKES BROS. STEAMSHIP CO., INC., AND SOUTH AFRICAN MARINE CORP., LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. E. W. Patterson, Traffic Manager, African Line, Lykes Bros. Steamship Co., Inc., 821 Gravier Street, New Orleans, La. 70112.

Agreement 9518-1, between Lykes Bros. Steamship Co., Inc., and South African Marine Corp., Ltd., modifies the basic agreement covering cargo moving from Portuguese East Africa to Puerto Rico via transshipment at U.S. Gulf of Mexico ports, to provide that transfer charges on canned fish shall be adjusted as may be necessary to insure a minimum division of revenue to Lykes of not less than $22.40 per long ton.

Dated: July 5, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-7895; Filed, July 7, 1967; 8:48 a.m.]

PORTUGAL/U.S. NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Guy L. Retournat, Secretary, Portugal/U.S. North Atlantic Westbound Freight Conference, 10, Place de la Joliette, Marseilles, France.

Agreement 9616-1, between the member lines of the Portugal/U.S. North Atlantic Westbound Freight Conference, provides for the addition of the following provision to Article 1.3 of the basic agreement:

The initial Admission Fee of $2,500.00 per Member, after a 12-month period dating from the date of approval, will carry an increase of 10 percent and every 12 months

thereafter to follow the same procedure, up to a ceiling of $5,000.

Dated: July 5, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-7896; Filed, July 7, 1967; 8:48 a.m.]

SPAIN/U.S. NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Guy L. Retournat, Secretary, Spain/U.S. North Atlantic Westbound Freight Conference, 10, Place de la Joliette, Marseilles, France.

Agreement 9615-1, between the member lines of the Spain/U.S. North Atlantic Westbound Freight Conference, provides for the addition of the following provision to Article 1.3 of the basic agreement:

The initial Admission Fee of $2,500.00 per Member, after a 12-month period dating from the date of approval, will carry an increase of 10 percent and every 12 months thereafter to follow the same procedure, up to a ceiling of $5,000.

Dated: July 5, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-7897; Filed, July 7, 1967; 8:49 a.m.]

ALLIED STEVEDORING AND MARINE CORP. ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Allied Stevedoring and Marine Corp., Oswego Stevedoring and Trucking Co., Pasco Rental Service, The Port of Oswego Authority.

Notice of agreement filed for approval by:

Thomas D. Wilcox, Attorney at Law, 1625 K Street NW., Washington, D.C. 20006.

Agreement No. T-2064 between Allied Stevedoring and Marine Corp., Oswego Stevedoring and Trucking Co. et al., permits the parties thereto to confer with each other, discuss, and agree upon rates, charges, regulations and procedures pertaining to their marine terminal operations in Oswego, N.Y. Each party has the right of independent action with respect to any matter previously agreed upon, after giving the other parties sixty (60) days written notice of intent to do so. The parties agree to publish and file a tariff of rates, rules and regulations covered by the agreement and not deviate therefrom, except under the right of independent action provided for in the agreement. Any qualified marine terminal operator in the Port of Oswego may become a party to the agreement.

Dated: July 6, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-7962; Filed, July 7, 1967; 8:49 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MALAYSIA

Entry and Withdrawal From Warehouse for Consumption

JULY 5, 1967.

On April 28, 1967, after discussions with the Government of Malaysia, the U.S. Government requested the Government of Malaysia to restrain for the 12-month period beginning April 28, 1967, its exports to the United States of cotton textiles and cotton textile products in Categories 9 and 18, produced or manufactured in Malaysia. In furtherance of the objectives of, and under the terms of the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) relating to nonparticipants, the U.S. Government is establishing restraints in accordance with that request. These restraints do not apply to cotton textiles and cotton textile products produced or manufactured in Malaysia and exported to the United States prior to April 28, 1967.

There is published below a letter of June 28, 1967, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in Categories 9 and 18 produced or manufactured in Malaysia which may be entered or withdrawn from warehouse for consumption in the United States for the designated 12-month period be limited to designated levels.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE
ADVISORY COMMITTEE
WASHINGTON, D.C. 20230,
June 28, 1967.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DEAR MR. COMMISSIONER: Under the terms of the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective June 30, 1967, and for the 12-month period beginning April 28, 1967, and extending through April 27, 1968, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 9 and 18, produced or manufactured in Malaysia, in excess of the following designated levels of restraint:

Category		*12-month level of restraint* [1]
9	square yards	400,000
18	do	400,000

[1] This level of restraint has not been adjusted to reflect entries made on or after Apr. 28, 1967.

Cotton textiles and cotton textile products in Categories 9 and 18, produced or manufactured in Malaysia and which have been exported to the United States prior to April 28, 1967, shall not be subject to this directive.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on July 7, 1966 (31 F.R. 9310).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for con-

sumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Malaysia and with respect to imports of cotton textiles and cotton textile products from Malaysia have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

A. B. TROWBRIDGE,
Secretary of Commerce and Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 67-7885; Filed, July 7, 1967; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[811-1063]

COLUMBIA FUND, INC.

Notice of Proposal To Terminate Registration

JULY 3, 1967.

Notice is hereby given that the Securities and Exchange Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order upon its own motion that Columbia Fund, Inc. ("Fund"), 1346 Connecticut Avenue NW., Washington, D.C. 20006, a Delaware corporation which registered under the Act on May 24, 1961 as an open-end nondiversified management investment company, has ceased to be an investment company.

The Commission has been informed by letter from the President of the Fund that all of the Fund's assets were distributed to its shareholders by the Bank of Delaware and the corporation was formally dissolved on petition to the Delaware Corporation Commission. The letter also states that the Fund never made a public offering of its shares.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, that upon the taking effect of such order, the registration of such company shall cease to be in effect, and that, if necessary for the protection of investors, such order may be made upon appropriate conditions.

Notice is further given that any interested person may, not later than July 21, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Fund at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated in this notice, unless an order for hearing upon this matter shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-7870; Filed, July 7, 1967; 8:46 a.m.]

SUBSCRIPTION TELEVISION, INC.

Order Suspending Trading

JULY 3, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1 par value of Subscription Television, Inc., New York, N.Y., 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 July 5, 1967, through July 14, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-7871; Filed, July 7, 1967; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 5, 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. 41066—*Corn to points in Iowa, also La Crosse, Wis.* Filed by Western Trunk Line Committee, agent (No. A-2506), for and on behalf of Chicago, Milwaukee, St. Paul & Pacific Railroad Co. Rates on corn, in bulk, in carloads, from points in Iowa, Minnesota, and South Dakota, to points in Iowa, also La Crosse, Wis.

Grounds for relief—Unregulated truck competition.

Tariffs—Supplement 50 to Western Trunk Line Committee, agent, tariff ICC A-4278, and supplements 10 and 38 to Chicago, Milwaukee, St. Paul & Pacific Railroad Co. tariffs, ICC B-8072 and B-8088, respectively.

FSA No. 41067—*Joint motor-rail rates—Eastern Central.* Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 451), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic or New England territories, on the one hand, and points in Central States, middlewest or southwestern territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 22 to the Eastern Central Motor Carriers Association, Inc., agent, tariff MF-ICC A-268.

FSA No. 41068—*Joint motor-rail rates—Eastern Central.* Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 452), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic or New England territories, on the one hand, and points in Central States, middlewest or southwestern territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 22 to the Eastern Central Motor Carriers Association, Inc., agent, tariff MF-ICC A-268.

FSA No. 41069—*Joint motor-rail rates—Eastern Central.* Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 453), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic or New England territories, on the one hand, and points in Central States, middlewest or southwestern territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 22 to the Eastern Central Motor Carriers Association, Inc., agent, tariff MF-ICC A-268.

FSA No. 41070—*Iron and steel articles from Fieldsboro, N.J.* Filed by Southwestern Freight Bureau, agent (No. B-8989), for interested rail carriers. Rates on iron and steel articles, in carloads, as described in the application, from Fieldsboro, N.J., to specified points in Louisiana and Texas.

Grounds for relief—Market competition.

Tariff—Supplement 251 to Southwestern Freight Bureau, agent, tariff ICC 4503.

FSA No. 41071—*Class and commodity rates from and to Hybart, Ala.* Filed by O. W. South, Jr., agent (No. A5043), for interested rail carriers. Rates on property moving on class and commodity rates, between Hybart, Ala., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New station and grouping.

FSA No. 41072—*Superphosphate from Don, Idaho.* Filed by Western Trunk Line Committee, agent (No. A-2505), for interested rail carriers. Rates on superphosphate, not defluorinated superphosphate, nor feed grade superphosphate, also ammonium phosphate fertilizer, in carloads, minimum 100,000 pounds, from Don, Idaho, to points in Iowa, Minnesota, and Wisconsin.

Grounds for relief—Market competition.

Tariff—Supplement 196 to Western Trunk Line Committee, agent, tariff ICC A-4411.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-7873; Filed, July 7, 1967; 8:47 a.m.]

ORGANIZATION MINUTES

Order. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 22d day of June 1967.

Section 17 of the Interstate Commerce Act, as amended (49 U.S.C. 17) and other provisions of law being under consideration, with a view to reflecting the new organization of the Office of Proceedings.

It is ordered, That the Organization Minutes of the Interstate Commerce Commission relating to the Organization of Division and Boards and Assignment of Work, issue of July 27, 1965, as amended (30 F.R. 11189, 12559 and 13302; 31 F.R. 242, 4762, 9529, 12693, 13099, and 14025; and 32 F.R. 431, 7105, 8000, and 8784), be further amended as follows:

1. In Item 4.2, paragraphs (e), (j), (k), (l), (n), (t), and (w) are amended to read as follows:

4.2 *Division one—Operating Rights Division.*

* * * * *

(e) Section 204(a)(4a), relating to certificates of exemption to motor carriers operating solely within a single State, except matters assigned to and determined by the Operating Rights Board pursuant to Item 7.11(a).

* * * * *

(j) Sections 206, 207, and 208, relating to certificates of public convenience and necessity, and certificates of registration, except matters assigned to and determined by the Operating Rights Board pursuant to Items 7.11(a) and 7.11(b).

(k) Section 209, relating to permits, except matters assigned to and determined by the Operating Rights Board pursuant to Item 7.11(a).

(l) Section 210, relating to dual operations, except matters assigned to and determined by the Operating Rights Board pursuant to Item 7.11(a).

* * * * *

(n) Section 211, relating to brokerage licenses, except matters assigned to and determined by the Operating Rights Board pursuant to Item 7.11(a).

* * * * *

(t) Sections 303(l), 309, and 310, relating to certificates of public convenience and necessity and permits; section 311(a), relating to temporary authorities, when certified to the Division by the Temporary Authorities Board; section 312a, relating to suspension, change, or revocation of certificates and permits except determination of uncontested proceedings which have not involved the taking of testimony at a public hearing unless certified to the Division by the Temporary Authorities Board; section 410 (a) to (f), inclusive, section 410 (h) and (i), relating to permits, except matters assigned to and determined by the Operating Rights Board pursuant to Item 7.11(a) or by the Temporary Authorities Board pursuant to Item 7.4(c).

* * * * *

(w) Any matters arising under Parts II, III, and IV not specially assigned or referred to other Divisions, except matters relating to the Commission's Deviation Rules (49 CFR Part 311, or as amended) assigned to and determined by the Operating Rights Board, pursuant to Item 7.11(c).

2. In Item 4.4, paragraphs (c), (g), (k), and (r) are amended to read as follows:

4.4 *Division three—Finance and Service.*

* * * * *

(c) Section 1 (18) to (20), inclusive, relating to certificates of public convenience and necessity, except determination of applications which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits, unless certified to the Division by a review board or recalled by the Division. (See Item 7.12(f).)

* * * * *

(g) Section 5 (2) to (13), inclusive (except matters assigned to Division 1), relating to consolidations, mergers, purchases, leases, operating contracts, and acquisitions of control of carriers, noncarrier control, and trackage rights, including matters of public convenience and necessity under section 207 and consistency with the public interest under section 209 directly related thereto, except determination of applications under section 5(2) and aforesaid related matters under sections 207 and 209 which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits, unless certified to the Division by a review board or recalled by the Division. (See Item 7.12 (d) and (g).)

* * * * *

(k) Section 20a (other than matters assigned under Item 6.6(a) relating to interlocking directorates) and 214, relating to securities, except determination of applications which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits, unless certified to the Division by an employee board or recalled by the Division. (See Items 7.6 (a) and 7.12 (d), (f), and (g).)

* * * * *

(r) Sections 210a(b) and 311(b) relating to applications for temporary authority when certified to the Division by a review board or recalled by the Division. (See Item 7.12 (e) and (h).)

* * * * *

3. Item 7.6 is revised to read as follows:

7.6 *Finance Board.* (a) Determination of applications under sections 20a (1) to (11), inclusive, and 214 relating to securities when not connected with an application under section 1 (18)-(20) or section 5(2) and which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(b) Any matter referred to the Finance Board which is assigned for the taking of testimony at a public hearing shall be carried to a conclusion in accordance with the established practices and assignments of work of the Commission.

(c) The Finance Board may certify to Division 3 any matter which in the Board's judgment should be passed on by that Division, or the Commission, and Division 3 may recall any matter from the Finance Board.

4. Item 7.11 is revised to read as follows:

7.11 *Operating Rights Board.* (a) Determination of applications under sections 204 (a) (4a), 206, 207, 208, 209, 210, 211, 303(l), 309, 310, 410 (a) to (f), inclusive, and 410 (h) and (i), relating to the issuance of certificates of public convenience and necessity and permits to motor and water carriers, permits to freight forwarders, certificates of exemption to single-State motor carriers, licenses to brokers, and dual operation matters which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(b) Determination of issues, raised by the filing of protests or otherwise, concerning applications by holders of intrastate authorities for certificates of registration to engage in operations in interstate or foreign commerce under sections 206(a) (6) and (7), except those applications under section 206(a)(6) in connection with which petitions for reconsideration of the finding of the State Commission that the public convenience and necessity require applicant's proposed operations in interstate or foreign commerce are seasonably filed, not involving the taking of testimony at a public hearing before the Commission or the submission of evidence to the Commission by opposing parties in the form of affidavits, with the right to designate

any such matter for hearing and determination in accordance with the general rules of practice where such action is deemed necessary or desirable.

(c) Determination of issues, raised by the filing of protests or otherwise, concerning the interpretation and application of the Deviation Rules, 49 CFR Part 311 (20 F.R. 618, 4822), or as amended, not involving the taking of testimony at an oral hearing or the submission of evidence by opposing parties in the form of affidavits, with the right to designate any such matter for hearing and determination in accordance with the general rules of practice where such action is deemed necessary or desirable.

(d) Any matter referred to the Operating Rights Board which is assigned for the taking of testimony at a public hearing shall be carried to a conclusion in accordance with the established practices and assignment of work of the Commission.

(e) The Operating Rights Board may certify to Division 1 any matter which in the Board's judgment should be passed on by that Division, or the Commission, and Division 1 may recall any matter from the Operating Rights Board.

5. In Item 7.12, paragraphs (d), (e), and (f) are revised; and paragraphs (g), (h), (i), (j), and (k) are added. As amended, Item 7.12 reads as follows:

7.12 *Review Board Nos. 1, 2, 3, 4, and 5:*

* * * * *

(d) Determination of applications (except matters assigned in Item 4.2(a)) relating to consolidations, mergers, purchases, leases, operating contracts, and acquisitions of control of motor carriers, and noncarrier control of such carriers, including matters of public convenience and necessity under section 207 and consistency with the public interest under section 209 directly related thereto, and issuance of securities and assumption of obligations under section 214 in connection therewith, which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits. The term "motor carriers" as used herein does not include a motor carrier which also is a carrier subject to Part I or Part III of the Interstate Commerce Act.

(e) Section 210a(b) relating to applications for temporary authority, and continuance of temporary authority under section 9(b) of the Administrative Procedure Act and interpretative special rules (49 CFR 102.1 to 102.4).

(f) Determination of applications under section 1 (18) to (20), inclusive, relating to certificates of public convenience and necessity, and issuance of securities and assumption of obligations under section 20a in connection therewith, which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(g) Determination of applications under section 5(2) (except matters assigned in Item 4.2(a)) relating to consolidations, mergers, purchases, leases, operating contracts, and acquisitions of control of carriers, by railroad or water, noncarrier control of such carriers, and trackage rights; and applications under section 20a (1) to (11), inclusive, relating to securities of carriers, in connection with the aforesaid applications under section 5(2), which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(h) Section 311(b) relating to applications for temporary authority, and continuance of temporary authority under section 9(b) of the Administrative Procedure Act and interpretative special rules (49 CFR 102.1 to 102.4).

(i) In any proceeding under the provisions of law set forth under Item 4.2, 4.3, or 4.4 hereof, in which the parties request the withdrawal of exceptions, a Review Board may grant such request and enter an order making the recommended order of the hearing officer (other than a Commissioner) effective.

(j) In any proceeding under the provisions of law set forth under Item 4.2, 4.3, or 4.4 hereof, a Review Board may enter an order staying the recommended order of a hearing officer (other than a Commissioner) and may vacate such a stay order in the event it concludes later that the recommended order should be allowed to become effective.

(k) A Review Board may certify matters to the Divisions and the Divisions may recall matters from a Review Board, as follows:

(1) A Review Board may certify to Division 1 and Division 1 may recall from a Review Board any matter in any proceeding under the provisions of law set forth under Item 4.2 hereof.

(2) A Review Board may certify to Division 2 and Division 2 may recall from a Review Board any matter in any proceeding under the provisions of law set forth under Item 4.3 hereof.

(3) A Review Board may certify to Division 3 and Division 3 may recall from a Review Board any matter in any proceeding under the provisions of law set forth under Item 4.4.

6. Under the heading Rehearings and Further Proceedings, Items 8.4 and 8.6(a) are amended to read as follows:

REHEARINGS AND FURTHER PROCEEDINGS

* * * * *

8.4 Division 1 is hereby designated as an appellate division to which applications or petitions for reconsideration or review, based on an allegation of error on the merits, in whole or in part, of any order, action, or requirement of the Temporary Authorities Board under paragraphs (a) and (b) of Item 7.4, of the Operations Boards under paragraphs (a) and (b) of Item 7.8, of the Operating Rights Board under paragraphs (a), (b), and (c) of Item 7.11, and of the Review Boards under paragraph (a) of Item 7.12, shall be assigned or referred for disposition (except as otherwise provided in Item 7.4(a)), and the decisions or orders of the appellate division shall be administratively final and not subject to review by the Commission. All other petitions seeking modification of any order, action, or requirement of any such Board, or supplementary authority in the proceeding, shall be determined by the Board, whose order, action, or requirement is sought to be modified.

* * * * *

8.6 Division 3 is hereby designated as an appellate division—

(a) To which applications or petitions for reconsideration or review, based on an allegation of error on the merits, in whole or in part, of any order, action, or requirement of the Transfer Board under Item 7.5(a), the Finance Board under Item 7.6(a), and the Review Boards under paragraphs (c), (d), (e), (f), (g), and (h) of Item 7.12 shall be assigned or referred for disposition, and the decisions or orders of the appellate division shall not be subject to review by the Commission. All other petitions, seeking modification of any order, action, or requirement of any such Board, or supplementary authority in the proceeding, shall be determined by the Board, whose order, action, or requirement is sought to be modified.

* * * * *

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-7889; Filed, July 7, 1967; 8:48 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—JULY

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PART II

Department of Labor

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Federal Service Contracts

Proposed Interpretations

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 4]

FEDERAL SERVICE CONTRACTS

Proposed Interpretations

Pursuant to sections 2 and 4 of the McNamara-O'Hara Service Contract Act of 1965 (79 Stat. 1035) and Secretary's Order No. 36-65 (30 F.R. 15305), I propose to amend 29 CFR Part 4 by adding thereto a new Subpart C as herein set out.

On September 27, 1966, other regulations relating to the administration of the McNamara-O'Hara Service Contract Act of 1965 were published in the FEDERAL REGISTER (31 F.R. 12646) as Subparts A and B of a proposal to revise 29 CFR Part 4. Public comment was invited, and it was stated that "Subpart C containing interpretative materials will be issued at a later date". Some of the comments received requested further opportunity to comment on Subparts A and B after publication of Subpart C. Accordingly, further data, views, or argument on Subparts A and B as published on September 27, 1966 (31 F.R. 12646) as well as such comment on the Subpart C herein set out are invited as provided in that document, but during a period which is expanded to include 30 days following the publication of this document.

Part 4 of Title 29 of the Code of Federal Regulations is hereby amended by adding thereto a new Subpart C as herein set out. As this Subpart C relates only to public contracts, the exemption provided in paragraph (a)(2) makes inapplicable the provisions of subsections (b), (c), and (d) of 5 U.S.C. 553 which otherwise require public procedure and a delayed effective date. It does not appear that any useful purpose would be served by such procedure and delay insofar as it relates to this Subpart C. Accordingly, this amendment shall be effective on the day this document is published in the FEDERAL REGISTER.

On September 27, 1966, other regulations relating to the administration of the McNamara-O'Hara Service Contract Act of 1965 were published in the FEDERAL REGISTER (31 F.R. 12646) as Subparts A and B of a proposal to revise 29 CFR Part 4. Public comment was invited, and it was stated that "Subpart C containing interpretative materials will be issued at a later date". Some of the comments received requested further opportunity to comment on Subparts A and B after publication of Subpart C. Accordingly, further data, views, or argument on Subparts A and B as published on September 27, 1966 (31 F.R. 12646) are invited as provided in that document, but during a period which is expanded to include 30 days following the publication of this document.

The new Subpart C of 29 CFR Part 4 reads as follows:

Subpart C—Application of the McNamara-O'Hara Service Contract Act

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AUTHORITY: The provisions of this Subpart C issued under secs. 2(a) and 4, 79 Stat. 1035; 41 U.S.C. 352, R.S. 161, 5 U.S.C. 22, Secretary's Order 36-65 (30 F.R. 15305).

INTRODUCTORY

§ 4.101 Official rulings and interpretations in this subpart.

The purpose of this subpart is to provide, pursuant to the authority cited in § 4.103, official rulings and interpretations with respect to the application of the McNamara-O'Hara Service Contract Act for the guidance of the agencies of the United States and the District of Columbia which may enter into and administer contracts subject to its provisions, the persons desiring to enter into such contracts with these agencies, and the contractors, subcontractors, and employees who perform work under such contracts. This subpart supersedes all prior rulings and interpretations issued under the Act to the extent, if any, that they may be inconsistent with rules herein stated. Principles governing the application of the Act as set forth in this

subpart are clarified or amplified in particular instances by illustrations and examples based on specific fact situations. Since such illustrations and examples cannot and are not intended to be exhaustive, no inference should be drawn from the fact that a subject or illustration is omitted. If doubt arises, inquiries with respect to matters other than safety and health standards should be directed to the Administrator of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, Washington, D.C. 20210, or to any Regional or District Office of the Divisions. Safety and health inquiries should be addressed to the Director, Bureau of Labor Standards, U.S. Department of Labor, Washington, D.C. 20210, or to any Regional Office of the Bureau. A full description of the facts and any relevant documents should be submitted if an official ruling is desired.

§ 4.102 The Act.

The McNamara-O'Hara Service Contract Act of 1965 (Public Law 89-286, 79 Stat. 1034, 41 U.S.C. 351 et seq.), hereinafter referred to as the Act, was approved by the President on October 22, 1965 (1 Weekly Compilation of Presidential Documents 428). It establishes standards for minimum compensation and safety and health protection of employees performing work for contractors and subcontractors on service contracts entered into with the Federal Government and the District of Columbia. It applies to contracts entered into pursuant to negotiations concluded or invitations for bids issued on or after January 20, 1966.

§ 4.103 What the Act provides, generally.

The provisions of the Act apply to contracts, whether negotiated or advertised, the principal purpose of which is to furnish services in the United States through the use of service employees. Under its provisions, every contract subject to the Act (and any bid specification therefor) entered into by the United States or the District of Columbia in excess of $2,500 must contain stipulations requiring (a) that specified minimum monetary wages and fringe benefits determined by the Secretary of Labor (based on wage rates and fringe benefits prevailing in the locality) be paid to service employees employed by the contractor or any subcontractor in performing the services contracted for; (b) that working conditions of such employees which are under the control of the contractor or subcontractor meet safety and health standards; and (c) that notice be given to such employees of the compensation due them under the minimum wage and fringe benefits provisions of the contract. The Act does not permit the monetary wage rates specified in such a contract to be less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act, as amended (29 U.S.C. 206(a)(1)). In addition, it is a violation of the Act for any contractor or subcontractor under a Federal contract subject to the Act, regardless of the amount of the contract, to pay any of his employees engaged in performing work on the contract less than such Fair Labor Standards Act minimum wage (or, in the case of certain linen supply contractors, the alternative minimum wage provided under sec. 6(e)(2) of such Act). Contracts of $2,500 or less are not, however, required to contain the stipulations described above. These provisions of the Service Contract Act are implemented by the regulations contained in Subparts A and B of this Part 4, and are discussed in more detail in subsequent sections of this subpart.

§ 4.104 Administration of the Act.

(a) As provided by section 4 of the Act and under provisions of sections 4 and 5 of the Walsh-Healey Public Contracts Act (49 Stat. 2036, 41 U.S.C. 38, 39) which are made expressly applicable for the purpose, the Secretary of Labor is authorized and directed to administer and enforce the provisions of the McNamara-O'Hara Service Contract Act, to make rules and regulations, issue orders, make decisions, and take other appropriate action under the Act, including the provision of reasonable limitations and the making of such rules and regulations allowing reasonable variations, tolerances, and exemptions to and from provisions of the Act as he may find necessary and proper in the public interest or to avoid serious impairment of the conduct of Government business.

(b) Functions of the Secretary are performed by the Administrator of the Wage and Hour and Public Contracts Divisions, subject to the direction of the Assistant Secretary for Labor-Management Relations, by the Director of the Bureau of Labor Standards, subject to the direction of the Assistant Secretary for Labor Standards, and by the Solicitor of Labor, as provided in Secretary's Orders 36-65 (30 F.R. 15305) and 12-66 (31 F.R. 12620), and the regulations in this part and in Part 6 of this title.

(c) The Administrator has authority and responsibility for administration of the Act's provisions relating to matters other than occupational health and safety, including (1) determining minimum wages and fringe benefits pursuant to section 2(a) of the Act; (2) issuing interpretations with respect to the Act and regulations thereunder on the advice of the Solicitor; (3) authorizing and instituting investigations and prosecuting any inquiry with respect to possible violations of the Act; (4) reviewing findings and decisions of the hearing examiners in administrative enforcement proceedings and making revised findings, conclusions, and decisions pursuant to section 8 of the Administrative Procedure Act as well as reviewing and modifying recommendations to the Secretary of Labor concerning application of the ineligibility list sanction; (5) making recommendations to the Secretary of Labor as to exceptions, limitations, variations, tolerances, and exemptions from the provisions of the Act and from regulations of the Secretary of Labor; (6) making disbursements from the deposit fund directly to the underpaid employees from any accrued underpayments withheld under the Act; (7) making recommendations to the Secretary for the issuance, amendment, or rescission of such rules and regulations as he may deem to be necessary or advisable to carry out the provisions of the Act; and (8) making appropriate arrangements with the contracting agencies pursuant to section 3 of the Act and for their cooperation in carrying out its provisions.

(d) The director has authority and responsibility for administration of the Act's provisions relating to occupational health and safety, including (1) formulating safety and health standards; (2) making safety and health inspections under the provisions of the Act; (3) reviewing findings and decisions of hearing examiners and making revised findings, conclusions, and decisions concerning compliance with safety and health standards, in administrative enforcement proceedings under the Act; (4) reviewing hearing examiners' recommendations for relief from the ineligibility list sanction for violations of safety and health standards and making recommendations with respect thereto to the Secretary; and (5) otherwise administering enforcement policy and activities in connection with the safety and health standards under the Act.

(e) The Solicitor of Labor has responsibility for (1) providing legal advice and assistance to the Secretary, the Administrator, and the Director in the issuance of regulations, rules, and interpretations under the Act and the regulations issued thereunder; (2) prosecuting judicial enforcement proceedings, determination in each case whether such proceedings are appropriate to be made by the Solicitor of Labor; and (3) assisting the Administrator and the Director in the development of policies for the administration and enforcement of the Act.

AGENCIES WHOSE CONTRACTS MAY BE COVERED

§ 4.107 Federal contracts.

(a) Section 2(a) of the Act covers contracts (and any bid specification therefor) "entered into by the United States" and section 2(b) applies to contracts entered into "with the Federal Government." Within the meaning of these provisions, contracts entered into by the United States and contracts with the Federal Government include generally all contracts to which any agency or instrumentality of the U.S. Government becomes a party pursuant to authority derived from the Constitution and laws of the United States. The Act does not authorize any distinction in this respect between such agencies and instrumentalities on the basis of their inclusion in or independence from the executive, legislative, or judicial branches of the Government, the fact that they may be corporate in form, or the fact that payment for the contract services is not made from appropriated funds. Thus, contracts of wholly owned Government corporations, and those of nonappropriated fund instrumentalities under the jurisdiction of the Armed Forces, are included among those subject to the general coverage of

the Act. Contracts with the Federal Government and contracts entered into "by the United States" within the meaning of the Act do not, however, include contracts for services entered into on their own behalf by agencies or instrumentalities of other Governments within the United States such as those of the several States and their political subdivisions, or of Puerto Rico, the Virgin Islands, Guam, or American Samoa.

(b) Where a Federal agency exercises its contracting authority to procure services for the Government or Government personnel, the method of procurement utilized by the contracting agency is not controlling in determining coverage of the contract as one entered into by the United States. Such contracts may be entered into by the United States either through a direct award by a Federal agency or through the exercise by another agency (whether governmental or private) of authority granted to it to procure services for or on behalf of a Federal agency. Thus, sometimes authority to enter into service contracts of the character described in the Act for and on behalf of the Government and on a cost-reimbursable basis may be delegated, for the convenience of the contracting agency, to a prime contractor with the Government under the terms of a contract having a principal purpose other than the furnishing of services through the use of service employees (as, for example, a contract to operate or manage a Federal installation or facility or a Federal program). The contracts entered into by such a prime contractor with secondary contractors for and on behalf of the Federal agency pursuant to such delegated authority, which have such services as their principal purpose, are deemed to be contracts entered into by the United States and contracts with the Federal Government within the meaning of the Act. However, service contracts entered into by Federal contractors or State or local public bodies with purveyors of services are not deemed to be entered into by the United States merely because such services are paid for with funds of the contractor or public body which have been received from the Federal Government as payment for contract work or as a grant under a Federal program. For example, a contract entered into by a municipal housing authority for tree trimming, tree removal, and landscaping for an urban renewal project financed by Federal funds is not a contract entered into by the United States and is not covered by the Service Contract Act.

§ 4.108 District of Columbia contracts.

Section 2(a) of the Act covers contracts (and any bid specification therefor) in excess of $2,500 which are "entered into by the * * * District of Columbia." The contracts of all agencies and instrumentalities which procure contract services for or on behalf of the District or under the authority of the District Government are contracts entered into by the District of Columbia within the meaning of this provision. Such contracts are also considered contracts "entered into with the Federal Government" within the meaning of section 2(b) of the Act. The legislative history indicates no intent to distinguish District of Columbia contracts from the other contracts made subject to the Act, and traditionally, under other statutes, District Government contracts have been made subject to the same labor standards provisions as contracts of other agencies and instrumentalities of the United States.

COVERED CONTRACTS GENERALLY

§ 4.110 What contracts are covered.

The Act covers service contracts of the Federal agencies described in §§ 4.107–4.108. Except as otherwise specifically provided (see §§ 4.115 et seq.), all such contracts, the principal purpose of which is to furnish services in the United States through the use of service employees, are subject to its terms. This is true of contracts entered into by such agencies with States or their political subdivisions, as well as such contracts entered into with private employers; however, contracts between a Federal or District of Columbia agency and another such agency are not within the purview of the Act. It makes no difference in the coverage of a contract whether the contract services are procured through negotiation or through advertising for bids. Also, the mere fact that an agreement is not reduced to writing does not mean that the contract is not within the coverage of the Act. The amount of the contract is not determinative of the Act's coverage, although the requirements are different for contracts in excess of $2,500 and for contracts of a lesser amount. The Act is applicable to the contract if the principal purpose of the contract is to furnish services, if such services are to be furnished in the United States, and if service employees will be used in providing such services. These elements of coverage will be discussed separately in the following sections.

§ 4.111 Contracts "to furnish services".

(a) *"Principal purpose" as criterion.* Under its terms, the Act applies to a "contract (and any bid specification therefor) * * * the principal purpose of which is to furnish services * * *" If the principal purpose is to provide something other than services of the character contemplated by the Act and any such services which may be performed are only incidental to the performance of a contract for another purpose, the Act does not apply. However, as will be seen by examining the illustrative examples of covered contracts in §§ 4.130 et seq., no hard and fast rule can be laid down as to the precise meaning of the term "principal purpose." Whether the principal purpose of a particular contract is the furnishing of services through the use of service employees is largely a question to be determined on the basis of all the facts in each particular case. Even where tangible items of substantial value are important elements of the subject matter of the contract, the facts may show that they are of secondary import to the furnishing of services in the particular case.

(b) *Determining whether a contract is for "services", generally.* Except indirectly through the definition of "service employee" the Act does not define, or limit, the types of "services" which may be contracted for under a contract "the principal purpose of which is to furnish services". As stated in the congressional committee reports on the legislation, the types of service contracts covered by its provisions are varied. Among the examples cited are contracts for laundry and dry cleaning, for transportation of the mail, for custodial, janitorial, or guard service, for packing and crating, for food service, and for miscellaneous housekeeping services. Covered contracts for services would also include those for other types of services which may be performed through the use of the various classes of service employees included in the definition in section 8(b) of the Act (see § 4.113). Examples of some such contracts are set forth in §§ 4.130 et seq. In determining questions of contract coverage, due regard must be given to the apparent legislative intent to include generally as contracts for "services" those contracts which have as their principal purpose the procurement of something other than the construction activity described in the Davis-Bacon Act or the materials, supplies, articles, and equipment described in the Walsh-Healey Act. The Committee reports in both House and Senate, and statements made on the floor of the House, took note of the labor standards protections afforded by these two Acts to employees engaged in the performance of construction and supply contracts and observed: "The service contract is now the only remaining category of Federal contracts to which no labor standards protections apply" (H. Rept. 948, p. 1; see also S. Rept. 798, p. 1; daily Congressional Record Sept. 20, 1965, p. 23497). A similar understanding of contracts principally for "services" as embracing contracts other than those for construction or supplies is reflected in the statement of President Johnson upon signing the Act (1 Weekly Compilation of Presidential Documents, p. 428).

§ 4.112 Contracts to furnish services "in the United States."

(a) The Act covers contract services furnished "in the United States". The geographical area included in the "United States" is defined in section 8(d) as "any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Outer Continental Shelf lands as defined in the Outer Continental Shelf Lands Act, American Samoa, Guam, Wake Islands, Eniwetok Atoll, Kwajalein Atoll, Johnston Island." The definition expressly excludes any other territory under the jurisdiction of the United States (e.g. the Canal Zone) and any United States base or possession within a foreign country. Services to be performed exclusively on a vessel operating in international waters outside the geographic areas named in section 8(d) would not be services furnished "in the

United States" within the meaning of the Act.

(b) A service contract to be performed in its entirety outside the geographic limits of the United States as thus defined is not covered and is not subject to the labor standards of the Act. See § 4.6(c)(8). However, if a service contract is to be performed in part within and in part without these geographic limits, the stipulations required by § 4.6 or CFR 4.7, as appropriate, must be included in the invitation for bids or negotiation documents and in the contract, and the labor standards must be observed with respect to that part of the contract services that is performed within these geographic limits. In such a case the requirements of the Act and of the contract clauses will not be applicable to the services furnished outside the United States.

§ 4.113 Contracts to furnish services "through the use of service employees".

(a) *Use of "service employees" in contract performance.* (1) As indicated in § 4.110, the Act covers service contracts in which "service employees" will be used in performing the services which it is the purpose of the contract to procure. A service contract otherwise subject to the Act ordinarily will meet this condition if any of the services which it is the principal purpose of the contract to obtain will be furnished through the use of any service employee or employees. Even where it is contemplated that the services (of the kind performed by service employees) will be performed individually by the contractor himself, the contract cannot be considered outside the reach of the Act unless it is known in advance that the contractor will in no event use any service employee during the term of the contract in furnishing the services called for. If the contracting officer knows when advertising for bids or concluding negotiations that no such employee will be used by the contractor in any event in providing the contract services, the Act will not be deemed applicable to the contract and the contract clauses required by § 4.6 or § 4.7 may be omitted. However, in all other cases such clauses must be included in the contract documents, for application in the event service employees are used in furnishing the services. The fact that the required services will be performed by municipal employees or employees of a State would not remove the contract from the purview of the Act, as this Act does not contain any exemption for contracts performed by such employees. Also, where the services the Government wants under the contract are principally of a type that will require the use of service employees as defined in section 8(b) of the Act, including supervisory personnel in positions "having trade, craft, or laboring experience as the paramount requirement", the contract is not taken out of the purview of the Act by the fact that the manner in which the services of such employees are performed will be subject to the continuing overall supervision of professional personnel to whose services the Act would not be considered to apply.

(2) The coverage of the Act does not extend, however, to contracts which have as their principal purpose the procurement of a type of service in the furnishing of which no service employees will be used. A contract for medical services is an example of such a contract. So are other contracts under which the desired services called for by the Government are to be performed by bona fide executive, administrative, or professional personnel as defined in Part 541 of this title (see paragraph (b) of this section). If the use of service employees will not be involved in providing the type of service specified by the Government, the contract is not subject to the Act even though there is some incidental employment by the contractor or a subcontractor of service employees to do work not specifically called for by the contract.

(b) *"Service employees" defined.* In determining whether or not any of the contract services will be performed by service employees, the definition of "service employee" in section 8(b) of the Act is controlling. It provides:

> The term "service employee" means guards, watchmen, and any person engaged in a recognized trade or craft, or other skilled mechanical craft, or in unskilled, semiskilled, or skilled manual labor occupations; and any other employee including a foreman or supervisor in a position having trade, craft, or laboring experience as the paramount requirement; and shall include all such persons regardless of any contractual relationship that may be alleged to exist between a contractor or subcontractor and such persons.

It will be noted that the definition expressly includes certain supervisory employees. However, it is not deemed to include those employees who are employed in a bona fide executive, administrative, or professional capacity as defined in Part 541 of this title. The breadth of the definition is indicated by the fact that much of its language is identical with that in the Classification Act Amendments of 1954 (5 U.S.C. 1082(7)) defining the so-called "blue collar workers" or "wage board employees" in the Federal service. The legislative history indicates that such employees are the "counterpart" in Federal service of the contractors' employees to whom the Act was intended to extend. (H. Rept. No. 948, 89th Cong. 1st sess. p. 2.) The definition therefore includes as service employees those classes of employees described in some detail in the Handbook of Blue Collar Occupational Families and Series issued by the Civil Service Commission (the latest being October 1961). Some of the specific types of service employees who may be employed on service contracts are noted in subsequent sections which discuss the application of the Act to employees.

§ 4.114 Subcontracts.

(a) *Requirements applicable to subcontractors.* The Act's provisions apply to the performance not only of the contracts entered into with the United States or the District of Columbia which they cover but also to the performance of any subcontract thereunder. The Act and the regulations (§§ 4.6–4.7) require the Government prime contractor to agree that the required labor standards will be observed by his subcontractors as well as by himself, that the prescribed contract clauses relating thereto will be inserted in all subcontracts, and that appropriate sanctions provided under the Act may be invoked against him in the event of any failure to comply. Subcontractors responsible for violation of the contract stipulations are also liable for underpayments of wages which the stipulations require to be paid and are subject to the enforcement provisions of the Act. The payment by subcontractors to their employees, performing work on covered contracts with the Federal Government, of less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act (29 U.S.C. 206(a)(1)) is expressly prohibited, except as otherwise provided in the case of certain linen supply subcontractors under section 6(e)(2) of such Act.

(b) *"Contractor" as including "subcontractor."* Except where otherwise noted or where the term "Government prime contractor" is used, the term "contractor" as used in this Part 4 shall be deemed to include a subcontractor. The term "contractor" as used in the contract clauses required by Subpart A in any subcontract under a covered contract shall be deemed to refer to the subcontractor, or, if in a subcontract entered into by such a subcontractor, shall be deemed to refer to the lower level subcontractor.

SPECIFIC EXCLUSIONS

§ 4.115 Exemptions and exceptions generally.

The Act, in section 7, specifically excludes from its coverage certain contracts and work which might otherwise come within its terms as procurements the principal purpose of which is to furnish services through the use of service employees. In addition, as noted in § 4.104 provision is made in section 4 of the Act for administrative action by the Secretary of Labor providing reasonable limitations and allowing reasonable variations, tolerances, and exemptions to and from provisions of the Act in accordance with standards set forth in the section. These provisions of the Act apply as explained in the following discussion. The limitations stated in this subpart in defining the scope of the statutory exemptions are reasonable limitations that have been found necessary and proper in the public interest in accordance with the provisions of section (4)b of the Act.

§ 4.116 Contracts for construction activity.

(a) *General scope of exemption.* The Act, in paragraph (1) of section 7, exempts from its provisions "any contract of the United States or District of Columbia for construction, alteration and/or repair, including painting and decorating of public buildings or public works." This language corresponds to the language used in the Davis-Bacon Act to describe its coverage (40 U.S.C. 270a).

The legislative history of the McNamara-O'Hara Service Contract Act indicates that the purpose of the provision is to avoid overlapping coverage of the two acts by excluding from the application of the McNamara-O'Hara Act those contracts (and any bid specification therefor) to which the Davis-Bacon Act is applicable and in the performance of which the labor standards of that Act are intended to govern the compensation payable to the employees of contractors and subcontractors on the work. (See H. Rept. 798, pp. 2, 5, and H. Rept. 948, pp. 1, 5, also Hearing, Special Subcommittee on Labor, House Committee on Education and Labor, p. 9 (89th Cong., 1st sess.).) The intent of section 7(1) is simply to exclude from the provisions of the Act those construction contracts which involve the employment of persons whose wage rates and fringe benefits are determinable under the Davis-Bacon Act.

(b) *Contracts not within exemption.* (1) Section 7(1) does not exempt contracts which, for purposes of the Davis-Bacon Act, are not considered to be of the character described by the corresponding language in that Act, and to which the provisions of such Act are therefore not applied. Such contracts are accordingly subject to the McNamara-O'Hara Act where their principal purpose is to furnish services in the United States through the use of service employees. For example, a contract for clearing timber or brush from land or for the demolition or dismantling of buildings or other structures located thereon may be a contract for construction activity subject to the Davis-Bacon Act where it appears that the clearing of the site is to be followed by the construction of a public building or public work at the same location. If, however, no further construction activity at the site is contemplated the Davis-Bacon Act may be considered inapplicable to such clearing, demolition, or dismantling work. In such event, the exemption in section 7(1) of the McNamara-O'Hara Act has no application and the contract will be subject to the Act in accordance with its general coverage provisions.

(2) Also, where the principal purpose of a contract is to furnish services in the United States through the use of service employees whose wage rates and fringe benefits are not determinable under the Davis-Bacon Act, the fact that the contract may, by a literal reading of section 7(1), be considered to come within its exemptive language does not justify an application of the exemption where this would result in no wage determinations for these employees under either Act. This is found to be a reasonable limitation on the exemption, consistent with the rule of narrow construction of exemptions from remedial statutes and with the legislative history of this Act, which is necessary and proper in the public interest, in accordance with the provisions of section 4(b) of the Act.

(3) It should be noted also that contracts in the amount of $2,000 or less and contracts to be performed in geographic areas outside the boundaries of the 50 States and the District of Columbia are not subject to the Davis-Bacon Act. Such a contract is within the general coverage provisions of the McNamara-O'Hara Act, however, if it is to be performed within the "United States" as defined in such Act and if its principal purpose is to furnish services through the use of service employees. If the contract meets these tests, it will not be deemed exempt under section 7(1) of the Act even though it calls for construction activity, since there is no suggestion in the legislative history that the Congress intended this exclusion to apply to contracts not subject to the Davis-Bacon Act or to leave employees performing such contracts outside the protection of either Act. This is found to be a reasonable limitation of the exemption which is necessary and proper in the public interest in accordance with the provisions of section 4(b) of the Act.

(c) *Partially exempt contracts.* Instances may arise in which, for the convenience of the Government, instead of awarding separate contracts for construction work subject to the Davis-Bacon Act and for services of a different type to be performed by service employees, the contracting officer may include separate specifications for each type of work in a single contract calling for the performance of both types of work. For example, a contracting agency may invite bids for the installation of a plumbing system in a public building and for the maintenance of the system for one year, under separate bid specifications. In such a case, the exemption provided by section 7(1) will be deemed applicable only to that portion of the contract which calls for construction activity subject to the Davis-Bacon Act. The contract documents are required to contain the clauses prescribed by § 4.6 for application to the contract obligation to furnish services through the use of service employees, and the provisions of the McNamara-O'Hara Act will apply to that portion of the contract. This is a reasonable limitation of the application of the exemption found to be necessary and proper in the public interest in accordance with the provisions of section 4(b) of the Act.

§ 4.117 Contracts for carriage subject to published tariff rates.

The Act, in paragraph (3) of section 7, exempts from its provisions "any contract for the carriage of freight or personnel by vessel, airplane, bus, truck, express, railway line or oil or gas pipeline where published tariff rates are in effect". In order for this exemption to be applicable, the contract must be for such carriage by a common carrier described by the terms used. It does not, for example, apply to contracts for taxicab or ambulance service, because taxicab and ambulance companies are not among the common carriers specified by the statute. Also, a contract for transportation service does not come within this exemption unless the service contracted for is actually governed by published tariff rates in effect pursuant to State or Federal law for such carriage. Rates governed by section 22 of Part I of the Interstate Commerce Act are not considered to be published tariff rates; accordingly, a contract for transportation of personnel or freight performed in accordance with a reduced rate under such section is not within the exemption. The contracts excluded from the reach of the Act by this exemption are typically those where there is on file with the Interstate Commerce Commission or an appropriate State or local regulatory body a tariff rate applicable to the transportation involved, and the transportation contract between the Government and the carrier is evidenced by a bill of lading citing the published tariff rate. It should be noted further that only such contracts for the carriage of "freight or personnel" are exempt. This exemption thus does not exclude any contracts for the transportation of mail from the application of the Act, because the term "freight" does not include the mail. (For an administrative exemption of certain contracts with common carriers for carriage of mail, see § 4.6(c)(9).)

§ 4.118 Contracts for services of communications companies.

The Act, in paragraph (4) of section 7, exempts from its provisions "any contract for the furnishing of services by radio, telephone, telegraph, or cable companies, subject to the Communications Act of 1934." This exemption is applicable to contracts with such companies for communication services regulated under the Communications Act. It does not exempt from the Act any contracts with such companies to furnish any other kinds of services through the use of service employees.

§ 4.119 Contracts for public utility services.

The Act, in paragraph (5) of section 7, exempts from its provisions "any contract for public utility services, including electric light and power, water, steam, and gas." This exemption is applicable to contracts for such services with companies whose rates therefor are regulated under State, local, or Federal law governing operations of public utility enterprises. Contracts entered into with public utility companies to furnish services through the use of service employees, other than those subject to such rate regulation, are not exempt from the Act. Among the contracts included in the exemption would be those between Federal electric power marketing agencies and investor-owned electric utilities, Rural Electrification Administration cooperatives, municipalities and State agencies engaged in the transmission and sale of electric power and energy. (See H. Rept. No. 948, 89th Cong., 1st sess., p. 4.)

§ 4.120 Contracts for operation of postal contract stations.

The Act, in paragraph (7) of section 7, exempts from its provisions "any contract with the Post Office Department, the principal purpose of which is the operation of postal contract stations." The exemption is limited to postal serv-

ice contracts having the operation of such stations as their principal purpose. A provision of the legislation which would also have exempted contracts with the Post Office Department having as their principal purpose the transportation, handling, or delivery of the mails was eliminated from the bill during its consideration by the House Committee on Education and Labor (H. Rept. 948, p. 1, 89th Cong., 1st sess.).

§ 4.121 Contracts for individual services.

The Act, in paragraph (6) of section 7, exempts from its provisions "any employment contract providing for direct services to a Federal agency by an individual or individuals." This exemption, which applies only to an "employment contract" for "direct services," makes it clear that the Act's application to Federal contracts for services is intended to be limited to service contracts entered into with independent contractors. If a contract to furnish services (to be performed by a service employee as defined in the Act) provides that they will be furnished directly to the Federal agency by the individual under conditions or circumstances which will make him an employee of the agency in providing the contract service, the exemption applies and the contract will not be subject to the Act's provisions. The exemption does not exclude from the Act any contract for services of the kind performed by service employees which is entered into with an independent contractor whose individual services will be used in performing the contract, but as noted earlier in § 4.113, such a contract would be outside the general coverage of the Act if only the contractor's individual services would be furnished and no service employee would in any event be used in its performance.

§ 4.122 Work subject to requirements of Walsh-Healey Act.

The Act, in paragraph (2) of section 7, exempts from its provisions "any work required to be done in accordance with the provisions of the Walsh-Healey Public Contracts Act (49 Stat. 2036)." It will be noted that this like the similar provision in the Contract Work Hours Standards Act (40 U.S.C. 329(b)), is an exemption for "work" rather than for "contracts" subject to the Walsh-Healey Act. The purpose of the exemption was to eliminate possible overlapping of the differing labor standards of the two Acts, which otherwise might be applied to employees performing work on a contract covered by the McNamara-O'Hara Act if such contract and their work under it should also be deemed to be covered by the Walsh-Healey Act. The Walsh-Healey Act applies to contracts in excess of $10,000 for the manufacture or furnishing of materials, supplies, articles or equipment. There is no overlap of coverage, therefore, in the case of contracts in amounts not in excess of $10,000. Nor is there an overlap if the principal purpose of the contract is the manufacture or furnishing of such materials etc., rather than the furnishing of services of the character referred to in the McNamara-O'Hara Act, for such a contract is not within the general coverage of the latter Act. In such cases the exemption in section 7(2) is not pertinent. It is pertinent, however, in the case of contracts exceeding $10,000 which are covered by the McNamara-O'Hara Act, because they have as their principal purpose the furnishing of services through the use of service employees, and are also covered by the Walsh-Healey Act, because it applies to contracts in the required amount, irrespective of their principal purpose, if the furnishing of materials, supplies, articles, or equipment in a substantial amount is called for by the contract or is a significant or independent purpose of the contract. Under such contracts, the "work required to be done in accordance with the provisions of the Walsh-Healey Public Contracts Act," which is exempted by section 7(2), includes only the work of those employees who are "engaged in or connected with the manufacture, fabrication, assembling, handling, supervision, or shipment of materials, supplies, articles, or equipment required under the contract" (41 CFR 50-201.102). Service employees engaged in such work on a contract covered by both Acts are thus exempt under section 7(2) from the provisions of the McNamara-O'Hara Act and subject only to the provisions of the Walsh-Healey Act, while other employees such as guards, watchmen, and employees performing only general office or clerical work are not covered by the Walsh-Healey Act or within this exemption, and are covered by the provisions of the McNamara-O'Hara Act when performing work on a contract subject to its terms.

§ 4.123 Administrative limitations, variations, tolerances, and exemptions.

(a) *Authority of the Secretary.* The Act, in section 4(b) authorizes the Secretary to "provide such reasonable limitations" and to "make such rules and regulations allowing reasonable variations, tolerances, and exemptions to and from any or all provisions of this Act as he may find necessary and proper in the public interest or to avoid serious impairment of the conduct of Government business." This authority is similar to that vested in the Secretary under section 6 of the Walsh-Healey Public Contracts Act (41 U.S.C. 40) and under section 105 of the Contract Work Hours Standards Act (40 U.S.C. 331).

(b) *Administrative action under section 4(b) of the Act.* The authority conferred on the Secretary by section 4(b) of the Act will be exercised with due regard to the remedial purpose of the statute to protect prevailing labor standards and to avoid the undercutting of such standards which could result from the award of Government work to constandards, and whose saving in labor cost tractors who will not observe such therefrom enables them to offer a lower price to the Government than can be offered by the fair employers who maintain the prevailing standards. Administrative action consistent with this statutory purpose may be taken under section 4(b) with or without a request therefor, when found necessary and proper in accordance with the statutory standards. No formal procedures have been prescribed for requesting such action. However, a request for exemption from the Act's provisions will be granted only upon a strong and affirmative showing that it is necessary and proper in the public interest or to avoid serious impairment of Government business. If the request for administrative action under section 4(b) is not made by the headquarters office of the contracting agency to which the contract services are to be provided, the views of such office on the matter should be obtained and submitted with the request or the contracting officer may forward such a request through channels to the agency headquarters for submission with the latter's views to the Administrator of the Wage and Hour and Public Contracts Divisions, Department of Labor.

(c) *Documentation of official action under section 4(b).* All papers and documents made a part of the official record of administrative action pursuant to section 4(b) of the Act are available for public inspection in accordance with the regulations in 29 CFR 2.6. Limitations, variations, tolerances and exemptions of general applicability and legal effect promulgated pursuant to such authority are published in the FEDERAL REGISTER and made a part of the rules incorporated in this Part 4. For convenience in use of the rules they are set forth in the sections of this part covering the subject matter to which they relate, rather than as a separate listing. (See, for example, the exemption provided in § 4.5(b) and the limitations set forth in §§ 4.115 et seq.) Any rules that are promulgated under section 4(b) of the Act relating to subject matter not dealt with elsewhere in this Part 4 will be set forth immediately following this paragraph.

PARTICULAR APPLICATIONS OF CONTRACT COVERAGE PRINCIPLES

§ 4.130 Types of covered service contracts illustrated.

The types of contracts, the principal purpose of which is to furnish services through the use of service employees, are too numerous and varied to permit an exhaustive listing. The following list is illustrative, however, of the types of services called for by such contracts that have been found to come within the coverage of the Act.

(a) Aerial spraying.
(b) Aerial reconnaissance for fire detection.
(c) Ambulance service.
(d) Cafeteria and food service.
(e) Chemical testing and analysis.
(f) Clothing alteration and repair.
(g) Custodial and janitorial services.
(h) Electronic equipment maintenance and operation.
(i) Flight training.
(j) Forest fire fighting.
(k) Geological field surveys.
(l) Grounds maintenance.
(m) Guard or watchman service.
(n) Landscaping (other than part of construction).

(o) Laundry and dry cleaning.
(p) Linen supply service.
(q) Lodging and meals.
(r) Mail hauling.
(s) Maintenance and repair of motor equipment.
(t) Maintenance and repair of office equipment.
(u) Miscellaneous housekeeping.
(v) Motor Pool operation.
(w) Packing and crating.
(x) Parking services.
(y) Snow removal.
(z) Stenographic reporting.
(aa) Support services at military installations.
(bb) Taxicab services.
(cc) Tire and tube repairs.
(dd) Transporting property or personnel (except as explained in § 4.117).
(ee) Trash and garbage removal.
(ff) Warehousing or storage.
(gg) Drafting and illustrating.
(hh) Mortuary services.

§ 4.131 Furnishing services involving more than use of labor.

(a) If the principal purpose of a contract is to furnish services in the performance of which service employees will be used, the Act will apply to the contract, in the absence of an exemption, even though the use of nonlabor items may be an important element in the furnishing of the services called for by its terms. The Act is concerned with protecting the labor standards of workers engaged in performing such contracts, and is applicable if the statutory coverage test is met, regardless of the proportion of the labor cost to the total cost of furnishing the contract services, the form in which the contract is drafted, or the necessity of providing tangible nonlabor items in performing the contract obligations. A procurement that requires tangible items to be supplied as a part of the service furnished is covered by the Act so long as the facts show that the contract is chiefly for services, and that the furnishing of tangible items is of secondary importance.

(b) Some examples of covered contracts illustrating these principles may be helpful. One such example is a contract for the maintenance and repair of typewriters. Such a contract may require the contractor to furnish typewriter parts, as the need arises, in performing the contract services. Since this does not change the principal purpose of the contract, which is to furnish the maintenance and repair services through the use of service employees, the contract remains subject to the Act.

The same is true of contracts for maintenance or repair of motor vehicles or other equipment. (As noted in § 4.122, if such contracts exceed $10,000 in amount, the Walsh-Healey Public Contracts Act may also apply to them, in which event the employees performing work required to be done in accordance with its provisions would be exempt from the application of the Service Contract Act.)

(c) Another example of the application of the above principle is a contract for the recurrent supply to a Government agency of freshly laundered items on a rental basis. It is plain from the legislative history that such a contract is typical of those intended to be covered by the Act. Although tangible items owned by the contractor are provided on a rental basis for the use of the Government, the service furnished by the contractor in making them available for such use when and where they are needed, through the use of service employees who launder and deliver them, is the principal purpose of the contract. Similarly, a contract in the form of rental of equipment with operators for the plowing and reseeding of a park area is a service contract. The Act applies to it because its principal purpose is the service of plowing and reseeding, which will be performed by service employees, although as a necessary incident the contractor is required to furnish equipment. For like reasons the contracts for aerial spraying and aerial reconnaissance listed in § 4.130 are covered, even though the use of airplanes, an expensive item of equipment, is essential in performing such services. Contracts under which the contractor agrees to provide the Government with vehicles or equipment on a rental basis with drivers or operators are similarly deemed contracts to furnish services, in the performance of which service employees will be used. (Such contracts are not considered contracts for furnishing equipment within the meaning of the Walsh-Healey Public Contracts Act.)

§ 4.132 Services and other items to be furnished under single contract.

If the principal purpose of a contract specification is to furnish services through the use of service employees within the meaning of the Act, the contract to furnish such services is not removed from the Act's coverage merely because, as a matter of convenience in procurement, it is combined in a single contract document with specifications for the procurement of different or unrelated items. For example, a contracting agency may invite bids for supplying a quantity of new typewriters and for the maintenance and repair of the typewriters already in use, under separate bid specifications. The principal purpose of the latter, but not the former, would be the furnishing of services through the use of service employees. A typewriter company might be the successful bidder on both items and the specifications for each might be included in a single contract for the convenience of the parties. In such a case, the contract obligation to furnish the maintenance and repair services would be subject to the provisions of the Act. The "principal purpose" test would be applicable to the specification for such services rather than to the combined contract. The Act would not apply in such case to the contract obligation to furnish new typewriters, although its performance would be subject to the provisions of the Walsh-Healey Public Contracts Act if the amount was in excess of $10,000.

§ 4.133 Government as beneficiary of contract services.

(a) *In general.* The Act does not say to whom the services under a covered contract must be furnished; so far as its language is concerned, it is enough if the contract is "entered into" by and with the Government and if its principal purpose is "to furnish services in the United States through the use of service employees." The legislative history indicates an intention to cover at least contracts for services of direct benefit to the Government, its property, or its civilian or military personnel for whose needs it is necessary or desirable for the Government to make provision for such services. Such contracts as those for furnishing food service and laundry and dry cleaning service for personnel at military installations, for example, were specifically referred to. Where the principal purpose of the Government contract is to provide these or other services to the Government or its personnel through the use of service employees, the contract is within the general coverage of the Act regardless of the source of the funds from which the contractor is paid for the service and irrespective of whether he performs the work in his own establishment, on a Government installation, or elsewhere. The fact that the contract permits him to provide the services directly to individual personnel as a concessionaire, rather than through the contracting agency, does not require a different conclusion.

(b) *Special situations.* It is not considered that the Act was intended to cover every contract, however, which is entered into with the Government by a contractor to furnish services, no matter how indirect or remote a benefit the Government may derive therefrom. If, for example, a contract with the Government grants the contractor the privilege of operating as a concessionaire in a Government park for the purpose of furnishing services to the public generally rather than to the Government or to personnel engaged in its business, the contract is not considered subject to the Act. Since the statute itself provides no clear line of demarcation, questions of contract coverage where doubt arises because of remoteness of benefit to the Government from the services to be furnished should be referred to the Administrator of the Wage and Hour and Public Contracts Divisions for resolution.

§ 4.134 Contracts outside the Act's coverage.

(a) Contracts entered into by agencies other than those of the Federal Government or the District of Columbia as described in §§ 4.107–4.108 of this subpart are not within the purview of the Act. Thus, the Act does not cover service contracts entered into with any agencies of Puerto Rico, the Virgin Islands, American Samoa, or Guam acting in behalf of their respective local governments. Similarly, it does not cover service contracts entered into by agencies of States or local public bodies, not acting as agents

or for or on behalf of the United States or the District of Columbia, even though Federal financial assistance may be provided for such contracts under Federal law of the terms and conditions specified in Federal law may govern the award and operation of the contract.

(b) Further, as already noted in §§ 4.111–4.113, the Act does not apply to Government contracts which do not have as their principal purpose the furnishing of services, or which call for no services to be furnished within the United States or through the use of service employees as those terms are defined in the Act. Clearly outside the Act's coverage for these reasons are such contracts as those for the purchase of tangible products which the Government needs (e.g. fuel, vehicles, office equipment, and supplies), for the logistic support of an air base in a foreign country, or for the services of a lawyer to examine the title to land. Similarly, where the Government contracts for a lease of building space for Government occupancy and as an incidental part of the lease agreement the building owner agrees to furnish janitorial and other building services through the use of service employees, the leasing of the space rather than the furnishing of the building services is the principal purpose of the contract, and the Act does not apply. Another type of contract which is outside the coverage of the Act because it is not for the principal purpose of furnishing services may be illustrated by a contract for the rental of parking space under which the Government agency is simply given a lease or license to use the contractor's real property. Such a contract is to be distinguished from contracts for the live storage of vehicles which are delivered into the possession or custody of the contractor, who will provide the required services including the parking or retrieval of the vehicles.

(c) There are a number of types of contracts which, while outside the Act's coverage in the usual case, may be subject to its provisions under the conditions and circumstances of a particular procurement, because these may be such as to require a different view of the principal purpose of the contract. Thus, the ordinary contract for the recapping of tires would have as its principal purpose the manufacture and furnishing of rebuilt tires for the Government rather than the furnishing of services through the use of service employees, and thus would be outside the Act's coverage. Similarly, contracts calling for printing, reproduction, and duplicating ordinarily would appear to have as their principal purpose the furnishing in quantity of printed, reproduced, or duplicated written materials rather than the furnishing of the reproduction services through the use of service employees. However, in a particular case, the terms, conditions, and circumstances of the procurement would be such that the facts would show its purpose to be chiefly the obtaining of services (e.g. repair services, typesetting, photostating, editing, etc.), and where such services would require the use of service employees the contract would be subject to the Act unless excluded therefrom for some other reason.

(d) A further category of contracts outside the coverage of the Act includes those service contracts which would otherwise be covered but to which the Act does not apply because they were entered into pursuant to negotiations concluded or invitations for bids issued before January 20, 1966 (see § 4.102) and have remained in effect without change since that date.

DETERMINING AMOUNT OF CONTRACT

§ 4.140 Significance of contract amount.

As set forth in § 4.103 and in the requirements of §§ 4.6–4.7, the obligations of a contractor with respect to labor standards differ in the case of a covered and nonexempt contract, depending on whether the contract is or is not in excess of $2,500. Rules for resolving questions that may arise as to whether a contract is or is not in excess of this figure are set forth in the following sections.

§ 4.141 General criteria for measuring amount.

(a) In general, the contract amount is measured by the consideration agreed to be paid, whether in money or other valuable consideration, in return for the obligations assumed under the contract. Thus, even though a contractor, such as a wrecker entering into a contract with the Government to raze a building on a site which will remain vacant, may not be entitled to receive any money from the Government for such work under his contract or may even agree to pay the Government in return for the right to dispose of the salvaged materials, the contract will be deemed one in excess of $2,500 if the value of the property obtained by the contractor, less anything he might pay the Government, is in excess of such amount.

(b) All bids from the same person on the same invitation for bids will constitute a single offer, and the total award to such person will determine the amount involved for purposes of the Act. Where the procurement is made without formal advertising, in arriving at the aggregate amount involved, there must be included all property and services which would properly be grouped together in a single transaction and which would be included in a single advertisement for bids if the procurement were being effected by formal advertising. However, where an invitation is for services in an amount in excess of $2,500 and bidders are permitted to bid on a portion of the services not amounting to more than $2,500, the amounts of the contracts awarded separately to individual and unrelated bidders will be measured by the portions of the services covered by their respective contracts.

(c) Where a contract is issued in an amount in excess of $2,500 this amount will govern for purposes of application of the Act even though penalty deductions, deductions for prompt payment, and similar deductions may reduce the amount actually expended by the Government to $2,500 or less.

§ 4.142 Contracts in an indefinite amount.

(a) Every contract subject to this Act (and any bid specification therefor) which is indefinite in amount and is not otherwise exempt from the requirements of section 2(a) of the Act and § 4.6 is required to contain the clauses prescribed in § 4.6 for contracts in excess of $2,500, unless the contracting officer has definite knowledge in advance that the contract will not exceed $2,500 in any event.

(b) Where contracts or agreements between a Government agency and prospective purveyors of services are negotiated, which provide terms and conditions under which services will be furnished through the use of service employees in response to individual purchase orders or calls, if any, which may be issued by the agency during the life of the agreement, these agreements would ordinarily constitute contracts within the intendment of the Act under principles judicially established in United Biscuit Co. v. Wirtz, 17 WH Cases 146 (C.A.D.C.), a case arising under the Walsh-Healey Public Contracts Act. Such a contract, which may be in the nature of a bilateral option contract and not obligate the Government to order any services or the contractor to furnish any, nevertheless governs any procurement of services that may be made through purchase orders or calls issued under its terms. Since the amount of the contract is indefinite, it is subject to the rule stated in paragraph (a) of this section. The amount of the contract is not determined by the amount of any individual call or purchase order.

CHANGES IN CONTRACT COVERAGE

§ 4.143 Effects of changes or extensions of contracts, generally.

Sometimes an existing service contract is modified, amended, or extended in such a manner or at such a time that, if originally entered into in its changed form at such time, the application of provisions of the Act to it would be different at such time from the application of the Act's provisions to the original contract at the time it was entered into. One example is a contract to which the Act did not originally apply because invitations for bids thereon were issued prior to January 20, 1966, which is subsequently extended by agreement of the parties. Another example is a contract which, when originally executed, was exempted from the provisions of section 2(a) of the Act and § 4.6 requiring specification in the contract of predetermined monetary wage rates and fringe benefits, because no wage determination had been made prior to the invitation for bids; and then, at a later time, contract amendments relative to the scope of the work are incorporated by agreement of the parties after prevailing wage and fringe benefit determinations have been made for classes of service employees in the locality which will be engaged in the contract work. The general rule with

respect to such contracts is, that whenever changes are made by the parties in the terms of the contract, the provisions of the Act and the regulations thereunder will apply to the changed contract in the same manner and to the same extent as they would to a wholly new contract in the same terms if such a contract were entered into at the time of the change. Under this rule, the contract in the first example would become subject to the Act and regulations when the changes were effected in it by the parties, although it was not originally covered. Similarly, the specified monetary wages and fringe benefits would have to be incorporated in the amended contract in the second example, although not required in the contract originally entered into. Whenever an existing service contract is changed by modification or amendment to such a degree as to require agreement of both parties, the changed contract will be deemed a contract entered into by the contracting agency at such time for purposes of the Act. On like principle, such a contract will be deemed entered into when the term of an existing contract is extended by mutual consent of the parties or pursuant to an option clause therein so that the contractor furnishes services over an extended period of time, rather than being granted extra time to fulfill his original commitment.

§ 4.144 Contract modifications affecting amount.

Pursuant to the rule set forth in § 4.143, where a contract which was originally issued in an amount not in excess of $2,500 is later modified by mutual consent so that its amount may exceed that figure, all the provisions of section 2(a) of the Act and the regulations thereunder are applicable from the date of modification to the date of contract completion. In the event of such modification the contracting officer will immediately insert the required contract clauses into the contract and notify the Department of Labor of such action. In the event that a contract for services subject to the Act in excess of $2,500 is modified by mutual agreement so that it cannot exceed $2,500, compliance with the provisions of section 2(a) of the Act and the contract clauses required thereunder ceases to be an obligation of the contractor when such modification becomes effective.

§ 4.145 Extended term contracts.

Sometimes services contracts are entered into for a term of years; however, their continuation in effect is subject to the appropriation by Congress of funds for each new fiscal year. In such event, for purposes of this Act, a contract shall be deemed entered into at the beginning of each new fiscal year during which the terms of the original contract are made effective by an appropriation for the purpose. In other cases a service contract, entered into for a specified term by a Government agency, may contain a provision such as an option clause under which the agency may unilaterally extend the contract for a period of the same length or other stipulated period. If a new appropriation is required to finance such extension, the rule just stated will apply. In any event, however, since the exercise of the option results in the rendition of services for a new or different period not included in the term for which the contractor is obligated to furnish services or for which the Government is obligated to pay under the original contract in the absence of such action to extend it, the contract for the additional period, is, within the intendment of the Act, in the same position as a wholly new contract with respect to application of the Act's provisions and the regulations thereunder.

PERIOD OF COVERAGE

§ 4.146 Contract obligations after award, generally.

A contractor's obligation to observe the provisions of the Act arises on the date he is informed that he has received the award of the contract, not necessarily the date of formal execution. However, he is required to comply with the provisions of the Act and regulations thereunder only while his employees are performing on the contract, provided his records make clear the period of such performance.

EMPLOYEES COVERED BY THE ACT

§ 4.150 Employee coverage generally.

The Act, in section 2(b), makes it clear that its provisions apply generally to all employees engaged in performing work on a covered contract entered into by the contractor with the Federal Government, regardless of whether they are his employees or those of any subcontractor under such contract. All employees who, on or after the date of award, are engaged in working on or in connection with the contract, either in performing the specific services called for by its terms or in performing other duties necessary to the performance of the contract, are thus subject to the Act unless a specific exemption (see §§ 4.115 et seq.) is applicable. All such employees must be paid wages at a rate not less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act (29 U.S.C. 206(a)(1)), as amended, unless the special exception provided in section 6(e)(2) of such Act for certain linen supply contract services is applicable (see § 4.160). Payment of a higher minimum monetary wage and the furnishing of fringe benefits may be required under the contract, pursuant to the provisions of section 2(a)(1), (2), of the Act.

§ 4.151 Employees covered by provisions of section 2(a).

The provisions of section 2(a) of the Act prescribe labor standards requirements applicable, except as otherwise specifically provided, to every contract in excess of $2,500 which is entered into by the United States or the District of Columbia for the principal purpose of furnishing services in the United States through the use of service employees. These provisions apply to all service employees engaged in the performance of such a contract or any subcontract thereunder. The Act, in section 8(b) defines the term "service employee". The general scope of the definition is considered in § 4.113(b) of this subpart.

§ 4.152 Employees subject to prevailing compensation provisions of section 2(a)(1) and (2).

Under section 2(a)(1) and (2) of the Act minimum monetary wages and fringe benefits to be paid or furnished the various classes of service employees performing such contract work are determined by the Secretary of Labor or his authorized representative in accordance with prevailing rates and fringe benefits for such employees in the locality and are required to be specified in such contracts and subcontracts thereunder. All service employees of the classes who actually perform the specific services called for by the contract (e.g. janitors performing on a contract for office cleaning; stenographers performing on a contract for stenographic reporting) are covered by the provisions specifying such minimum monetary wages and fringe benefits for such classes of service employees.

§ 4.153 Inapplicability of prevailing compensation provisions to some employees.

There may be employees, used by a contractor or subcontractor in performing a service contract in excess of $2,500 which is subject to the Act, whose services, although necessary to the performance of the contract, are not subject to minimum monetary wage or fringe benefit provisions contained in the contract pursuant to section 2(a). This may occur either because such employees do not come within the classes of service employees, directly engaged in performing the specified contract services, which are included in the Secretary's determinations of monetary wages and fringe benefits and for which such compensation is specified in the contract (an example might be a laundry contractor's billing clerk performing billing work with respect to the items laundered); or because the contract itself is exempted from the predetermined wage and fringe benefit requirements of section 2(a) (under the provisions of § 4.5) as a contract calling for services of classes of service employees with respect to whom there is no currently applicable wage or fringe benefit determination for the locality. In all such situations the employees, who are engaged in performing work on the contract but for whom no monetary minimum wage or fringe benefits are specified by its provisions, are nevertheless subject to the minimum wage provision of section 2(b) (see § 4.150) requiring payment of not less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act to all employees working on a covered contract, unless specifically exempt. The same is true in situations where minimum monetary wages and fringe benefits have not been specified in the contract for a particular class or classes of service employees because the

wage and fringe benefit determinations applicable to the locality have been made only for other classes of service employees who will perform the contract work, and not for these. However, although wages lower than the specified Fair Labor Standards Act minimum may not be paid to such employees in classes omitted from those for which monetary wages or fringe benefits were predetermined and specified in the contract, the employer will be required to pay any higher monetary wages together with fringe benefits which may be specified for them pursuant to agreement of the interested parties as provided in § 4.6(b)(1).

§ 4.154 Employees covered by sections 2(a)(3) and (4).

The safety and health standards of section 2(a)(3) (see § 4.186) and the notice requirements of section 2(a)(4) of the Act (see § 4.183) are applicable, in the absence of a specific exemption, to every service employee engaged by a contractor or subcontractor to furnish services under a contract subject to section 2(a) of the Act.

§ 4.155 Employee coverage does not depend on form of employment contract.

The Act, in section 8(b), makes it plain that the coverage of service employees depends on whether their work for the contractor or subcontractor on a covered contract is that of a service employee as defined in section 8(b) and not on any contractual relationship that may be alleged to exist between the contractor or subcontractor and such persons.

§ 4.156 Employees in bona fide executive, administrative, or professional capacity.

As stated in § 4.113(b), the service employees covered by the Act are not deemed to include employees employed in a bona fide executive, administrative, or professional capacity as defined in 29 CFR Part 541. This has been found to be a reasonable limitation on coverage which is necessary and proper in the public interest (Act, sec. 4(b)). Employees within the definition of service employee who are employed in a professional, administrative, or supervisory capacity are not excluded from coverage, however, even though they are highly paid, if they fail to meet the tests set forth in 29 CFR Part 541. Thus, such employees as laboratory technicians, draftsmen, and air ambulance pilots, though they require a high level of skill to perform their duties and may meet the salary requirements of the regulations in Part 541 of this title, are ordinarily covered by the Act's provisions because they do not typically meet the other requirements of those regulations.

COMPENSATION STANDARDS

§ 4.159 General minimum wage.

The Act, in section 2(b)(1), provides generally that no contractor or subcontractor under any Federal contract subject to the Act shall pay any of his employees engaged in performing work on such a contract less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act. Section 2(a)(1) provides that the minimum monetary wage specified in any such contract exceeding $2,500 shall in no case be lower than this Fair Labor Standards Act minimum wage. Section 2(b)(1) is a statutory provision which applies to the contractor or subcontractor without regard to whether it is incorporated in the contract; however, §§ 4.6–4.7 provide for inclusion of its requirements in covered contracts and subcontracts. Because the statutory requirement specifies no fixed monetary wage rate and refers only to the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act, and because its application does not depend on provisions of the contract, any increase in such Fair Labor Standards Act minimum wage during the life of the contract is, on its effective date, also effective to increase the minimum wage payable under section 2(b)(1) to employees engaged in performing work on the contract. The minimum wage under section 6(a)(1) of the Fair Labor Standards Act was increased from $1.25 to $1.40 an hour effective February 1, 1967; such minimum wage effective February 1, 1968, is $1.60 an hour. As explained in § 4.160(c), in certain establishments providing linen supply services under Government contracts entered into on or after February 1, 1967, section 6(e)(2) of the Fair Labor Standards Act has the effect of modifying the requirement of section 2(b) of the Service Contract Act, as discussed above.

§ 4.160 Effect of section 6(e) of the Fair Labor Standards Act.

(a) *General.* Contractors and subcontractors performing work on contracts subject to the Service Contract Act are, in general, required not only to comply, in paying wages for such work, with the general minimum wage standard provided in section 6(a)(1) of the Fair Labor Standards Act as explained in § 4.159, above, but also to pay those of their employees who are not performing work on or in connection with such contracts in accordance with the compensation requirements of section 6(e) of the Fair Labor Standards Act, which applies to every employer providing any contract services under a contract entered into on or after February 1, 1967 (H. Rept. No. 2004, 89th Cong., 2d sess., p. 20) with the United States, or any subcontract thereunder. In the case of employer providing linen supply services to the United States under such contracts, section 6(e) of such Act also has the effect of modifying the general minimum wage requirement discussed in § 4.159 for their employees engaged in work on such contracts in certain establishments providing such linen supply services. (See par. (c) of this section.)

(b) *Section 6(e)(1) of the Fair Labor Standards Act.* Section 6(e)(1) of the Fair Labor Standards Act applies to "every employer providing any contract services (other than linen supply services) under a contract with the United States or any subcontract thereunder." It provides that every such employer "shall pay to each of his employees whose rate of pay is not governed by the Service Contract Act of 1965", or to whom section 6(a)(1) of the Fair Labor Standards Act is not otherwise applicable, wages at rates not less than the rates provided for in section 6(b) of such Act. The only exemptions permitted from this requirement are those provided in section 13(a)(1) of such Act for employees employed in a bona fide executive, administrative, professional, or outside sales capacity as defined and delimited in 29 CFR Part 541, and in section 13(f) of such Act for employees employed in workplaces in territory not described in that subsection. The minimum wage rates under section 6(b) of such Act, to which section 6(e) refers, are: $1 an hour, beginning February 1, 1967; $1.15 an hour, beginning February 1, 1968; $1.30 an hour, beginning February 1, 1969; $1.45 an hour, beginning February 1, 1970; and $1.60 an hour on and after February 1, 1971.

(c) *Section 6(e)(2) of the Fair Labor Standards Act.* (1) Section 6(e)(2) of the Fair Labor Standards Act which is effective as to contracts entered into on or after February 1, 1967, is limited in its application to "every employer in an establishment providing linen supply services to the United States under a contract with the United States or any subcontract thereunder." It provides that every such employer "shall pay to each of his employees in such establishment wages at rates not less than those prescribed in" section 6(b) of such Act, "except that if more than 50 per centum of the gross annual dollar volume of sales made or business done by such establishment is derived from providing such linen supply services under any such contracts or subcontracts, such employer shall pay to each of his employees in such establishment wages at rates not less than those prescribed in" section 6(a)(1) of the Fair Labor Standards Act.

(2) Where this latter exception is applicable, the effect of section 6(e)(2) is to require all employees in an establishment providing linen supply services under Government contract and not just those performing work on such contracts, to be paid not less than the Fair Labor Standards Act section 6(a)(1) rate of wages which, as explained in § 4.159, is the general minimum wage floor for contract work under section 2(b) of the Service Contract Act.

(3) However, where 50 percent or less of an establishment's gross annual dollar volume of sales made or business done is derived from linen supply services under Government contract, the effect of section 6(e)(2) is to modify the general minimum wage requirement of section 2(b)(1) of the Service Contract Act so as to permit the payment to employees engaged in performing such contracts of wages at a rate not less than the rate applicable under section 6(b) of the Fair Labor Standards Act, in lieu of the rate applicable under section 6(a)(1) of such Act. (For the minimum rates provided under section 6(b), see par. (b) of this section.) If higher minimum wage rates or fringe benefits are determined and

specified in the contract under the provisions of section 2(a) of the Service Contract Act for such contract workers, the contractor or subcontractor must provide such compensation to the employees to whom such wage rates or fringe benefits apply, notwithstanding the provisions of section 6(e)(2) of the Fair Labor Standards Act. Section 6(e)(2) of such Act provides an alternative rate only in lieu of the minimum wage floor prescribed in section 2(b)(1) of the Service Contract Act, and does not supersede the provisions of section 2(a). With respect to employees in any establishment providing linen supply services under Government contract and not deriving more than 50 percent of its gross annual dollar volume from such contract services, section 6(e)(2) does, however, require that a minimum wage not less than that prescribed in section 6(b) of the Fair Labor Standards Act be paid to each employee, whether or not subject to the provisions of the Service Contract Act, who is employed in such establishment and for whom no higher monetary wage rate is prescribed under the provisions of section 2(a)(1) of the Service Contract Act.

(4) Like section 6(e)(1), section 6(e)(2) of the Fair Labor Standards Act limits the exemptions from its provisions under such Act to the executive, administrative, professional, outside sales, and geographic exemptions mentioned in paragraph (b) of this section.

(d) *"Linen supply services" under section 6(e).* (1) As noted in paragraphs (b) and (c) of this section, the provisions of section 6(e)(1) of the Fair Labor Standards Act apply to Government contractors and subcontractors providing contract services "other than linen supply services", whereas the provisions of section 6(e)(2) are applicable only to employers in establishments "providing linen supply services to the United States under a contract with the United States or any subcontract thereunder." Section 6(e)(2) thus does not apply in establishments providing only laundry or cleaning, and not linen supply, services under Government contracts or subcontracts, as in the case of contracts for family laundering, or commercial laundering and dry cleaning. Also the legislative history makes it clear that the exception for linen supply services is to be "construed narrowly so as not to place other laundering and cleaning establishments at a competitive disadvantage in bidding for U.S. contracts." (Daily Congressional Record, Sept. 7, 1966, p. 21032.) The stated intent is to include "standard linen supply services, such as for sheets, pillowcases, tablecloths, and so on." Other items recognized as standard linen supply items are dresses, uniforms, bibs, aprons, and other wearing apparel of the type used by barbers, doctors, waitresses, waiters, nurses, food workers, beauticians, retail sales personnel, etc. It is made plain by the legislative history of the provision, however, that it is not intended to include, in the "linen supply services" to which section 6(e)(2) refers, any contract services which involve supplying the Government with cleaned and laundered items of types not normally provided by linen supply services, such as work uniforms worn by mechanics and production workers in heavy industry, machine shops, garages, service stations, and the like, where the garments are likely to be heavily soiled or greasy by the nature of their use. Other examples of contracts which are not for linen supply services within the meaning of the provision are those for diaper service and those providing services for industrial wiping towels, safety equipment salvage, dust control—including treated dust tool covers and cloths, treated dust mops and treated mats or rugs—and other industrial laundering services.

(2) In order for a contract to qualify as a linen supply contract, the linen supply items furnished to the Government must be furnished on a rental basis by the contractor. If the contractor is not furnishing the linen supply items to the Government on a rental basis, he would not be considered as furnishing linen supply services but merely to be furnishing a laundering service to the Government. As such, he would be subject to the provisions of section 6(e)(1) of the Fair Labor Standards Act rather than section 6(e)(2).

§ 4.161 Minimum monetary wages under contracts exceeding $2,500.

The standards established pursuant to the Act for minimum monetary wages to be paid by contractors and subcontractors under service contracts in excess of $2,500 to service employees engaged in performance of the contract or subcontracts are required to be specified in the contract and in all subcontracts (see § 4.6). Section 2(a)(1) requires that every such contract (and any bid specification therefor) which is subject to the Act shall contain a "provision specifying the minimum monetary wages to be paid the various classes of service employees in the performance of the contract or any subcontract thereunder, as determined by the Secretary or his authorized representative, in accordance with prevailing rates for such employees in the locality, which in no case shall be lower than" the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended. If some or all of the determined wages in a contract fall below the level of the Fair Labor Standards Act minimum by reason of a change in that rate by amendment of the law, these rates become obsolete and the employer is obligated under section 2(b)(1) of the Service Contract Act, to pay the new minimum wage rate established by the amendment as of the date it becomes effective. A change in the Fair Labor Standards Act minimum by operation of law would also have the same effect on advertised specifications or negotiations for covered service contracts, i.e., it would make ineffective and would supplant any lower rate or rates included in such specifications or negotiations whether or not determined. However, unless affected by such a change in the Fair Labor Standards Act minimum wage or by contract changes necessitating the insertion of new wage provisions (see §§ 4.143–4.145), the minimum monetary wage rate specified in the contract for each of the classes of service employees for which wage determinations have been made under section 2(a)(1) will continue to apply throughout the period of contract performance. No change in the obligation of the contractor or subcontractor with respect to minimum monetary wages will result from the mere fact that higher or lower wage rates may be determined to be prevailing for such employees in the locality after the award and before completion of the contract. Such wage determinations are effective for contracts not yet awarded, as provided in § 4.5(b).

§ 4.162 Fringe benefits under contracts exceeding $2,500.

(a) Section 2(a)(2) of the Act requires that every covered contract in excess of $2,500 shall contain "a provision specifying the fringe benefits to be furnished the various classes of service employees, engaged in the performance of the contract or any subcontract thereunder, as determined by the Secretary or his authorized representative to be prevailing for such employees in the locality. Such fringe benefits shall include medical or hospital care, pensions on retirement or death, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing, unemployment benefits, life insurance, disability and sickness insurance, accident insurance, vacation and holiday pay, costs of apprenticeship or other similar programs and other bona fide fringe benefits not otherwise required by Federal, State, or local law to be provided by the contractor or subcontractor."

(b) Under this provision, the fringe benefits, if any, which the contractor or subcontractor is required to furnish his service employees engaged in the performance of the contract are specified in the contract documents (see § 4.6). How he may satisfy this obligation is dealt with in §§ 4.170–4.171 and in Subpart B of this part. A change in the fringe benefits required by the contract provision will not result from the mere fact that other or additional fringe benefits are determined to be prevailing for such employees in the locality at a time subsequent to the award but before completion of the contract. Such fringe benefit determinations are effective for contracts not yet awarded (see § 4.5(b)), or in the event that changes in an existing contract requiring their insertion for prospective application have occurred (see §§ 4.143–4.145).

§ 4.163 Locality basis of wage and fringe benefit determinations.

Under section 2(a) of the Act, the Secretary or his authorized representative is given the authority to determine what minimum monetary wages and fringe benefits are prevailing for various classes of service employees "in the locality." The term "locality" has reference to geo-

graphic space. However, it has an elastic and variable meaning and, if the statutory purposes are to be achieved, must be viewed in the light of the existing wage structures which are pertinent to the employment by potential contractors of particular classes of service employees on the kinds of service contracts which must be considered, which are extremely varied. It is, accordingly, not possible to devise any precise single formula which would define the exact geographic limits of a "locality" that would be relevant or appropriate for the determination of prevailing wage rates and prevailing fringe benefits in all situations under the Act. The locality within which a wage or fringe benefit determination is applicable is, therefore, defined in each such determination upon the basis of all the facts and circumstances pertaining to that determination. Each such determination applies only to contracts for the locality which it includes.

§ 4.164 Making the determinations and informing contractors.

(a) *Information considered.* The minimum monetary wages and the fringe benefits set forth in determinations of the Secretary are based on information as to wage rates and fringe benefits in effect at the time the determination was made. The Department considers all pertinent information regarding prevailing wage rates and fringe benefits in the locality for the classes of service employees for which determinations are made.

Such information may be derived from area surveys made by the Bureau of Labor Statistics or other Department personnel, from Government contracting officers, and from other available sources including employees and their representatives and employers and their associations. The determinations may be based on the wage rates and fringe benefits contained in union agreements where such have been determined to prevail in a locality for a specified occupational group.

(b) *Provision for consideration of currently prevailing wage rates and fringe benefits.* (1) Determinations will be reviewed periodically and where prevailing wage rates or fringe benefits have changed, such changes will be reflected in new determinations. In a locality where it is determined that the wage rate which prevails for a particular class of service employees is the rate specified in a collective bargaining agreement or agreements applicable in that locality, and such agreement or agreements specify increases in such rates to be effective on specific dates, the prior determinations would be modified to reflect such changes when they become effective, and the revised determinations would apply to contracts entered into after the modification.

(2) The regulations, in § 4.4, provide for the filing with the Administrator by the awarding agency, prior to any invitation for bids or the commencement of negotiations for contracts exceeding $2,500, of a notice of intention to make a service contract which is subject to the Act. Upon receipt of the notice the Administrator may make a determination of minimum monetary wages and fringe benefits for the classes of service employees who will perform on the contract or may revise a determination which is currently in effect.

(c) *Informing contractors of applicable determinations.* Contractors and subcontractors on contracts subject to the Act are apprised of the Secretary's determinations applicable at the time of the award by specification in the contract of the determined wage rates and fringe benefits. (See § 4.6(b)(1).) A determination of prevailing wages or fringe benefits made after the date of the contract award for classes of employees that will be used in performing the contract does not apply to the performance of the previously awarded contract. Prospective contractors are advised, in the invitations for bids or negotiation papers issued by the contracting agency, of the minimum monetary wages and fringe benefits required under the most recent applicable determinations of the Secretary for service employees who will perform the contract work. These requirements are, of course, the same for all bidders and none will be placed at a competitive disadvantage.

COMPLIANCE WITH COMPENSATION STANDARDS

§ 4.165 Wage payments and fringe benefits—in general.

(a) (1) Monetary wages specified under the Act shall be paid to the employees to whom they are due, promptly following the end of the pay period in which they are earned. No deduction, rebate, or refund is permitted, except as hereinafter stated. The same rules apply to cash payments authorized to be paid with the statutory monetary wages as equivalents of determined fringe benefits (see Subpart B of this part).

(2) The Act makes no distinction, with respect to its compensation provisions, between temporary, part-time, and full-time employees, and the wage and fringe benefit determinations apply, in the absence of an express limitation, equally to all such service employees engaged in work subject to the Act's provisions.

(b) The Act does not prescribe the length of the pay period. However, for purposes of administration of the Act, and to conform with practices required under other statutes that may be applicable to the employment, wages and hours worked must be calculated on the basis of a fixed and regularly recurring workweek of seven consecutive 24-hour workday periods, and the records must be kept on this basis. It is appropriate to use this workweek for the pay period. A biweekly, semimonthly, or monthly pay period may, however, be used if agreed upon by the employer and his employees. A pay period longer than 1 month is not recognized as appropriate for service employees and wage payments at greater intervals will not be considered as constituting proper payments in compliance with the Act.

(c) The prevailing rate established by a wage determination under the Act is a minimum rate. A contractor is not precluded from paying wage rates in excess of those determined to be prevailing in the particular locality. Nor does the Act affect or require the changing of any provisions of union contracts specifying higher monetary wages or fringe benefits than those contained in an applicable determination. However, if a determination for a class of service employees contains a wage or fringe benefit provision which is higher than that specified in an existing union agreement, the determination's provision will prevail for any work performed on a contract subject to the determination.

§ 4.166 Wage payments—unit of payment.

The standard by which monetary wage payments are measured under the Act is the wage rate per hour. An hourly wage rate is not, however, the only unit for payment of wages that may be used for employees subject to the Act. Employees may be paid on a daily, weekly, or other time basis, or by piece or task rates, so long as the measure of work and compensation used, when translated or reduced by computation to an hourly basis, will provide a rate per hour that will fulfill the statutory requirement. Whatever system of payment is used, however, must ensure that each hour of work in performance of the contract is compensated at not less than the required minimum rate. Failure to pay for certain hours at the required rate cannot be transformed into compliance with the Act by reallocating portions of payments made for other hours which are in excess of the specified minimum.

§ 4.167 Wage payments—medium of payment.

The wage payment requirements under the Act for monetary wages specified under its provisions will be satisfied by the timely payment, finally and unconditionally or "free and clear", of such wages to the employee either in cash or negotiable instrument payable at par. Scrip, tokens, credit cards, "dope checks", coupons, and similar devices which permit the employer to retain and prevent the employee from acquiring control of money due for the work until some time after the pay day for the period in which it was earned, are not proper mediums of payment under the Act. If, as is permissible, they are used as a convenient device for measuring earnings or allowable deductions during a single pay period, the employee cannot be charged with the loss or destruction of any of them and the employer may not, because the employee has not actually redeemed them, credit himself with any which remain outstanding on the pay day, in determining whether he has met the requirements of the Act. The employer may not include the cost of fringe benefits or equivalents furnished as required under section 2(a)(2) of the Act, as a credit toward the monetary

wages he is required to pay under section 2(a)(1) or 2(b) of the Act (see § 4.51). However, the employer may include, as a part of the applicable minimum wage which he is required to pay under the Act, the reasonable cost or fair value, as determined by the Administrator, of furnishing an employee with "board, lodging, or other facilities" as defined in Part 531 of this title, in situations where such facilities are customarily furnished to employees and the employees' acceptance of them is voluntary and uncoerced. The determination of reasonable cost or fair value will be in accordance with the Administrator's regulations under the Fair Labor Standards Act, contained in such Part 531 of this title. While employment on contracts subject to the Act would not ordinarily involve situations in which service employees would receive tips from third persons, the treatment of tips for wage purposes in the situations where this may occur should be understood. If pursuant to an employment agreement tips received by an employee must be accounted for or turned over to the employer, such sums may after receipt by the employer be used like other funds of the employer in payment of the wages required under the Act. In other words, where there is such an agreement, so that the tips received by an employee are accounted for or turned over by the employee to the employer as the latter's property, they become a source of funds which may be released or returned to the employee in payment of the employer's wage obligations. However, in the absence of an agreement that the tips belong to the employer, they are the employee's property and may not be credited toward the employer's minimum wage obligations under the Act.

§ 4.168 Wage payments—deductions from wages paid.

The wage requirements of the Act will not be met where unauthorized deductions, rebates, or refunds reduce the wage payment made to the employee below the minimum amounts required under the provisions of the Act and the regulations thereunder, or where the employee fails to receive such amounts free and clear because he "kicks back" directly or indirectly to the employer or to another person for the employer's benefit the whole or part of the wage delivered to him. Authorized deductions are limited to those required by law, such as taxes payable by employees required to be withheld by the employer and amounts due employees which the employer is required by court order to pay to another; deductions allowable for the reasonable cost or fair value of board, lodging, and facilities furnished as set forth in § 4.167; and deductions of amounts which are authorized to be paid to third persons for the employee's account and benefit pursuant to his voluntary assignment or order or a collective bargaining agreement with bona fide representatives of employees which is applicable to the employer. Deductions for amounts paid to third persons on the employee's account which are not so authorized or are contrary to law or from which the employer or any affiliate derives any profit or benefit directly or indirectly, may not be made if they cut into the wage required to be paid under the Act. The principles applied in determining the permissibility of deductions for payments made to third persons are explained in more detail in §§ 531.38–531.40 of this title.

§ 4.169 Wage payments—work subject to different rates.

If an employee during a workweek works in different capacities in the performance of the contract and two or more rates of compensation under section 2 of the Act are applicable to the classes of work which he performs, he must be paid the highest of such rates for all hours worked in the workweek unless it appears from the employer's records or other affirmative proof which of such hours were included in the periods spent in each class of work. The rule is the same where such an employee is employed for a portion of the workweek in work not subject to the Act, for which compensation at a lower rate would be proper if the employer by his records or other affirmative proof, segregated the worktime thus spent.

§ 4.170 Furnishing fringe benefits or equivalents.

(a) *General.* Fringe benefits specified under the Act shall be furnished, in addition to the specified monetary wages, by the contractor or subcontractor to employees engaged in performance of the contract, as provided in the determination of the Secretary or his authorized representative and prescribed in the contract documents, or, in the event that this is not possible or practicable, the obligation to furnish such benefits "may be discharged by furnishing any equivalent combinations of fringe benefits or by making equivalent or differential payments in cash under rules and regulations established by the Secretary." (Act, section 2(a)(2).) The governing rules and regulations for furnishing such equivalents are set forth in Subpart B of this part. The various fringe benefits listed in the Act are illustrative of those which may be found to be prevailing for service employees in a particular locality. The benefits which an employer will actually be required to furnish employees performing on a specific contract will be specified in the contract documents. When an employer has not made any provisions for fringe benefits, he cannot offset an amount of monetary wages paid in excess of the wages required under the determination, in order to satisfy his fringe benefit obligations under the Act. Also, the furnishing to the employee of items the cost or value of which is creditable toward the monetary wages specified under the Act, such as board, lodging, and other facilities in the situations described in § 4.167, may not be used to offset any fringe benefits specified in the contract.

(b) *Meeting the requirements, in general.* A contractor may dispose of certain of his fringe benefit obligations, such as pension, retirement, or health insurance benefits, which may be required by an applicable determination, by irrevocably paying the required contributions for fringe benefits to a trustee or third person pursuant to an existing bona fide fund, plan, or program. Where such a plan or fund does not exist, a contractor must discharge his obligation relating to fringe benefits by furnishing either an equivalent combination of bona fide fringe benefits or by making equivalent payments in cash to the employee, as authorized by the regulations in Subpart B of this part. When a contractor or subcontractor substitutes fringe benefits not specified in the contract for fringe benefits which are so specified, the substituted fringe benefits, like those for which the contract provisions are prescribed, must be "bona fide fringe benefits." No benefit required by Federal, State, or local law is a "bona fide" fringe benefit for purposes of the Act. No contribution toward fringe benefits made by the employees themselves, or fringe benefits provided from monies withheld from the employees' wages, or benefits statutorily required of the contractor or subcontractor (such as unemployment compensation, workmen's compensation, or social security) may be included in satisfying any fringe benefit requirement under the Act. Also, the furnishing of facilities which are primarily for the benefit or convenience of the employer or the cost of which is properly a business expense of the employer is not the furnishing of a "bona fide fringe benefit." This would be true of such items, for example, as tools and other materials and services incidental to the employer's performance of the contract and the carrying on of his business, and the cost of uniforms and of their laundering where the nature of the work he has contracted to perform requires the employee to wear a uniform.

§ 4.171 Meeting requirements for particular fringe benefits.

(a) *Determinations specifying amount of fringe benefit.* Where a fringe benefit determination specifies the amount of the employer's contribution to provide the benefit, the amount specified is the actual amount that must be provided by the employer for the employee. Thus, if prevailing fringe benefits for insurance or retirement are determined in a stated amount, and the employer provides such benefits through contributions in a lesser amount, he will be required to furnish the employee with the difference between the amount stated in the determination and the actual cost of the benefits which he provides. Unless otherwise specified in the particular wage determination, every employee performing on a covered contract must be furnished the fringe benefits required by that determination for all hours spent working on that contract. Where a fringe benefit determination has been made requiring employer contributions for a specified fringe benefit in a stated amount per hour, a contractor employing his regular employees part of the time on contract work and part of the

time on other work may credit against the hourly amount required for the hours spent on the contract work the proportionate part of a weekly, monthly, or other amount contributed by him for such fringe benefits or equivalent benefits for such employees. If, for example, the determination requires health and welfare benefits in the amount of 10 cents an hour and the employer provides hospitalization insurance for such employees at a cost of $3.50 a week, the employer may credit 8.75 cents an hour toward his fringe benefit obligation to an employee who, in a particular workweek, works 35 hours on the contract work and 5 hours on other work. He cannot, however, allocate the entire $3.50 to the 35 hours spent on contract work and take credit for 10 cents per hour in that manner.

(b) *Determinations not specifying monetary amount of fringe benefit.* (1) Where a fringe benefit determination provides for a stated number of paid holidays per year, and the contractor does not give the applicable time off for holidays occurring during the period of contract performance to temporary or casual employees, he would be required to pay such employees an equivalent amount in cash or in the form of other fringe benefits proportionate to their period of employment. The amount of such additional payment could be reduced to an hourly basis through the application of an equitable formula, as provided in § 4.53(e).

(2) Some questions have been raised about the application of provisions appearing in some fringe benefit determinations which call for "1 week paid vacation after 1 year of service with a contractor or successor." To determine when an employee meets the "after 1 year of service" test, an employer must take two factors into consideration: (i) the total length of time an employee has been in the employer's service, including both the time he has been performing on regular commercial work and the time he has been performing on the Government contract itself, and (ii) the total length of time an employee has been employed either by the present contractor or predecessor contractors in the performance of similar work on the same base. If an employee has a year of service under either the first or second consideration, he is eligible for 1 week's vacation with pay. For example, if a contractor has an employee who has worked for him for 2 years on regular commercial work and only for 6 months on a Government service contract, that employee would be eligible for the vacation since his total service with the employer adds up to more than 1 year. Similarly, if a contractor has an employee who worked for 2 years under a janitorial service contract on a particular base for two different predecessor contractors, and only 8 months with the present employer, that employee would also be considered as meeting the "after 1 year of service" test and would thus be eligible for the specified vacation. Work performed before, as well as after, a pertinent wage determination is issued must be counted in determining an employee's length of service.

(3) Where, however, a fringe benefit determination requires 1 week's paid vacation per year after 1 year's service with an employer, no employee, temporary or permanent, with less than 1 year's service with the contractor, whether or not he was working on the contract, would qualify for this benefit.

§ 4.172 Computation of hours worked.

Since employees subject to the Act are entitled to the minimum compensation specified under its provisions for each hour worked in performance of a covered contract, a computation of their hours worked in each workweek when such work under the contract is performed is essential. Determinations of hours worked will be made in accordance with the principles applied under the Fair Labor Standards Act as set forth in Part 785 of this title. In general, the hours worked by an employee include all periods in which he is suffered or permitted to work whether or not he is required to do so, and all time during which he is required to be on duty or to be on the employer's premises or to be at a prescribed workplace. The hours worked which are subject to the compensation provisions of the Act are those in which the employee is engaged in performing work on contracts subject to the Act; however, unless such hours are adequately segregated, as indicated in § 4.173, compensation in accordance with the Act will be required for all his hours of work in any workweek in which he performs any work in connection with the contract, because it will be presumed in the absence of affirmative proof to the contrary that such work continued throughout the workweek.

§ 4.173 Identification of contract work.

Contractors and subcontractors under contracts subject to the Act are required to comply with its compensation requirements throughout the period of performance on the contract and to do so with respect to all employees who in any workweek are engaged in performing work on such contracts. If such a contractor during any workweek is not exclusively engaged in performing such contracts, or if while so engaged he has employees who spend a portion but not all of their worktime in the workweek in performing work on such contracts, it is necessary for him to identify accurately in his records, or by other means, those periods in each such workweek when he and each such employee performed work on such contracts. In cases where contractors are not exclusively engaged in Government contract work, and there are adequate records segregating the periods in which work was performed on contracts subject to the Act from periods in which other work was performed, the compensation specified under the Act need not be paid for hours spent on noncontract work. However, in the absence of records adequately segregating noncovered work from the work performed on or in connection with the contract, all employees working in the establishment or department where such covered work is performed shall be presumed to have worked on or in connection with the contract during the period of its performance, unless affirmative proof establishing the contrary is presented. Similarly, in the absence of such records, an employee performing any work on or in connection with the contract in a workweek shall be presumed to have continued to perform such work throughout the workweek, unless affirmative proof establishing the contrary is presented.

OVERTIME PAY OF COVERED EMPLOYEES

§ 4.180 Overtime pay—in general.

The Act does not provide for compensation of covered employees at premium rates for overtime hours of work. Section 6 recognizes however, that other Federal laws may require such compensation to be paid to employees working on or in connection with contracts subject to the Act (see § 4.181) and prescribes, for purposes of such laws, the manner in which fringe benefits furnished pursuant to the Act shall be treated in computing such overtime compensation, as follows: "In determining any overtime pay to which such service employees are entitled under any Federal law, the regular or basic hourly rate of such an employee shall not include any fringe benefit payments computed hereunder which are excluded from the regular rate under the Fair Labor Standards Act by provisions of section 7(e) thereof." Fringe benefit payments which qualify for such exclusion are described in Part 778, Subpart C of this title. The interpretations there set forth will be applied in determining the overtime pay to which covered service employees are entitled under other Federal statutes. The effect of section 6 of the Act in situations where equivalent fringe benefits or cash payments are provided in lieu of the specified fringe benefits (see § 4.170) is stated in § 4.55 of Subpart B of this part, and illustrated in § 4.182.

§ 4.181 Overtime pay provisions of other Acts.

(a) *Fair Labor Standards Act.* Although provision has not been made for insertion in Government contracts of stipulations requiring compliance with the Fair Labor Standards Act, contractors and subcontractors performing contracts subject to the McNamara-O'Hara Service Contract Act may be required to compensate their employees working on or in connection with such contracts for overtime work pursuant to the overtime pay standards of the Fair Labor Standards Act. This is true with respect to employees engaged in interstate or foreign commerce or in the production of goods for such commerce (including occupations and processes closely related and directly essential to such production) and employees employed in enterprises which are so engaged, subject to the definitions and exceptions provided in such Act. Such employees, except as otherwise specifically provided in such Act, must receive overtime com-

pensation at a rate of not less than 1½ times their regular rate of pay for all hours worked in excess of the applicable standard in a workweek. See Part 778 of this title. However, the Fair Labor Standards Act provides no overtime pay requirements for employees, not within such interstate commerce coverage of the Act, who are subject to its minimum wage provisions only by virtue of the provisions of section 6(e), as explained in § 4.160.

(b) *Contract Work Hours Standards Act.* (1) The Contract Work Hours Standards Act (40 U.S.C. 327–332) applies generally to Government contracts, including service contracts in excess of $2,500, which may require or involve the employment of laborers and mechanics. Guards, watchmen, and many other classes of service employees are laborers or mechanics within the meaning of such Act. However, employees rendering only professional services, seamen, and as a general rule those whose work is only clerical or supervisory or nonmanual in nature, are not deemed laborers or mechanics for purposes of the Act. The wages of every laborer or mechanic for his performance of work on such contracts must include compensation at a rate not less than 1½ times his basic rate of pay for all hours worked in any workweek in excess of 40 or in excess of eight on any calendar days therein, whichever is the greater number of overtime hours. Exemptions are provided for transportation and communications contracts, contracts for the purchase of supplies ordinarily available in the open market, and work required to be done in accordance with the provisions of the Walsh-Healey Act.

(2) Regulations concerning this Act are contained in Part 5, and § 5.14(c) of this subtitle permits overtime pay to be computed in the same manner as under the Fair Labor Standards Act, subject of course to the differences in computations required by reason of the daily overtime provision of the Contract Work Hours Standards Act, which has no counterpart in the Fair Labor Standards Act.

(3) Although the application of the Contract Work Hours Standards Act does not depend on inclusion of its requirements in provisions physically made part of the contract, the regulations of the Secretary require such provisions to be set forth in contract clauses. (See § 5.5(c) of this subtitle.)

(c) *Walsh-Healey Public Contracts Act.* As pointed out in § 4.122, while some Government contracts may be subject both to the McNamara-O'Hara Service Contract Act and to the Walsh-Healey Public Contracts Act, the employees performing work on the contract which is subject to the latter Act are, when so engaged, exempt from the provisions of the former. They are, however, subject to the overtime provisions of the Walsh-Healey Act if, in any workweek, any of the work performed for the employer is subject to such Act and if, in such workweek, the total hours worked by the employee for the employer (whether wholly or only partly on such work) exceed 40 hours in the workweek or 8 hours in any day therein. In any such workweek the Walsh-Healey Act requires payment of overtime compensation at a rate not less than 1½ times the employee's basic rate for such weekly or daily overtime hours, whichever are greater in number. The overtime pay provisions of the Walsh-Healey Act are discussed in greater detail in the Rulings and Interpretations issued under such Act, copies of which are available from any office of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor.

§ 4.182 Overtime pay of service employees entitled to fringe benefits.

Reference is made in § 4.180 to the rules prescribed by section 6 of the Act and Subpart B of this part which permit exclusion of certain fringe benefits and equivalents provided pursuant to section 2(a)(2) of the Act from the regular or basic rate of pay when computing overtime compensation of a service employee under the provisions of any other Federal law. As provided in § 4.55 of Subpart B, not only those fringe benefits excludable under section 6 as benefits determined and specified under section 2(a)(2), but also equivalent fringe benefits and cash payments authorized under Subpart B to be furnished in lieu of the specified benefits may be excluded from the regular or basic rate of such an employee. The application of this rule may be illustrated by the following examples:

(a) The A company pays a service employee $3.50 an hour in cash under a wage determination which requires a monetary rate of not less than $3 and a fringe benefit contribution of 50 cents which would qualify for exclusion from the regular rate under section 7(e) of the Fair Labor Standards Act. The contractor pays the 50 cents in cash because he made no contributions for fringe benefits specified in the determination and the contract. Overtime compensation in this case would be computed on a regular or basic rate of $3 an hour.

(b) The B Company has for some time been paying $3.25 an hour to a service employee as his basic cash wage plus 25 cents an hour as a contribution to a welfare and pension plan, which contribution qualifies for exclusion from the regular rate under the Fair Labor Standards Act. For performance of work under a contract subject to the Act a monetary rate of $3 and a fringe benefit contribution of 50 cents (also qualifying for such exclusion) are specified because found to be prevailing for such employees in the locality. The contractor may credit his 25-cent welfare and pension contribution toward the discharge of his fringe benefit obligation under the contract and make an additional contribution of 25 cents for the specified or equivalent fringe benefits or pay the employee an additional 25 cents in cash, as authorized in Subpart B of this part. These contributions or equivalent payments may be excluded from the employee's regular rate, which remains $3.25, the rate agreed upon as the basic cash wage.

(c) The C company has been paying $3 an hour as its basic cash wage on which the firm has been computing overtime compensation. For performance of work on a contract subject to the Act the same rate of monetary wages and a fringe benefit contribution of 50 cents an hour (qualifying for exclusion from the regular rate under the Fair Labor Standards Act) are specified in accordance with a determination that these are the monetary wages and fringe benefits prevailing for such employees in the locality. The contractor is required to continue to pay at least $3 an hour in monetary wages and at least this amount must be included in the employee's regular or basic rate for overtime purposes under applicable Federal law. His fringe benefit obligation under the contract would be discharged if 50 cents of the contributions for fringe benefits were for the fringe benefits specified in the contract or equivalent benefits as defined in Subpart B of this part. He may exclude such fringe benefit contributions from the regular or basic rate of pay of the service employee in computing overtime pay due. Exclusion of the remainder of the fringe benefit contributions from the regular rate under the Fair Labor Standards Act would depend on whether they are contributions excludable under section 7(e) of that Act.

NOTICE TO EMPLOYEES

§ 4.183 Employees must be notified of compensation required.

The Act, in section 2(a)(4), and the regulations thereunder in § 4.6(b)(4), require all contracts subject to the Act which are in excess of $2,500 to contain a clause requiring the contractor or subcontractor to notify each employee commencing work on a contract to which the Act applies of the compensation required to be paid such employee under section 2(a)(1) and the fringe benefits required to be furnished under section 2(a)(2). A notice form provided by the Wage and Hour and Public Contracts Divisions is to be used for this purpose. It may be delivered to the employee or posted as stated in § 4.184.

§ 4.184 Posting of notice.

Posting of the notice provided by the Wage and Hour and Public Contracts Divisions shall be in a prominent and accessible place at the worksite, as required by § 4.6(b)(4). The display of the notice in a place where it may be seen by employees performing on the contract will satisfy the requirement that it be in a "prominent and accessible place". Should display be necessary at more than one site, in order to assure that it is seen by such employees, additional copies of the poster may be obtained without cost from the Divisions. The contractor or subcontractor is required to attach to the poster a listing of all minimum monetary wages and fringe benefits, as specified in the contract, to be paid or furnished to the classes of service employees performing on the contract.

RECORDS

§ 4.185 Recordkeeping requirements.

The records which a contractor or subcontractor is required to keep concerning employment of employees in the performance of contracts subject to the Act are specified in § 4.6(b)(6) of Subpart A of this part. They are required to be maintained for 3 years from the completion of the work, and must be made available for inspection and transcription by authorized representatives of the Administrator. Such records must be kept for each service employee performing work under the contract, for each

workweek during the performance of the contract. If the required records are not separately kept for the service employees performing on the contract, it will be presumed, in the absence of affirmative proof to the contrary, that all service employees in the department or establishment where the contract was performed were engaged in covered work during the period of performance. (See § 4.173.)

SAFETY AND HEALTH PROVISIONS

§ 4.186 Contract requirements for safety and health of workers.

The Act, in section 2(a)(3), requires every service contract in excess of $2,500 subject to its provisions to contain a stipulation that "no part of the services covered by this Act will be performed in buildings or surroundings or under working conditions provided by or under the control or supervision of the contractor or any subcontractor which are unsanitary or hazardous or dangerous to the health or safety of a service employee engaged to furnish the services". Regulations under this provision are set forth in Part 1516 of this title.

ENFORCEMENT

§ 4.187 Recovery of underpayments.

(a) The Act, in section 3(a) provides that any violation of any of the contract stipulations required by section 2(a) (1) or (2) or of section 2(b) of this Act shall render the party responsible therefor liable for a sum equal to the amount of any deductions, rebates, refunds, or underpayments of compensation due to any employee engaged in the performance of such contract. So much of the accrued payment due on the contract or any other contract between the same contractor and the Federal Government may be withheld as is necessary to pay such employees. Such withheld sums shall be held in a deposit fund. On order of the Secretary, any compensation which the head of the Federal agency or the Secretary has found to be due pursuant to this Act shall be paid directly to the underpaid employees from any accrued payments withheld under this Act.

(b) The Act, in section 5(b), provides that, if the accrued payments withheld under the terms of the contract are insufficient to reimburse all service employees with respect to whom there has been a failure to pay the compensation required pursuant to this Act, the United States may bring action against the contractor, subcontractor, or any sureties in any court of competent jurisdiction to recover the remaining amount of underpayments. Any sums thus recovered by the United States shall be held in the deposit fund and shall be paid, on the order of the Secretary, directly to the underpaid employee or employees. Any sum not paid to an employee because of inability to do so within 3 years shall be covered into the Treasury of the United States as miscellaneous receipts.

§ 4.188 Ineligibility for further contracts when violations occur.

Section 5 of the Act directs the Comptroller General to distribute a list to all agencies of the Government giving the names of persons or firms that the Federal agencies or the Secretary have found violated this Act. Unless the Secretary otherwise recommends, no contract of the United States shall be awarded to the persons or firms appearing on this list or to any firm, corporation, partnership, or association in which such persons or firms have a substantial interest until 3 years have elapsed from the date of publication of the list containing the name of such persons or firms. This prohibition against the award of a contract to an ineligible contractor applies to him in the capacity of either a prime contractor or a subcontractor.

§ 4.189 Administrative proceedings relating to enforcement of labor standards.

The Secretary is authorized, pursuant to the provisions of section 4(a) of the Act, to hold hearings and make such decisions based upon findings of fact as are deemed to be necessary to enforce the provisions of the Act. The Secretary's findings of fact after notice and hearing are declared to be conclusive upon all agencies of the United States and, if supported by a preponderance of the evidence, conclusive in any court of the United States. Rules of practice for administrative proceedings under this authority are set forth in Part 6 of this subtitle.

§ 4.190 Contract cancellation.

As provided in section 3 of the Act, when a violation is found of any contract stipulation, the contract is subject upon written notice to cancellation by the contracting agency. Whereupon, the United States may enter into other contracts or arrangements for the completion of the original contract, charging any additional cost to the original contractor.

§ 4.191 Complaints and compliance assistance.

(a) Any employer, employee, labor or trade organization, or other interested person or organization may report to any office of the Wage and Hour and Public Contracts Divisions (or to any office of the Bureau of Labor Standards, in instances involving the safety and health provisions), a violation, or apparent violation of the act, or of any of the rules or regulations prescribed thereunder. Such offices are also available to assist or provide information to contractors or subcontractors desiring to ensure that their practices are in compliance with the Act. Information furnished is treated confidentially.

(b) A report of breach or violation relating solely to safety and health requirements may be in writing and addressed to the Regional Director of a Bureau of Labor Standards' Regional Office, U.S. Department of Labor or to the Director of the Bureau of Labor Standards, U.S. Department of Labor, Washington, D.C. 20210.

(c) Any other report of breach or violation may be in writing and addressed to the Regional Director of a Wage and Hour and Public Contracts Divisions' Regional Office, U.S. Department of Labor, or to the Administrator of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C. 20210.

(d) In the event that a Regional Director of the Wage and Hour and Public Contracts Divisions is notified of a breach or violation which also involves safety and health standards, such Director shall notify the appropriate Regional Director of the Bureau of Labor Standards who shall with respect to the safety and health violation take action commensurate with his responsibilities pertaining to safety and health standards.

(e) The report should contain the following:

(1) The full name and address of the person or organization reporting the breach or violations.

(2) The full name and address of the person against whom the report is made.

(3) A clear and concise statement of the facts constituting the alleged breach or violation of any of the provisions of the McNamara-O'Hara Service Contract Act, or of any of the rules or regulations prescribed thereunder.

Signed at Washington, D.C., this 5th day of July 1967.

CLARENCE T. LUNDQUIST,
Administrator, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor.

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