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Agencies in this issue—

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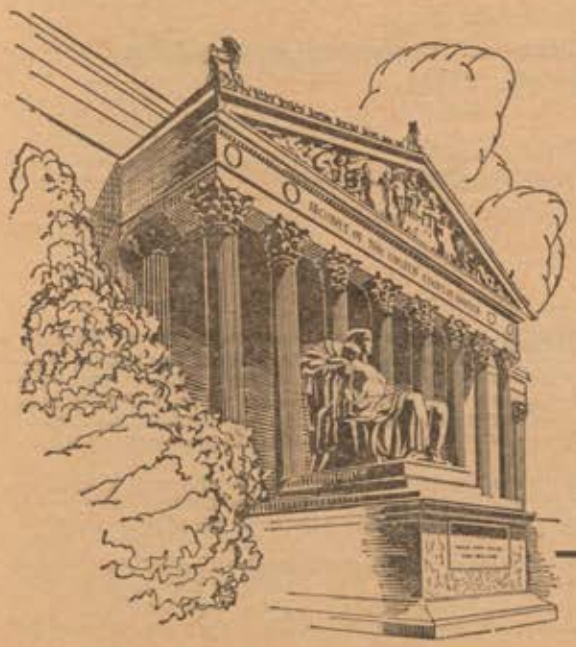

FEDERAL REGISTER

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List of CFR Parts Affected

(Codification Guide)

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

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

Rules and Regulations

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 407—TUNG NUT CROP INSURANCE

Subpart—Regulations for the 1965 and Succeeding Crop Years

APPENDIX—COUNTY DESIGNATED FOR TUNG NUT CROP INSURANCE, 1968 CROP

Pursuant to authority contained in § 407.1 of the above-identified regulations, the following county has been designated for tung nut crop insurance for the 1968 crop year.

FLORIDA

Jackson.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JACK H. MORRISON,
Acting Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 67-9609; Filed, Aug. 15, 1967; 8:50 a.m.]

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 1]

PART 718—DETERMINATION OF ACREAGE AND COMPLIANCE

Disposition Dates

Basis and purpose. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), for the purpose of amending disposition dates for (1) cotton, corn, and grain sorghums in Alabama, (2) cotton in Tennessee, and (3) grain sorghums in Texas. These amended dates are as recommended by the State committees and approved by the Deputy Administrator.

In each case, the disposition date as amended is later than the superseded date, thus giving farmers additional time in which to accomplish any required crop disposition. Since farmers need to know the revised disposition dates as soon as possible, it is hereby found and determined that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 (80 Stat. 383) is unnecessary. Accordingly, this amendment shall become effective upon publication in the FEDERAL REGISTER.

Paragraph (b) of § 718.27 of the Regulations Governing Determination of Acreage and Compliance (32 F.R. 9069) is amended by adding or revising subparagraphs for the following States to read as follows:

§ 718.27 **Crop disposition dates.**

* * * * *

(b) *Crop disposition dates.*

ALABAMA

* * * * *

(2) *Cotton, corn, and grain sorghums*—(i) *July 10.* Counties listed in (1)(i) above.

* * * * *

TENNESSEE

* * * * *

(3) *Cotton*—(i) *August 15.* Benton, Bledsoe, Bradley, Carroll, Chester, Coffee, Crockett, Davidson, Decatur, Dickson, Dyer, Fayette, Franklin, Gibson, Grundy, Hamilton, Hardeman, Hardin, Haywood, Henderson, Henry, Hickman, Humphreys, Lake, Lauderdale, Lewis, McNairy, Madison, Marion, Marshall, Obion, Perry, Polk, Rhea, Rutherford, Sequatchie, Shelby, Tipton, Trousdale, Van Buren, Warren, and Weakley.

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

* * * * *

TEXAS

* * * * *

(2) *Corn and spring-seeded grain sorghums.* * * *

* * * * *

(2a) *Summer-seeded grain sorghums*—(i) *September 1.* Anderson, Andrews, Angelina, Bastrop, Bell, Blanco, Borden, Bosque, Bowie, Brazos, Brewster, Brown, Burleson, Burnet, Caldwell, Callahan, Camp, Cass, Cherokee, Coke, Coleman, Collin, Comal, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Culberson, Dallas, Dawson, Delta, Denton, Eastland, Ector, Edwards, Ellis, El Paso, Erath, Falls, Fannin, Fayette, Fisher, Franklin, Freestone, Gaines, Garza, Gillespie, Glasscock, Grayson, Gregg, Grimes, Hamilton, Hardin, Harrison, Hays, Henderson, Hill, Hood, Hopkins, Houston, Howard, Hudspeth, Hunt, Irion, Jack, Jasper, Jeff Davis, Johnson, Jones, Kaufman, Kendall, Kerr, Kimble, Kinney, Lamar, Lampasas, Lee, Leon, Limestone, Llano, Loving, Lynn, McCulloch, McLennan, Madison, Marion, Martin, Mason, Menard, Midland, Milam, Mills, Mitchell, Montague, Montgomery, Morris, Nacogdoches, Navarro, Newton, Nolan, Palo Pinto, Panola, Parker, Pecos, Polk, Presidio, Rains, Reagan, Real, Red River, Reeves, Robertson, Rockwall, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Saba, Schleicher, Scurry, Shackelford, Shelby, Smith, Somervell, Stephens, Sterling, Sutton, Tarrant, Taylor, Terrell, Terry, Throckmorton, Titus, Tom Green, Travis, Trinity, Tyler, Upshur, Upton, Val Verde, Van Zandt, Walker, Ward, Washington, Williamson, Winkler, Wise, Wood, Yoakum, and Young.

(ii) *September 15.* Aransas, Atascosa, Austin, Bandera, Bee, Bexar, Brazoria, Brooks, Calhoun, Cameron, Chambers, Colorado, De Witt, Dimmit, Duval, Fort Bend, Frio, Galveston, Goliad, Gonzales, Guadalupe, Harris, Hidalgo, Jackson, Jefferson, Jim Hogg, Jim Wells, Karnes, Kenedy, Kleberg, La Salle, Lavaca, Liberty, Live Oak, McMullen, Matagorda, Maverick, Medina, Nueces, Orange, Refugio, San Patricio, Starr, Uvalde, Victoria, Waller, Webb, Wharton, Willacy, Wilson, Zapata, and Zavala.

* * * * *

(Secs. 373, 374, 375, 52 Stat. 65, as amended, 66, as amended; 7 U.S.C. 1373, 1374, 1375)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 9, 1967.

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

[F.R. Doc. 67-9583; Filed, Aug. 15, 1967; 8:48 a.m.]

[Amdt. 11]

PART 728—WHEAT

Subpart—Regulations Pertaining to Acreage Allotments, Yields, Wheat Diversion and Wheat Certificate Programs for the Crop Years 1966 Through 1969

SPECIAL NATIONAL ACREAGE RESERVE

§ 728.309 [Amended]

1. Section 728.309(b)(3) is amended by deleting the figure "1967" from the first sentence.

2. Section 728.325(b) is amended in its entirety to read as follows:

§ 728.325 **Special national acreage reserve.**

* * * * *

(b) For 1968, the following counties shall be considered eligible for participation in the special national acreage reserve.

COLORADO

Adams.	Larimer.
Arapahoe.	Las Animas.
Archuleta.	Lincoln.
Baca.	Logan.
Bent.	Moffat.
Boulder.	Montezuma.
Cheyenne.	Morgan.
Crowley.	Phillips.
Dolores.	Prowers.
Douglas.	Pueblo.
Elbert.	Rio Blanco.
El Paso.	Routt.
Huerfano.	San Miguel.
Jefferson.	Sedgwick.
Kiowa.	Washington.
Kit Carson.	Weld.
La Plata.	Yuma.

IDAHO

Bannock.	Kootenai.
Bear Lake.	Latah.
Benewah.	Lewis.
Camas.	Madison.
Caribou.	Nez Perce.
Clearwater.	Oneida.
Franklin.	Power.
Fremont.	Teton.
Idaho.	

KANSAS

All Counties.

MINNESOTA

Kittson.	Norman.
Marshall.	Clay.
West Polk.	Wilkin.

MONTANA

Big Horn.	Meagher.
Blaine.	Mineral.
Broadwater.	Missoula.
Carbon.	Musselshell.
Carter.	Park.
Cascade.	Petroleum.
Chouteau.	Phillips.
Custer.	Pondera.
Daniels.	Powder River.
Dawson.	Prairie.
Fallon.	Ravalli.
Fergus.	Richland.
Flathead.	Roosevelt.
Gallatin.	Rosebud.
Garfield.	Sanders.
Glacier.	Sheridan.
Golden Valley.	Stillwater.
Hill.	Sweet Grass.
Jefferson.	Teton.
Judith Basin.	Toole.
Lake.	Treasure.
Lewis and Clark.	Valley.
Liberty.	Wheatland.
McCone.	Wibaux.
Madison.	Yellowstone.

NEBRASKA

Adams.	Hayes.
Banner.	Hitchcock.
Box Butte.	Jefferson.
Chase.	Kearney.
Cheyenne.	Keith.
Clay.	Kimball.
Dawes.	Morrill.
Deuel.	Nuckolls.
Dundy.	Perkins.
Fillmore.	Phelps.
Franklin.	Red Willow.
Frontier.	Saline.
Furnas.	Sheridan.
Garden.	Sioux.
Gosper.	Thayer.
Harlan.	Webster.

NEW MEXICO

Curry.	Roosevelt.
Harding.	Union.
Quay.	

NORTH DAKOTA

All Counties.

OREGON

Baker.	Umatilla.
Gilliam.	Union.
Jefferson.	Wallowa.
Lake.	Wheeler.
Morrow.	Wasco.
Sherman.	

OKLAHOMA

Alfalfa.	Kay.
Beaver.	Kingfisher.
Beckham.	Kiowa.
Blaine.	Logan.
Caddo.	Major.
Canadian.	Mayes.
Cimarron.	Noble.
Comanche.	Nowata.
Cotton.	Oklahoma.
Craig.	Osage.
Custer.	Ottawa.
Delaware.	Pawnee.
Dewey.	Payne.
Ellis.	Roger Mills.
Garfield.	Rogers.
Grady.	Texas.
Grant.	Tillman.
Greer.	Washington.
Harmon.	Washita.
Harper.	Woods.
Jackson.	Woodward.

SOUTH DAKOTA

Beadle.	Jones.
Bennett.	Lawrence.
Brown.	Lyman.
Brule.	McPherson.
Buffalo.	Meade.
Butte.	Mellette.
Campbell.	Pennington.
Corson.	Perkins.
Custer.	Potter.
Dewey.	Shannon.
Edmunds.	Spink.
Fall River.	Stanley.
Faulk.	Sully.
Haakon.	Todd.
Hand.	Tripp.
Harding.	Walworth.
Hughes.	Washabaugh.
Hyde.	Ziebach.
Jackson.	

UTAH

Box Elder.	Salt Lake.
Cache.	San Juan.
Juab.	Tooele.
Rich.	

WASHINGTON

Adams.	Klickitat.
Asotin.	Lincoln.
Benton.	Spokane.
Columbia.	Stevens.
Douglas.	Walla Walla.
Franklin.	Whitman.
Garfield.	Yakima.
Grant.	

WYOMING

Campbell.	Niobrara.
Carbon.	Platte.
Crook.	Sheridan.
Laramie.	Weston.

(Secs. 334, 375, 52 Stat. 53, as amended, 66, as amended; 7 U.S.C. 1334, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on August 9, 1967.

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

[F.R. Doc. 67-9584; Filed, Aug. 15, 1967; 8:43 a.m.]

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

[Valencia Orange Reg. 214, Amdt. 1]

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

Limitation of Handling

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 recommendation 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 amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966), because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1) (i) and (ii) of § 908.514 (Valencia Orange Reg. 214, 32 F.R. 11375) are hereby amended to read as follows:

§ 908.514 Valencia Orange Regulation 214.

* * * * *

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

(i) District 1: 172,500 cartons;

(ii) District 2: 577,500 cartons.

* * * * *

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

Dated: August 11, 1967.

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

[F.R. Doc. 67-9585; Filed, Aug. 15, 1967; 8:48 a.m.]

[Avocado Reg. 15, Amdt. 3]

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 Regulation 15; 32 F.R. 7245, 10052, 10641) are hereby amended 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.

* * * * *

(4) Avocados of the Trapp variety shall not be imported (i) prior to August 14, 1967; (ii) from August 14, 1967, through August 20, 1967, unless the individual fruit in each lot of such avocados weighs at least 12 ounces or measures at least 3 7/16 inches in diameter; (iii)

from August 21, 1967, through August 27, 1967, unless the individual fruit in each lot of such avocados weights at least 14 ounces or measures at least 3 19/16 inches in diameter; and (iv) from August 28, 1967, through September 10, 1967, unless the individual fruit in each lot of such avocados weighs at least 12 ounces or measures at least 3 7/16 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 August 14, 1967; (c) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time hereof; (d) notice hereof in excess of three days, the minimum prescribed by said section 8e, is given with respect to this import regulation, insofar as it imposes added restrictions; and (e) such notice is hereby determined, under the circumstances, to be reasonable.

Dated August 11, 1967, to become effective August 21, 1967.

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

[F.R. Doc. 67-9501; Filed, Aug. 15, 1967; 8:49 a.m.]

Chapter XVIII—Farmers Home Administration, Department of Agriculture

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FHA Instruction 444.5]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart D—Rural Rental Housing Loans

Subpart D, Part 1822, Title 7, Code of Federal Regulations (31 F.R. 14153), is amended to read as follows:

Subpart D—Rural Rental Housing Loans

AUTHORITY: The provisions of this Subpart D issued under sec. 510, 63 Stat. 437, 42 U.S.C. 1480; Orders of Secretary of Agriculture, 29 F.R. 16210, 32 F.R. 6650.

§ 1822.81 General.

This subpart sets forth the policies and procedures, and delegates authority for making direct and insured Rural Rental Housing loans under section 515 of the Housing Act of 1949. The basic objective of Rural Rental Housing loans is to provide for rural residents economically designed and constructed rental housing and related facilities suited to their living requirements.

§ 1822.82 Definitions.

(a) "Rural resident" means a person whose permanent residence is or was until recently in a rural area.

(b) "Senior citizen" means a rural resident who is 62 years of age or over. In case of a married couple, "senior citizen" includes the wife or husband.

(c) "Eligible occupant" means:

(1) For the purpose of a direct loan—

(i) A senior citizen with a low or moderate income; or

(ii) Any rural resident with a low income.

(2) For the purpose of an insured loan—

(i) A senior citizen; or

(ii) Any rural resident with a low or moderate income.

(3) For the purpose of a direct or insured loan—

(i) A person younger than 62 who resides with, and is considered a member of, the family of the senior citizen occupant.

(ii) A person younger than 62 if it can be shown that the younger person's occupancy is necessary for the well-being of the senior citizen occupant.

(d) "Housing" means structures in a rural area which are or will be suitable for and available to eligible occupants for dwelling use to provide independent living on a rental basis, and may include "related facilities" where appropriate.

(e) "Related facilities" means community rooms or buildings, cafeterias, dining halls, appropriate recreation facilities, small garden plots, infirmaries, assembly halls, and other essential service facilities such as central heating, sewerage, light systems, ranges and refrigerators, clothes washing machines and dryers for the common use of the tenants, and a safe domestic water supply.

(f) "Development cost" means the costs of constructing, purchasing, improving, altering, or repairing housing, and purchasing and improving the necessary land. It includes necessary architectural, engineering, legal, and official fees and charges and other appropriate technical and professional fees and charges. It does not include other fees, charges, or commissions such as payments to brokers, negotiators, or other persons for the referral of prospective applicants or solicitation of loans.

(g) "Rural areas" means open country or places of 5,500 persons or less which are not parts of or associated with urban areas and are further defined in § 1822.3 (c).

(h) "Individual" means a natural person.

(i) "Organization" means:

(1) For the purpose of a direct Rural Rental Housing loan, a private nonprofit corporation or consumer cooperative.

(2) For the purpose of an insured Rural Rental Housing loan, any profit or nonprofit corporation, association, trust, or partnership, including a municipal corporation or other corporate agency of a State or local government.

(j) "Private nonprofit corporation" means a corporation which is controlled by private persons or interests, is organized and operated for purposes other than making gains or profits for the corporation or its members, and is legally precluded from distributing to its members any gains or profits during its existence.

(k) "Consumer cooperative" means a corporation which is organized as a cooperative, will operate the housing on a nonprofit basis solely for the benefit of the occupants, and is legally precluded from distributing during the life of the loan any gains or profits from operation of the housing. For this purpose any patronage refunds to occupants of the housing would not be considered gains or profits. A consumer cooperative may accept nonmembers as well as members for occupancy of the housing.

(l) "Gains or profits" for the purpose of paragraphs (j) and (k) of this section do not include dividends payable on stock which is nonvoting, limited as to the amount of dividends that can be paid thereon, and limited as to liquidation value in the event of corporate dissolution.

(m) "Members" and "membership" includes stockholders and stock where appropriate.

(n) "Board" and "directors" include the governing body and members of the governing body of an organization.

(o) "Note" may include bond or other form of obligation.

(p) "Mortgage" may include any appropriate form of security instrument.

§ 1822.83 Eligibility requirements.

(a) *Eligibility of applicant.* To be eligible for a Rural Rental Housing loan the applicant must:

(1) For an insured loan, be either an individual who is a citizen of the United States, or an organization which will provide housing for eligible occupants.

(2) For a direct loan, be an organization which will provide housing for eligible occupants.

(3) Be unable to provide the housing from the applicant's own resources and unable to obtain the necessary credit from private or cooperative sources upon terms and conditions the applicant could reasonably be expected to fulfill.

(4) Have the ability and intention to maintain and operate the housing for the purpose for which the loan is made.

(5) Own or become the owner, when the loan is closed, of the housing and related land.

(6) Have initial operating capital and other assets needed for a sound loan, and have after the loan is made, income sufficient to meet the applicant's operating expenses, necessary capital replacements, payments on the loan and any other authorized debts, other reasonable and necessary expenses, and the accumulation of reasonable reserves as required.

(i) Initial operating capital should be sufficient to pay for such costs as property and liability insurance premiums, fidelity bond premiums if an organization, utility hook-up charges, maintenance equipment, movable furnishings and equipment, printing lease forms, and other initial expenses. Usually, the initial operating capital required should amount to at least 2 percent of the total cost of the project to cover these costs.

(ii) If, in addition, the applicant is to provide other movable equipment and furnishings, the initial capital will need to be increased sufficiently to cover the cost of these items.

(7) Possess the legal capacity to incur, and the legal capacity, character, ability, and experience to carry out, the undertakings and obligations required for the loan.

(8) Agree to comply with all requirements of the Farmers Home Administration (FHA) including those set forth in the FHA regulations, the loan resolution or loan agreement of the applicant, the forms of note and mortgage, and elsewhere.

(9) In case of an insured loan:

(i) Be an individual residing in, or an organization whose members owning a majority of the voting interests reside in the community where the housing will be located.

(ii) Be an individual who resides close enough to the project to provide general supervision or an organization which will provide a manager or caretaker. Such individual, manager, or caretaker must either reside on the housing project or be readily accessible to the tenants and near enough to reach the housing within a few minutes.

(iii) In case of an organization, or an individual who is required to execute a loan agreement, legally obligate itself not to divert income from the housing to any other business, enterprise, or purpose except as specifically permitted under the prescribed form of loan resolution or loan agreement.

(10) In case of a direct loan, be an organization—

(i) Each of whose members is limited to one vote in the affairs of the organization and a majority of whose members reside in the community where the housing will be located.

(ii) Which will provide a manager or caretaker who will reside on the housing projects or be readily accessible to the tenants and near enough to be able to reach the housing within a few minutes.

(iii) Whose board of directors numbers not less than five.

(iv) Whose directors must be members of the organization.

(v) Which requires that not less than five of its directors shall be among the leaders of the community where the housing will be located.

(vi) Which has and will maintain a broadly based membership representing or reflecting a variety of interests in the community. For a loan of less than $100,000, the organization should have at least 25 members. The minimum number of members should be increased for larger projects. The purpose of this requirement is to afford reasonable assurance of success of the housing project, assure community support, protect the Government's financial interest as mortgagee, and provide reasonable assurance that the purposes of the loan will be carried out. In direct Rural Rental Housing loans there is no profit incentive. The terms of the loan may extend for as long as 50 years and eligible transferees could be found only among qualified private nonprofit corporations and consumer cooperatives. Therefore, factors such as the prospect for competent management and supervision and adequate community support of the housing project over the expected life of the loan are vitally important. The "broadly based membership" requirement may vary depending upon whether the applicant is a well established or new corporation, the applicant's financial condition, the present and future effective demand for the housing by persons who will be eligible for occupancy, and the ratio of loan to the appraised value of the security.

(vii) Which legally obligates itself not to divert income from the housing to any other business, enterprise, or purpose.

(viii) Which has articles of incorporation and bylaws substantially conforming to the model articles and bylaws set forth in the State Instruction. The State Director will provide for use by applicants a model set of articles of incorporation and bylaws for his State which will be consistent with this instruction and the State law.

(b) *Authorized representative of applicant.* The FHA will deal only with the applicant or a bona fide representative of the applicant and his technical advisers. An authorized representative of the applicant must be a person who has no pecuniary interest in the award of the architectural or construction contracts, the purchase of equipment, or the purchase of the land for the housing site.

§ 1822.84 Loan purposes.

Rural Rental Housing loans may be made to qualified applicants for:

(a) Construction, purchase, improvement, alteration, or repair of housing which:

(1) Is economical in construction and not of elaborate or extravagant design or materials;

(2) Consists of apartments, duplex houses, or detached dwellings, and any appropriate related facilities;

(3) Is residential in character and designed to meet the needs of eligible occupants who are capable of caring for themselves;

(4) Has consideration given to safety, convenience, and comfort;

(5) If to be occupied by senior citizens, is readily accessible to stores, service facilities, and social activities;

(6) Based upon the demand shown by a market analysis, may include "efficiency" type units, or one-, two-, or three-bedroom units;

(7) Contains a bathroom and kitchen facilities in each unit; or

(8) In case of insured loans, may include the addition of rooms to a dwelling owned by the applicant, in order to provide rental housing suitable for and publicly available to eligible occupants on a continuing basis.

(b) Purchase or improvement of the necessary land on which the housing will be located.

(1) The cost of land purchased with loan funds may not exceed its present market value in its present condition. Present market value will be determined by a current appraisal. Loan funds will not be used to buy land from a member of an applicant-organization, or from another organization in which any member of the applicant-organization has an interest, without the prior consent of the National Office.

(2) Loan funds may be used to acquire land in excess of that needed for the housing, including related facilities, when:

(i) The cost of the excess land bears a reasonable portion of the loan; and

(ii) The applicant:

(*a*) Cannot acquire only the needed land at a fair price;

(*b*) Can justify the acquisition;

(*c*) Agrees to sell the land as soon as practicable and apply the proceeds on the loan; and

(*d*) Has legal authority to legally acquire and administer the land.

(c) Development and installation of water supply, sewage disposal, heat and light systems necessary in connection with the housing, and other related facilities such as:

(1) Maintenance workshop and equipment storage.

(2) Recreation center, including lounge.

(3) Central cooking and dining facilities when the project is large enough to justify such services to supplement the kitchen facilities in each unit.

(4) Small infirmary for emergency care only, when justified.

(5) Laundry room and storage.

(6) Office and living quarters for the resident manager and other operating personnel. Such facilities may be provided only where:

(i) There are enough rental units (usually not less than 10), to require the

presence of such personnel so as to justify the additional investment; and

(ii) Their cost is proportionate to the need for and benefits to be derived from them.

(7) Appropriate recreational facilities, and other facilities to meet essential needs.

(d) Construction of fallout shelters or similar protective structures.

(e) Purchase and installation of ranges and refrigerators to be installed in the individual rental units or as a part of the central cooking facilities, and clothes washing machines and dryers to be installed in project utility rooms for the common use of the tenants.

(f) Purchase and installation of essential equipment, which upon installation becomes a part of the real estate.

(g) Provision of landscaping, foundation planting, seeding or sodding of lawns, or other necessary facilities related to buildings such as walks, yards, fences, parking areas, and driveways.

(h) Payment of related costs such as fees and charges for legal, architectural, engineering, and other appropriate technical and official services. Ordinarily, the FHA will furnish the needed guidance for the development of a Rural Rental Housing loan docket and project. However, the State Director may authorize the use of loan funds to enable a nonprofit corporation or consumer cooperative to pay a qualified consulting organization or foundation, operating on a nonprofit basis, charges for necessary services, provided the State Director determines that:

(1) Either the applicant, even with available FHA assistance, cannot meet all requirements for a sound loan without the services, or the services would permit significant financial savings to the Government, either directly or by lightening the workload involved in processing applications, and

(2) The charges are reasonable in amount, considering the amount and the purpose of the loan, the payment ability of the borrower, and the cost of similar services in the same or similar rural areas.

(i) In insured loan cases, payment of the interest portion of the first installment when the applicant's income and resources will be insufficient to pay such interest.

§ 1822.85 Limitations.

As used in this subpart, the value of the security means its present market value as determined by the loan approval official less the unpaid principal balance plus past-due interest of any other liens against it. Other liens will include any prior liens and any junior liens likely to be taken at or immediately after loan closing.

(a) *Loan limits for direct loans.* No direct loan or loans to any applicant will exceed $300,000 less any other liens against the security, including Senior Citizens Housing liens, and no such loan will exceed the development cost or the value of the security, whichever is less.

(b) *Loan limits for insured loans.* No insured loan or loans to any applicant will exceed $300,000 less any other liens against the security, including Senior Citizens Housing liens, and no such loan will exceed the development cost or the value of the security, whichever is less.

(c) *Limits of controlling interests.* The limitations in paragraphs (a) and (b) of this section also apply to cases in which the same persons hold a majority of the membership interests, or constitute a majority of the directors, of two or more applicants.

(d) *Prior consent.* No loan docket which would result in the applicant's Rural Rental Housing indebtedness, plus any Senior Citizens Housing indebtedness, exceeding $100,000 will be developed without the prior consent of the National Office. Any request for such consent should include detailed justification for the loan including:

(1) Name and address of the applicant.

(2) A list and description of the applicant's assets, including market value estimates.

(3) A complete list of all debts owed.

(4) Status of each debt.

(5) Information as to the location and description of the proposed project site.

(6) A general description of the housing planned, including the number and kind of units.

(7) A realistic estimate of the need and demand for the size project proposed.

(8) Explanation of the applicant's financial contribution to the project.

(9) Any other factors having a bearing on the need and financial soundness of the proposed housing.

(e) *Limitations on use of loan funds.* Loans will not be made for:

(1) Housing or related facilities which are elaborate or extravagant in design or materials.

(2) Nursing or medical facilities, other than a small emergency-care infirmary when justified by the size of the project and the fact that facilities for the emergency care expected to be needed for the occupants, are not readily accessible elsewhere.

(3) Any commercial facilities except essential service-type facilities for use by the tenants when such facilities are not otherwise conveniently available in the area.

(4) Housing to be used for any transient or hotel purposes. No rental term will be for less than 30 days.

(5) Nursing, special care, or institutional-type homes.

(6) Any facility not essential to the needs of the tenants.

(7) Refinancing debts of the applicant.

(8) Housing which the applicant intends to sell or lease to another operator.

(9) Payment of any fee, charge, or commission to any broker, negotiator, or other person for the referral of a prospective applicant or solicitation of a loan.

(10) Payment of any fee, salary, commission, profit, or compensation to an applicant, or to any officer, director, trustee, stockholder, member, or agent of an applicant, except as provided in § 1822.84 (h). No contract or agreement for services to be paid for with loan funds should be executed by the applicant without prior approval by the State Director.

(f) *Obligations incurred before loan closing.* When an applicant files an application for a loan, the County Supervisor will advise the applicant that construction must not be started and obligations for work, materials, or land purchase must not be incurred before the loan is closed. If, nevertheless, the applicant incurs debts for work materials, or land purchase before the loan is closed, the State Director may authorize the use of loan funds to pay such debts only when he finds that all of the following conditions exists:

(1) The debts were incurred after the applicant filed a written application for a loan.

(2) The applicant is unable to pay such debts from his own resources or to obtain credit from other sources, and failure to authorize the use of loan funds to pay such debts would impair the applicant's financial position.

(3) The debts were incurred for authorized loan purposes.

(4) Contracts, materials, construction, and any land purchase must meet FHA standards and requirements.

(5) Payment of the debts will remove any liens which have attached and any basis for liens that may attach, to the property on account of such debts or such work, material, or land purchase.

§ 1822.86 Rates and terms.

(a) *Interest.* On direct loans the interest rate will be 3 percent per annum on the unpaid principal balance. On insured loans the interest rate will be determined in accordance with Part 1810 of this chapter. Interest will begin from the date of the note. When a direct loan is made in multiple advances, interest on the first advance will begin on the date of the note and interest on each subsequent advance will begin on the date of the check.

(b) *Amortization period.* Each loan will be scheduled for payment within such a period as may be necessary to assure that the loan will be adequately secured, taking into account the probable depreciation of the security; however;

(1) For a direct loan, the payment period will not exceed 50 years from the date of the note.

(2) For an insured loan, the payment period will not exceed 40 years from the date of the note.

§ 1822.87 Special conditions.

(a) *Deferred payments on direct loans.* In case of direct loans, when necessary because of deficiency in the applicant's income or resources, smaller than regular payments or no payments may be provided for the first and second January 1 dates after loan closing.

(b) *Deferred principal payments on insured loans.* In case of insured loans, when necessary because of deficiency in the applicant's income or resources, smaller than regular payments of principal or no payments of principal may be

provided for the first and second installment dates after loan closing. However, the first installment may not be less than interest accruing to the first February 1 following the date of the first installment, and the second installment may not be less than interest accruing for one year.

(c) *Refinancing Rural Rental Housing loans.* Each borrower must agree to refinance the unpaid balance of his Rural Rental Housing loan at the request of the FHA whenever it appears to the FHA that the borrower is able to obtain a loan from responsible cooperative or private credit sources at reasonable rates and terms.

(d) *Loan resolution or loan agreement.* For an organization applicant, a loan resolution will be adopted by the applicant's board of directors. For an individual applicant, a loan agreement will be executed by the applicant when the loan exceeds $50,000 or when required by the State Director if the loan is for less. The FHA has copies of loan resolutions and loan agreements which shall be used as guides by applicants in drafting their required resolutions or agreements. The loan resolution or loan agreement provides for the maintenance of certain accounts and the pledge of housing income as security and contains regulatory provisions governing, and giving the FHA power to impose requirements regarding the housing and related operations of the applicant. The form of loan resolution or loan agreement contains provisions of policy and procedure which should be read and fully understood by the applicant. If any provisions in the sample guides provided by FHA are not appropriate to a particular case, proposed substitute language should be submitted to the National Office with the recommendations of the State Director.

(e) *Multiple advances.* A direct loan may be disbursed in not more than three advances over a period not to exceed two years from the date of the first advance. Insured loans may be disbursed in only one advance.

(f) *Nondiscrimination in use and occupancy.* When the loan is to finance housing of more than two rental units, the borrower will not discriminate, or permit discrimination by any agent, lessee, or other operator, in the use or occupancy of the housing or related facilities because of race, color, creed, or natural origin.

(g) *Eligibility for occupancy.* Loans will be made on the basis of the housing being occupied by eligible occupants; however, if in connection with future servicing of the loan it becomes necessary to permit ineligible persons to occupy the housing for temporary periods in order to protect the financial interest of the Government, this may be permitted with the written prior approval of the National Office.

(h) *Supervisory assistance.* Supervision will be provided borrowers to the extent necessary to achieve the objective of the loan and to protect the interests of the Government.

§ 1822.88 Security.

Each loan will be secured in a manner that adequately protects the financial interest of the Government. A first mortgage, if obtainable, will be taken on the property purchased or improved with the loan. If a first mortgage is not obtainable, a junior mortgage may be taken in compliance with the requirements of Subpart A of this part regarding junior mortgage loans. When the real property as improved will not provide adequate security for the loan, a mortgage may also be taken on other property of the applicant. Also, other additional security may be taken when necessary, such as a pledge or assignment of, or other security interest in, income from the housing, and (in case of an organization) assessment agreements, promissory notes, stock or membership subscription agreements, personal liability agreements, and mortgages or pledges of property of individual members or stockholders.

(a) As a general policy, personal liability will be required from the members or stockholders of a corporation whose members or stockholders are few in number, in order to provide adequate security and adequate assurance of carrying out the purpose of the loan.

(b) If it is impossible or inadvisable for an applicant which is a public or quasi-public organization to give a real estate mortgage, the security to be taken will be determined by the National Office upon the recommendation of the State Director.

§ 1822.89 Technical, legal, and other services.

(a) *Appraisals.* When real estate is taken as security, the property will be appraised by an FHA employee authorized to make real estate appraisals. The property will be appraised in accordance with the policies outlined in Part 1809 of this chapter. Form FHA 426–1, "Valuation of Buildings," will be completed to show the depreciated replacement value of all the buildings existing or to be constructed on the property to be taken as security.

(b) *Title clearance and legal services.* When the applicant is an organization, or an individual with special title on loan closing problems, title clearance and legal services will be obtained in accordance with instructions from the Office of General Counsel. In other cases, the provisions of Subpart A of this part regarding title clearance and legal services will apply.

(c) *Architectural and engineering services.* Housing and related facilities will be planned and performed and a written contract obtained in accordance with Part 1804, Subpart A of this chapter. The housing will be designed to meet the needs of the types of occupants who will likely occupy it.

(d) *Construction and development policies.* Construction and development will be performed in accordance with Part 1804, Subpart A of this chapter.

(e) *Compliance with local codes and regulations.* Planning, construction, zoning, and operation of housing financed with Rural Rental Housing loan will conform with any applicable laws, ordinances, codes, and regulations governing such matters as construction, heating, plumbing, electrical installation, fire prevention, health, and sanitation.

(f) *Contracts for legal services.* On projects requiring extensive legal services, the applicant will be required to have a written contract when loan funds will be used for these services. All such contracts will be subject to review and approval by the FHA and, therefore, should be submitted to the FHA before execution by the applicant. Contracts will provide for the types of service to be performed, the amount of the fees to be paid, either in lump sum on the completion of all services or in installments as services are performed.

(g) *Optioning of land.* If a loan includes funds to purchase real estate, the applicable provisions of § 1821.15 of this chapter regarding options will be followed. After the loan is approved, the County Supervisor will have Form FHA 443–9, "Acceptance of Option," or other appropriate form of acceptance, completed, signed, and mailed to the seller.

(h) *Use of and accountability for loan funds.* Loan funds and any funds furnished by the borrower will be deposited and handled in accordance with Part 1803 of this chapter. Collateral for deposit of funds will be pledged when the amount of funds in the supervised bank account exceeds $15,000. Funds furnished by the borrower for the purchase of special equipment and furnishings for which loan funds could not be used, should not be deposited in the supervised bank account with loan funds. Withdrawals of funds from the supervised bank account may be made only for legally eligible loan purposes.

(i) *Insurance.* The State Director will determine the minimum amounts and types of insurance the applicant will carry.

(1) Fire and extended coverage will be required on all buildings included in the security for the loan in accordance with Part 1806 of this chapter.

(2) Suitable Workman's Compensation Insurance will be carried by the applicant for all its employees.

(3) The applicant will be advised of the possibility of incurring liability and encouraged, or may be required when appropriate, to obtain liability insurance.

(j) *Bonding.* (1) The provisions of Subpart A, Part 1804, of this chapter pertaining to surety bonds are applicable to Rural Rental Housing loans, except that approved corporate surety bonds will be required in all cases involving a construction contract in excess of $20,000 unless an exception is made by the National Office.

(2) If the applicant is an organization, the applicant will provide fidelity bond coverage for the official entrusted with the receipt, custody, and disbursement of its funds and the custody of any other negotiable or readily salable personal property. The amount of the bond will be at least equal to the maximum amount of money that the applicant will have on hand at any one time exclusive of loan funds deposited in a supervised

bank account. If permitted by State law, the United States will be named coobligee in the bond. Form FHA 440–24, "Position Fidelity Schedule Bond," may be used if permitted by State law.

§ 1822.90 Maximum income limit for eligible occupants.

(a) *Rural Rental Housing.* The maximum income level for eligible occupants will be established for each housing project as follows, and will not exceed the limits shown in subparagraphs (4) and (5) of this paragraph unless approved by the Administrator after proper justification:

(1) The County Supervisor, after making a preliminary determination that a loan might be made, will assemble appropriate information concerning income levels and living costs in the area, including the cost of renting suitable housing that permits independent living.

(2) The County Supervisor, with the advice of the County Committee, will recommend the income which, in their judgment, is needed by eligible occupants in the locality to meet reasonable living expenses, rent modest but satisfactory housing in the area, and otherwise live comfortably but not extravagantly. "Family income" means gross income received by the family, as defined by the Internal Revenue Service for income tax purposes, plus any retirement, Social Security, pension, or similar payments, and any interest received on State or municipal bonds.

(3) The County Supervisor will submit his recommendation and supporting information to the State Director with the preliminary loan docket. The State Director will review this information together with other information available on income for the area, such as census data, living standards, and other income studies, establish the maximum income level for occupancy of the housing, and notify the County Supervisor. The State Director's determination and the basis for establishing the maximum income level for occupancy will be documented as part of the completed loan docket.

(4) For direct loans, the maximum income level will not exceed $6,000 a year per family for senior citizens. The maximum income level will not exceed $4,500 per year for a nonsenior citizen family of two. Graduated maximum income levels for larger sized nonsenior citizen families (such as a family of three or four, five or six, or seven or more) should be recommended by the County Committee; however, the maximum income level for these families will not exceed $6,000 regardless of size.

(5) For insured loans, the maximum income level for nonsenior citizen families of two will not exceed $6,000. Graduated maximum income levels for larger sized nonsenior citizen families (such as families of three or four, five or six, or seven or more) should be recommended by the County Committee; however, the maximum income for these families will not exceed $8,000 per year regardless of size. There is no maximum income limit for occupancy by senior citizens.

(6) Maximum income levels for eligible occupants will not be adjusted from year to year. However, the maximum income level may be adjusted when justified by a substantial change in living costs in the area and other pertinent factors. To justify such an adjustment, the same procedure will be followed as when establishing the maximum income level initially.

§ 1822.91 Processing applications.

(a) *Application and preliminary docket.* The preliminary docket will consist of the application with the information required by §§ 1822.90 and 1822.92 to be included in or attached to the application. An application will be in the form of a letter to the local County Supervisor. The letter should include a statement about the purpose for which the loan is requested, an estimate of the amount of the loan needed, any previous experience in operating rental housing, and the proposed manner of securing and repaying the loan. Included in or attached to the letter should be:

(1) A currently dated financial statement showing assets and liabilities, together with information on the repayment schedule and status of each debt. If the applicant is a closely held corporation, a current financial statement will be required from each director and from each member who holds a substantial interest in the corporation.

(2) Evidence of inability to obtain credit from other sources.

(3) A preliminary market survey of the area showing the need and estimate of the demand for the planned rental housing. The preliminary market survey at this stage may vary, as determined by the State Director, from ascertainment of the number of eligible occupants living in the area who are willing and able to pay the required rental to a complete market analysis.

(4) Two proposed operating budgets showing anticipated income and expenses, one for a typical year of operation, and the other for the first year's operation.

(i) The budgets in estimating rental income will allow for vacancies, nonpayment of rent, and contingencies. A 10 percent allowance is recommended.

(ii) The budgets should provide for accumulating a reserve at the rate of one percent per annum of the cash cost of the project until a reserve equal to 10 percent of this cost is reached.

(iii) All applicable taxes, including Federal and any State income taxes, should be included in the budgets and separately identified. If the applicant considers itself exempt, evidence of exemption must be obtained before the loan is closed. Information as to Federal income tax exemption may be obtained from the district office of the Internal Revenue Service. A nonprofit organization qualifying for a direct Rural Rental Housing loan should ordinarily be able to qualify for Federal income tax exemption under section 501(c)(4) of the Internal Revenue Code.

(5) Plot plan with information about adjacent property and preliminary plans and specifications for the proposed housing, including the building layout, type of construction, number and type of living units, special design features for use of senior citizens, if needed, and the estimate of cost.

(6) Information on neighborhood and existing facilities, such as distance to shopping area, neighborhood churches, available transportation, drainage, sanitation facilities, water supply, and access to essential services such as doctors, dentists, and hospitals.

(7) For an organization applicant, a copy of, or an accurate citation to, the specific provisions of State law under which the applicant is organized; a copy of the applicant's charter, articles of incorporation, bylaws, and other basic authorizing documents; the names and addresses of the applicant's principal members and its directors and officers; and, if a principal member is another organization, its name, address, and principal business.

(b) *County Supervisor's review.* The preliminary docket will be reviewed by the County Supervisor. If it appears that the applicant is probably eligible and a sound loan likely can be made, the preliminary docket, including the comments and recommendations of the County Supervisor and any additional material, will be forwarded to the State Director. The comments of the County Supervisor will include his views on the financial position, income, occupation, and background of the members, directors, and officers together with verification of the accuracy of materials furnished by the applicant indicating the need for the housing. At any time the County Supervisor considers it necessary, the preliminary docket may be sent to the State Director for his evaluation and instructions.

(c) *State Office action.* The State Director will review the preliminary docket and, in case of an organization, submit the docket to the Office of General Counsel for a preliminary opinion as to whether the applicant and the proposed loan meet or can meet the requirements of State law and this subpart. He will determine whether the applicant is eligible and return the preliminary docket to the County Supervisor with further instructions.

§ 1822.92 Preparation of completed loan docket.

(a) *Information needed.* If the State Director authorizes further processing of the application, the County Supervisor will notify the applicant of the additional information the applicant must furnish for the complete docket. In addition to all the items required in § 1822.91, such information will include:

(1) Detailed plans, specifications, and cost estimates prepared in accordance with FHA construction guides. The complete docket will contain a detailed cost breakdown of the project for such items as land and rights-of-way, building construction, equipment, utility connections, on-site improvements, architectural and engineering services, and legal services. The cost breakdown also should show

separately the items not included in the loan, such as furnishings and equipment.

(2) Satisfactory evidence of review and approval of the proposed housing by applicable State and local officials whose approval is required by State or local laws, ordinances, or regulations.

(3) A market survey report showing the need and effective demand for the housing and related facilities and the number of eligible occupants.

(b) *County Supervisor's responsibility.* As the information for the loan docket is being developed, the County Supervisor will work closely with the applicant. The County Supervisor will review and verify the information furnished for correctness, adequacy, and completeness. He will determine that the market survey is adequate and that the market survey report is accurate. The County Supervisor will inspect the proposed site and consider its desirability. He will evaluate the manner in which the applicant plans to conduct its business and financial affairs and comment on the adequacy of the management. The completed docket, including the County Supervisor's comments, will be submitted to the County Committee for its consideration.

(c) *County Committee certification.* Before a loan is approved, the County Committee will make the necessary certification on Form FHA 440–2, "County Committee Certification or Recommendation." Before executing Form FHA 440–2, the County Committee will consider all pertinent information concerning the applicant and the proposed project, and will be given an opportunity to talk with the applicant or its representative if the Committee desires to do so.

(d) *Note forms.* (1) Form FHA 440–23, "Promissory Note (Direct Loan to Association or Organization)," will be used for direct loans.

(2) Form FHA 440–22, "Promissory Note (Insured Loan to Non-Tax Exempt Association or Organization)," will be used for insured loans to associations or organizations whose obligations bear interest which is not exempt from Federal income taxation. Form FHA 440–33, "Promissory Note (Insured Loan to Tax Exempt Public Body)," will be used for insured loans to public bodies whose obligations bear interest exempt from Federal income taxation, except when legally inappropriate.

(3) Form FHA 440–16, "Promissory Note (Insured Loan)," will be used for insured loans to individuals.

(e) *Loan docket items.* The loan docket will consist of the following properly prepared and executed forms or documents as appropriate:

FHA 440–3 Record of Actions.
FHA 440–2 County Committee Certification or Recommendation.
FHA 444–5 RRH-RCH-LH Fund Analysis.
FHA 440–1 Payment Authorization.
Application Letter and attachments.
FHA 400–4 Discrimination Agreement.
Evidence of Legal Authority (copies or citation of specific provisions of State constitution and statutory authority).
Proof of Organization (certificate or certified copy of charter or articles of incorporation).
Certified copies of bylaws or regulations.
List by names and addresses of officers, directors, members, and membership interest held by each.
Certified copy of Loan Resolution.
Loan Agreement, if applicable.
Survey of land given as security, plans, specifications, cost estimates, and proposed manner of construction.
Operating Budget (first year).
Operating Budget (typical year).
Narrative plan and other supporting information.
Appraisal Report with attachments.
FHA 426–1 Valuation of Buildings.
State Director's determination of maximum income level, with supporting information.
FHA 446 or FHA 427–8 Agreement with Prior Lienholder or similar form, if applicable.
FHA 440–9 Supplementary Payment Agreement.
Other items when applicable such as opinion of title, mortgagee title policy or report of lien search, foreclosure notice agreement, option, original or certified copy of deed, purchase contract, or other instrument of ownership, and items of information concerning prior mortgage.

(f) *Submission of docket to State Office.* The complete loan docket together with any comments from the County Committee and the County Supervisor will be submitted to the State Office for review. The State Director will prepare a memorandum to the County Supervisor requesting additional information if the material submitted is inadequate, or setting forth the conditions of approval.

(g) *Submission of docket to National Office.* If the prior consent of the National Office is required for loan approval, and such consent has not previously been given, the State Director will submit to the National Office his recommendation, a copy of his proposed memorandum of approval, and the complete loan docket.

§ 1822.93 Loan approval.

(a) *Authority.* The State Director is authorized to approve or disapprove Rural Rental Housing loans in accordance with this subpart. The State Director may redelegate loan approval in writing to State Office employees other than the District Supervisor and the State Office employee making the appraisal.

(1) Without the prior consent of the National Office no Rural Rental Housing loan may be approved by the State Director if:

(i) The loan is to an organization; or

(ii) The amount of the loan plus unpaid principal and past-due interest of any other liens on real estate of the applicant would exceed $60,000; or

(iii) The proposed loan together with unpaid principal of any other FHA loans of the applicant would exceed $60,000.

(2) When prior consent of the National Office is required for loan approval, the complete loan docket, the State Director's proposed memorandum of approval, and the State Director's recommendation will be sent to the National Office.

(b) *Loan approval or disapproval.* The loan approval official is responsible for reviewing the docket to determine that the proposed loan complies with established policies and all pertinent regulations.

(1) *Approval.* When a loan is approved, the approval official will sign Form FHA 440–1 and insert his title in the space provided. He also will indicate any conditions that must be met at or before the time the loan is closed.

(2) *Disapproval.* If a loan is disapproved after the docket has been developed, the reason for such action will be shown on the original Form FHA 440–3. Form FHA 440–3 will be initialed and dated. The County Supervisor will notify the applicant of the disapproval of the loan and the reasons therefor.

§ 1822.94 Actions subsequent to loan approval.

(a) *Requesting check.* When loan approval conditions can be met, including any real estate title requirement, and a date for loan closing has been agreed upon, the County Supervisor will order the loan check so that it will be available on or immediately prior to the date set for loan closing.

(b) *Increase or decrease in the amount of the loan.* If it becomes necessary for the amount of the loan to be increased or decreased prior to loan closing, the County Supervisor will request that all distributed docket forms be returned to the County Office. The loan docket will be revised accordingly and reprocessed, except that if the amount of the loan has been decreased and there is no substantial change in the planned improvements, a new Form FHA 440–2 need not be obtained.

(c) *Cancellation of loan.* Loans may be canceled after approval and before loan closing as follows:

(1) The County Supervisor will prepare Form FHA 903 or FHA 440–10, "Request for Cancellation of Loan." The original and copies will be sent to the State Director with the reasons for requesting cancellation. If the State Director approves the request for cancellation, he will forward copies of Form FHA 903 or FHA 440–10 to the County Office.

(2) All interested parties will be notified of the cancellation as provided in Part 1807 of this chapter.

(d) *Handling the loan check.* The loan check will be handled in accordance with Part 1803 of this chapter.

(e) *Property insurance.* Buildings will be insured in accordance with Part 1806 of this chapter.

§ 1822.95 Loan closing.

(a) *Instructions.* Rural Rental Housing loans will be closed in accordance with applicable provisions of Part 1807 of this chapter and any supplemental instructions issued for the loan, or closing instructions of the Office of General Counsel, and with the assistance of the designated attorney, representative of the title insurance company, or local attorney, whichever is appropriate. Loans to organizations and loans to individuals in special cases will be sent to the Office of General Counsel for closing instructions.

(b) *Mortgage.* Unless the Office of General Counsel determines that the form is inappropriate in any case, real

estate mortgage Form FHA 427–2 (State), "Real Estate Mortgage for ____," will be used for a direct loan to an organization, and Form FHA 427–1 (State), "Real Estate Mortgage _____ _____," will be used for an insured loan to an individual or to an organization. For loans to organizations, Form FHA 427–2 and Form FHA 427–1 will be modified with respect to the name, address, and other identification of the borrower, the style of execution, and the acknowledgment.

(1) When the loan is to finance housing of more than two rental units, the mortgage or other security instrument will contain the following covenant:

Borrower covenants and agrees that it will not discriminate, or permit discrimination by any agent, lessee, or other operator, in the use or occupancy of the housing or related facilities financed in whole or in part with the loan in connection with which this instrument is given, because of race, color, creed, or national origin.

(2) When a loan resolution or loan agreement is used, an additional paragraph will be included in the mortgage to read as follows:

This instrument also secures the obligations and covenants of Borrower set forth in Borrower's Loan Resolution (Loan Agreement) of _____, which is hereby in-
(Date)
corporated herein by reference.

(3) In case of a loan to an individual where a loan agreement is not used, additional paragraphs will be included in the mortgage to read as follows:

Occupancy of the housing and related facilities on the property will be limited to eligible occupants as defined in the regulations of the Farmers Home Administration, unless the Government gives prior written approval to other occupancy.

As required by the Government: Borrower will permit the Government to inspect and examine the operation of the housing and the books, records, and operations of Borrower; submit regular and special reports pertinent to the purpose of the loan or the Government's financial interests; subject rents and charges and other terms of rental agreements with occupants of the housing, and compensation to employees connected with its operation, to prior approval by the Government, or to adjustment at the direction of the Government when necessary in its judgment to carry out the purpose of the loan or protect its financial interests; and comply with any other requirements which in the discretion of the Government are reasonably appropriate to the purpose of the loan or protection of the Government's interests.

(c) *Promissory note.* (1) The total amount to be shown in the note will be the amount of the loan as shown on Form FHA 440–3. The note or bond will be dated the date of loan closing.

(2) Payments on Rural Rental Housing loans will be scheduled with annual installments due January 1. Form FHA 440–9 will be used to schedule payments on a monthly basis. As provided in paragraphs (a) and (b) of § 1822.87, the first installment or the first and second installments may be less than regular annual installments. If the first installment or first two installments are less than regular annual installments, the regular annual installment will be computed by multiplying the amount of the loan by the factor for the number of years over which regular installments will be scheduled.

(3) The note will be signed in accordance with Part 1807 of this chapter.

(4) For an insured loan, the note will not be endorsed or the insurance agreement executed until the loan is assigned from the insurance fund to a lender in accordance with Part 1873 of this chapter.

(5) When a loan is closed during December and the first installment is due the next January 1, the first installment will be collected at the time of loan closing if it is a nominal amount or the borrower consents.

(6) When a loan is disbursed in more than one advance, Form FHA 440–1 will be prepared and executed as in the case of an association loan. The actual date of each advance will be entered on the reverse of the note. The date of the first advance will be the date of loan closing, and each subsequent advance the date of the loan check. When each subsequent advance is made, the County Supervisor will enter the amount and date on the copy of the note.

(d) *Recorded mortgage.* When the real estate mortgage is returned by the recording official, the County Supervisor will retain the original in the borrower's case folder. If the original is retained by the recording official for the county records, a conformed copy including the recording data showing the date and place of recordation and book and page number will be prepared and filed in the borrower's case folder. A copy of the mortgage will be delivered to the borrower but will be conformed only if required by State law or if it is the custom of other lenders in the area.

(e) *Date of loan closing.* A Rural Rental Housing loan is considered closed when the mortgage is filed of record or, if there is no mortgage filed of record, when the loan funds are deposited in the supervised bank account or otherwise made available to the borrower after he executes and delivers the note and any other required instruments.

§ 1822.96 Subsequent loans.

A subsequent Rural Rental Housing loan is a Rural Rental Housing loan to an applicant indebted for an initial Rural Rental Housing or Senior Citizens Housing loan of the same type (direct or insured) conditions as an initial loan. This subpart applies to subsequent Rural Rental Housing loans as well as initial Rural Rental Housing loans.

§ 1822.97 Complaints regarding discrimination in use and occupancy of housing in projects of more than two rental units.

Any occupant or applicant for occupancy or use of such Rural Rental Housing housing or related facilities who believes he has been discriminated against because of race, color, creed, or national origin may file a complaint with the County Supervisor or State Director. Any such complaint will be referred through the State Director to the National Office. The complaint must be in writing and signed by the complainant and contain the following information:

(a) The name and address (including telephone number) of the complainant.

(b) The name and address of the person committing the alleged discrimination.

(c) Date and place of the alleged discrimination.

(d) Any other pertinent information that will assist in the investigation and resolution of the complaint.

Dated: August 9, 1967.

HOWARD BERTSCH,
Administrator,
Farmers Home Administration.

[F.R. Doc. 67–9587; Filed, Aug. 15, 1967; 8:48 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 67–193]

TOBACCO MATERIALS AND TOBACCO PRODUCTS; MISCELLANEOUS STAMP TAXES

In view of the elimination of the internal revenue controls on tobacco materials and the repeal of the tax on tobacco other than cigars and cigarettes, and on playing cards, the Customs Regulations are amended as follows:

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

The following sections are amended to delete references to tobacco products and tobacco materials, inserting instead references to cigars and cigarettes, and to make certain other conforming or minor changes as follows:

Section 8.3(d)(5) is hereby amended to read:

§ 8.3 Entry required; exceptions.

* * * * * * *

(d) * * *

(5) No alcoholic beverage, perfume containing alcohol (except where the aggregate fair retail value in the country of shipment of all merchandise contained in the shipment does not exceed $1), cigars, or cigarettes shall be exempted from the payment of duty and tax under this section.

§ 8.8 [Amended]

The last sentence of § 8.8(a) is amended to read: "Additionally, on each entry of cigars, cigarettes, or cigarette papers and tubes, as those articles are defined in Part 275 of the regulations of the Internal Revenue Service (26 CFR Part 275), and when subject to such regulations the separate statement for tax purposes required by 26 CFR 275.81 as to any such article shall be made on the entry form."

§ 8.27 [Amended]

The next-to-the-last sentence of § 8.27 is amended to read: "An additional legible copy of the entry, marked or stamped "For Internal Revenue Purposes," shall be presented for each entry covering cigars, cigarettes, or cigarette papers and tubes when the entry of those articles is subject to Part 275 of the regulations of the Internal Revenue Service (26 CFR Part 275) and tax is payable to customs upon release of such articles."

§ 8.35 [Amended]

The last sentence of § 8.35(a) is amended to read: "An additional legible copy of Form 7519, marked or stamped "For Internal Revenue Purposes," shall be presented for each entry covering cigars, cigarettes, or cigarette papers and tubes when the release from customs custody under such combined entry and withdrawal is subject to Part 275 of the regulations of the Internal Revenue Service (26 CFR Part 275) and tax is payable to customs."

§ 8.37 [Amended]

The second and the last sentences of § 8.37(a) are amended to read: "An additional legible copy of Form 7505, marked or stamped "For Internal Revenue Purposes," shall be presented for each withdrawal covering cigars, cigarettes, or cigarette papers and tubes when the release from customs custody under such withdrawal is subject to Part 275 of the regulations of the Internal Revenue Service (26 CFR Part 275), and tax is payable to customs. * * * Additionally, on each withdrawal for consumption of cigars, cigarettes, or cigarette papers and tubes subject to internal-revenue tax, the statement for tax purposes required by 26 CFR 275.81 as to any such article shall be made on the withdrawal form."

§ 8.51 [Amended]

The sixth sentence of § 8.51(a) is amended to read: "An additional copy of the entry form, marked or stamped "For Internal Revenue Purposes," shall be prepared for each entry covering cigars, cigarettes, or cigarette papers and tubes when the entry of those articles is subject to Part 275 of the regulations of the Internal Revenue Service (26 CFR Part 275) and tax is payable to customs upon release of such articles; and on each such entry on which tax is payable to customs the separate statement for tax purposes required by 26 CFR 275.81 shall be made on the entry form; but no such extra copy or separate statement is required for cigars or cigarettes imported solely for the personal consumption of the importer or for disposition as his bona fide gift."

(80 Stat. 379, R.S. 251, secs. 484, 498(a), 557, 624, 46 Stat. 722, as amended, 728, as amended, 744, as amended, 759; 5 U.S.C. 301, 19 U.S.C. 66, 1484, 1498(a), 1557, 1624)

PART 9—IMPORTATIONS BY MAIL

The heading and paragraph (a) of § 9.8 are amended as follows:

§ 9.8 Cigars, cigarettes, etc.

(a) In the case of mail entries for imported articles subject to tax and to which internal revenue stamps must be affixed before release to the importer (see Internal Revenue Regulations, Part 45 (26 CFR Part 45)), customs officers shall sign and attach to the entries an order for stamps, and customs Form 3473. When the parcel is addressed for delivery at the post office where it is examined and customs Form 3473 is not required to insure the taking of the action described thereon, Form 3473 need not be prepared. The postmaster will furnish the addressee with the order for stamps. The addressee will be required to secure from the office of the district director of internal revenue the necessary stamps and affix them to the immediate packages of the merchandise before the parcels will be delivered to him. The internal-revenue tax on cigars, cigarettes, and cigarette papers and tubes valued not in excess of $250 in a shipment imported by mail shall be paid on the basis of a return made on the mail entry. An additional legible copy of the entry form, marked or stamped "For Internal Revenue Purposes," shall be prepared for each entry covering such articles subject to Part 275 of the regulations of the Internal Revenue Service (26 CFR Part 275) if tax is payable upon release under such entry. The separate statement required for tax purposes by 26 CFR 275.81 shall be made on the entry form in such case. The duty and any applicable tax will be collected by the postal service for the Customs Service at the time of delivery of the shipment. A copy of the entry (return) will be given to the importer as a receipt for payment. Mail shipments of such articles released for consumption are subject to compliance with the package and notice requirements under 26 CFR 275 unless specifically exempted therefrom as indicated in § 11.3 of this chapter. Such articles may not be released under the mail entry procedure on the basis of a claim for release without payment of tax by a manufacturer specified in 26 CFR 275. If a claim is made at the time of delivery for release without payment of tax based on any of the provisions in 26 CFR Part 275 for a manufacturer of tobacco products or a manufacturer of cigarette papers and tubes to obtain release of any such articles without payment of tax, the shipment shall be returned by the postal service to the port of entry or sent to the nearest customs office at which appropriate release as claimed may be arranged by the addressee.

* * * * *

(80 Stat. 379, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 66, 1624)

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

§ 10.21 [Amended]

The second sentence of § 10.21(l) is amended by deleting the reference to an exemption for manufactured tobacco, so that the sentence will read: "However, any exemption allowed under section 321(a)(2)(B) shall not be applied to articles subject to internal-revenue tax other than cigarettes not in excess of 50, cigars not in excess of 10, alcoholic beverages not in excess of 4 ounces, or alcoholic perfumery not in excess of 4 ounces, and shall not be applied to any article subject to internal-revenue tax when an exemption is allowed such articles under § 23.[illegible] of the regulations in this chapter."

Section 10.21(l) is hereby amended to read:

(l) The internal-revenue tax on taxable cigars and cigarettes in passengers' baggage shall be paid to customs, using the customs entry form as a return. Any such return shall show the kind, the quantity, and the tax by class on cigars and cigarettes separately from the statement of duty. Unless for the personal consumption of the importer or disposition as his bona fide gift, cigars and cigarettes are subject to compliance with the package and mark requirements in the regulations of the Internal Revenue Service.

Section 10.65 is amended by substituting "Cigars and cigarettes" for "Tobacco products" in the section heading and by deleting "manufactured tobacco," and the comma following "cigars" in paragraph (a) and by deleting the reference to manufactured tobacco and substituting "cigars and cigarettes" for "tobacco products" in subparagraph (2) of paragraph (c) so that the subparagraph will read:

§ 10.65 Tobacco products.

* * * * *

(c) * * *

(2) When a shipping case containing cigars and cigarettes is made up of a number of units, each in a separate package, such units may be withdrawn separately, provided each unit is marked and numbered for identification and contains not less than 250 cigars or 1,000 cigarettes. In the case of imported cigars and cigarettes so packed, only one unit from each shipping case shall be opened for examination, unless the district director of customs shall deem it necessary for the protection of the revenue to examine a greater quantity."

* * * * *

(77A Stat. 14, secs. 317, 498, 624, 46 Stat. 696, as amended, 728, as amended, 759; 19 U.S.C. 1202 (Gen. Hdnote 11), 1317, 1498, 1624)

PART 11—PACKING AND STAMPING; MARKING; TRADE-MARKS AND TRADE NAMES; COPYRIGHTS

Section 11.2 is amended to delete the first sentence in paragraph (a) so that the paragraph will read:

§ 11.2 Manufactured tobacco.

(a) If the invoice and entry presented for manufactured tobacco specify all the information necessary for prompt determination of the estimated duty on the manufactured tobacco covered thereby,

the district director of customs may permit designation of less than the entire importation for examination.

* * * * *

Section 11.2a is hereby amended to read:

§ 11.2a Release from customs custody without payment of tax on cigars, cigarettes and cigarette papers and tubes.

Cigars, cigarettes, and cigarette papers and tubes may be released from customs custody without payment of any applicable internal-revenue tax upon presentation with the customs entry or withdrawal form of Internal Revenue Form 2145 or 3072, in triplicate, certified by the appropriate assistant regional commissioner of internal revenue (alcohol and tobacco tax). Customs shall complete the notice of release, retain one copy, send one copy to the assistant regional commissioner of internal revenue and return one copy to the manufacturer for his retention. Such a release may not be made under a mail entry as stated in § 9.8(a)(2) of this chapter.

Section 11.3 is hereby amended by deleting the reference to the tax exemption of samples and substituting the words "cigars and cigarettes" for "tobacco products," so that the section will read:

§ 11.3 Package and notice requirements for cigars and cigarettes; package requirements for cigarette papers and tubes.

Exemptions from tax on cigars, cigarettes, and cigarette papers and tubes apply in accordance with regulations of the Internal Revenue Service (26 CFR Part 275) upon release from customs custody of such articles imported by consular officers and employees of foreign states. Cigars, cigarettes, and cigarette papers and tubes may also be released without payment of tax as provided in § 11.2a and for exhibition in accordance with Part 32 of this chapter. Additionally, cigars, cigarettes, or cigarette papers and tubes may be admitted free of duty and tax under the provisions of schedule 8, Part 2A, Tariff Schedules of the United States, or section 321, Tariff Act of 1930, as amended, § 10.26a, § 10.29, § 10.30, § 10.30a, § 10.30b, § 10.30c, § 23.4(c), or § 54.3 of this chapter. Except in the foregoing instances and in any instance in which such articles are imported in passengers' baggage or are to be released under a mail entry for the personal consumption of the importer or for disposition as his bona fide gift, the provisions in Part 275 of the regulations of the Internal Revenue Service (26 CFR Part 275) as to packages and notices thereon apply.

§ 11.4 [Deleted]

Section 11.4 is deleted.

§ 11.5 [Amended]

Footnote 2 appended to § 11.5 is amended to read:

[2] Internal-revenue stamps for imported oleomargarine, adulterated butter, and filled cheese will be sold to the owner or consignee of the merchandise by the district director of internal revenue for the district in which is located the port of entry where the customs entry is filed upon requisition therefor on the order form duly executed by an authorized customs officer.

(80 Stat. 379, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 66, 1624)

PART 16—LIQUIDATION OF DUTIES

§ 16.3 [Amended]

The first sentence of § 16.3(d) is hereby amended by deleting the reference to tobacco materials and substituting "cigars and cigarettes" for "tobacco products," so that the sentence will read: "The internal-revenue taxes imposed on imported cigars, cigarettes, and cigarette papers and tubes under 26 U.S.C. 5701 or 7652 are determined in accordance with 26 U.S.C. 5703 at the time of removal; that is, on the quantity removed from customs custody under the entry or withdrawal for consumption."

(80 Stat. 379, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 66, 1624)

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: August 9, 1967.

MATTHEW J. MARKS,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 67-9626; Filed, Aug. 15, 1967; 8:51 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER B—STANDARD REFERENCE MATERIALS

PART 230—STANDARD REFERENCE MATERIALS

Miscellaneous Amendments

Under the provisions of 15 U.S.C. 275a and 277, the following amendment to Part 230 of Title 15 of the Code of Federal Regulations, relating to standard reference materials issued by the National Bureau of Standards is effective upon publication in the FEDERAL REGISTER.

Subpart C of Part 230 is amended by (1) revising § 230.7-18 *Metallo-organic compounds* to revoke standard reference material 1056a, cupric cyclohexanebutyrate, (2) adding standard reference material 1080, bis(1-phenyl-1,3-butanediono) copper(II) to replace standard reference material 1056a, and (3) adding a new § 230.7-23 *Analyzed gases.*

Subpart D of Part 230 is amended by (1) revising § 230.8-4 *Calorimetric standards* to add standard reference material 724, (2) amending § 230.8-5 *Radioactivity standards* to renumber standard reference material 4904-B as 4904-C and change the price thereof, and (3) adding a new § 230.8-27. Accordingly, the following amends 15 CFR Part 230:

Subpart C—Standards of Certified Chemical Composition

§ 230.7-18 Metallo-organic compounds.

* * * * *

Sample Nos.	Kind (approximate weight 5 grams)	Constituents determined	Price
* * *	* * *	* * *	* * *
1056a	Cupric cyclohexanebutyrate.	Cu—16.1: Revoked.	$15
1080	bis(1-phenyl-1,3-butanediono) copper (II).	Cu—16.5	
* * *	* * *	* * *	* * *

§ 230.7-23 Analyzed gases.

These standard reference materials are intended for the calibration of apparatus used for the measurement of various components in gas mixtures. Each sample is certified accurately within limits and is primarily intended to monitor and correct for long-term drifts in instruments used.

Sample Nos.	Kind	Constituents determined (p.p.m.)	Volume (liters at STP)	Price
1601	Carbon dioxide in nitrogen	CO_2 308±3	68	$145
1602	do	CO_2 346±3	68	145
1603	do	CO_2 384±4	68	145

Subpart D—Standards of Certified Properties and Purity

§ 230.8-4 Calorimetric Standards.

These standards are issued primarily to check the performance of calorimetric methods for the determination of the heat of combustion and the heat of solution. Standard 217b is certified for density and index of refraction at 20°, 25°, and 30° C., 217b-8S is in a special ampoule with an internal break-off tip, the others are sealed "in vacuum" in a plain glass ampoule. Standard 724 is a homogeneous material for use in interlaboratory correlation and standardization of solution calorimeters. It is not certified for a value for the heat of solution.

Sample Nos.	Kind	Approximate weight in grams	Price
* * *	* * *	* * *	* * *
724	Tris(Hydroxymethyl)aminomethane.	50	$15

§ 230.8-5 Radioactivity standards.

* * * * *

(b) * * *

(ii) Sample No. 4904–C consists of a practically weightless deposit of americium-241 on a platinum foil 1.27 cm in diameter, 0.015 cm thick. This foil is cemented onto a monel disk 2.54 cm in diameter and 0.16 cm thick. The activity is restricted to a 0.3 cm-diameter area in the center of the foil. These samples can now be distributed under the general licensing provisions of the Atomic Energy Act of 1954. (Please refer to amendments to Title 10, Code of Federal Regulations, Part 31, § 31.8.)

Sample Nos.	Radio-nuclide	Approximate α-particle emission in 2π geometry	Price
• • •	• • •	• • •	• • •
4904–C	Am-241	20 αps	$76

• • • • • •

§ 230.8–27 Density and refractive index standards.

These standard reference materials are certified with respect to values of density, for air-saturated material at 1 atm, at 20°, 25°, and 30° C. ±0.00002 g/ml, and also with respect to values of refractive index, for each of seven wavelengths (helium 668 and 502, hydrogen 656 (C) and 486 (F), mercury 546 (e) and 436 (g), and sodium 589 (D_1, D_2) at 20°, 25°, and 30° C. to 0.00002). These standards may be used to calibrate refractometers, piconometers, and density balances, as well as spectrometers. A certificate is supplied with each of these samples. 217b–8S is in a special ampoule with an internal break-off tip, the others are sealed "in vacuum" in a plain glass ampoule.

Sample Nos.	Kind	Approximate d_{20}	Approximate n_D^{20}	Amount, ml	Price
217b–5	2,2,4-Trimethylpentane.	0.6918	1.3915	5	$35
217b–8S	do	.6918	1.3915	8	60
217b–25	do	.6918	1.3915	25	175
217b–50	do	.6918	1.3915	50	325

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

Dated: July 26, 1967.

A. V. ASTIN,
Director.

[F.R. Doc. 67–9540; Filed, Aug. 15, 1967; 8:45 a.m.]

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[10 Gen. Rev. of Export Regs., Amdt. 36]

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Parts 370, 372, 373, 379, 385, and 399 of the Code of Federal Regulations are amended as set forth below.

Effective date: August 4, 1967.

RAUER H. MEYER,
Director, Office of Export Control.

PART 370—SCOPE OF EXPORT CONTROL BY DEPARTMENT OF COMMERCE

Section 370.2 is amended to read as follows:

§ 370.2 Prohibited exports.

(a) *General provisions.* States of all commodities and all technical data as defined in § 385.1 is hereby prohibited unless and until a general license authorizing such export shall have been established or a validated license or other authorization for such export shall have been granted by the Office of Export Control, except:

(1) Any export to Canada, other than:[1]

(i) The types of technical data described in § 385.2(c)(5);

(ii) Unpublished technical data, as described in § 385.2(c)(3)(v) relating to maritime (civil) nuclear propulsion plants, their land prototypes, and special facilities for their construction, support, or maintenance, including any machinery, devices, components, or equipment specifically developed or designed for use in such plants or facilities; and

(iii) Commodities and unpublished technical data related to nuclear weapons, nuclear explosive devices, or nuclear testing, as described in §§ 373.7(b) and 385.2(c)(3)(vi).

(2) Exports for the official use of or consumption by the U.S. Armed Forces when shipped by or consigned to any branch thereof under a U.S. Government Bill of Lading or a U.S. Government space charter or by means of a U.S. Government-owned or Government-chartered carrier; and

(3) Exports of commodities and technical data controlled by another U.S. Government agency (see § 370.5).

(b) *Commodities on commodity control list.* The commodities set forth on the Commodity Control List (see § 399.1) may not be exported from the United States to any destination unless and until an application for an export license or other request shall have been submitted to, and an export license or other authorization to export shall have been granted or issued by, the Office of Export Control, except:

(1) Where export of such commodities is authorized by the provisions of an established general license as set forth in Part 371; or

(2) Where authorized with respect to certain commodities by the provisions of a footnote on the Commodity Control List; or

(3) Where export of such commodities is authorized by paragraph (a) of this section.

(c) *Revocation of licenses and other authorizations.* All export licenses and other authorizations to export or reexport are subject to revision, suspension, or revocation without notice.

[1] See § 370.3 for shipments to Canada, not intended for consumption in Canada, and regarding the requirement of a Shipper's Export Declaration for certain exports to Canada.

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

Section 372.12 *Reexport* is amended by adding a new paragraph (e) which reads as follows:

§ 372.12 Reexport.

• • • • • •

(e) *Revocation of authorizations to reexport.* All export licenses and other authorizations to reexport are subject to revision, suspension, or revocation without notice.

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

1. Section 373.18 is added to read:

§ 373.18 Nickel bearing scrap.

(a) *Requirement of export order.* An application for a license to export any of the following commodities shall be accompanied by a copy of the export order placed, or the contract entered into, by the foreign consignee or purchaser with the U.S. exporter or with his order party (see § 373.4(a)(2) regarding order party provisions):

Export Control Commodity Number and Commodity Description

28200 Alloy steel scrap containing 5 percent or more nickel by weight.
28401 Nickel bearing residues and dross.
28403 Other nickel or nickel alloy waste and scrap.

(b) *Validity period.* Any outstanding license to export the commodities listed in paragraph (a) of this section that was issued on or before June 9, 1967, shall expire on September 6, 1967, unless the license bears an earlier termination date. This limitation applies regardless of any later termination date that may be shown on the license. All licenses to export these commodities issued after June 9, 1967, will bear an expiration date ending 90 days after the date of issuance.

(c) *Export clearance.* An extra copy of the Shipper's Export Declaration shall be filed with the Customs Office for each shipment under a validated license to export any of the commodities listed in paragraph (a) of this section. The Declaration shall bear in the upper right corner the notation "862."

2. Section 373.42 is added to read:

§ 373.42 Nickel, nickel alloys, and ferronickel.

The following commodities are subject to the provisions set forth in § 373.18:

Export Control Commodity Number and Commodity Description	
67160	Ferronickel containing 90 percent or less nickel.
68310	Nickel based magnetic materials, unwrought.
68310	Other nickel or nickel alloys, unwrought.
68324	Nickel or nickel alloy electroplating anodes.

PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL

Section 379.2(h)(2)(ii) is revised to read as follows:

§ 379.2 Presentation and use of validated license.

* * * * *

(h) *Shipping tolerance.* * * *

(2) *Types of licenses covered.* * * *

(ii) A shipping tolerance of 5 percent is allowed on the unshipped balance specified on a validated export license for shipments of the following commodities:

Export Control Commodity Number and Commodity Description	
28200	Alloy steel scrap containing 5 percent or more nickel by weight.
28311	Copper ores and concentrates.
28312	Copper matte.
28401	Copper metalliferous ash and residue.
28401	Nickel bearing residues and dross.
28402	Copper and copper-base alloy waste and scrap.
28403	Other nickel or nickel alloy waste and scrap.
51470	Master alloys of copper containing 8 percent or more phosphor.
67160	Ferronickel containing 90 percent or less nickel.
68211	Blister copper and other unrefined copper.
68212	Refined copper, including remelted, in cathodes, billets, ingots, wire bars, and other crude forms.
68212	Copper-base alloy ingots.
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 and copper alloy powders and flakes.
68225	Tubes, pipes, and blanks therefor, and hollow bars of copper or copper-base alloy.
68226	Tube and pipe fittings of copper or copper-base alloy.
68310	Nickel based magnetic materials, unwrought.
68310	Other nickel or nickel alloys, unwrought.
68324	Nickel or nickel alloy electroplating anodes.
69892	Copper or copper-base alloy fabricated anodes.
69892	Copper or copper-base alloy cores (mold inserts).
69892	Copper or copper-base alloys 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.
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.

(iii) The tolerance provisions of this section shall not apply to the following units of quantity:

Carat.	Pencil gross.
Cell.	Piece.
Dozen.	Ream.
Gross.	Roll.
Number.	Round.
Pack.	Square.
Pair.	Set.

2. Subdivision (vi) is added to § 379.3(c)(3), as follows:

§ 379.3 Presentation of Shipper's Export Declaration.

* * * * *

(c) *Number of copies to be presented.* * * *

(3) *Additional copies of declaration.* * * *

(vi) Exports under a validated license of nickel, nickel alloys, and nickel bearing scrap. The additional copy shall bear in the upper right corner the notation "862." (See §§ 373.18 and 373.42.)

PART 385—EXPORTS OF TECHNICAL DATA

In § 385(c), subparagraph (4)(iv) is added and subparagraph (5)(v) is revised, as follows:

§ 385.2 General license.

* * * * *

(c) *General License GTDU; Unpublished technical data.* * * *

(4) *Requirement of written assurance for certain data, services, and materials.* * * *

(iv) The limitations set forth in this paragraph (c)(4) do not apply to the export of:

(*a*) Technical data included in an application for the foreign filing of a patent provided such foreign filing of a patent application is in accordance with the regulations of the U.S. Patent Office; and

(*b*) Technical data supporting a price quotation as described in subparagraph (2)(ii) of this paragraph.

* * * * *

(5) *Requirement of written assurance for certain additional products and destinations.* * * *

(v) The limitations set forth in this paragraph (c)(5) do not apply to the export of:

(*a*) Technical data included in an application for the foreign filing of a patent provided such foreign filing of a patent application is in accordance with the regulations of the U.S. Patent Office; and

(*b*) Technical data supporting a price quotation as described in subparagraph (c)(2)(ii) of this paragraph.

PART 399—COMMODITY CONTROL LIST AND RELATED MATTERS

Section 399.1 *Commodity Control List* is amended as follows:

A. *Amendments.* The Commodity Control List is amended as set forth below, effective August 4, 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 to indicate the entry being revised. For example, where a revised entry is followed by "(1)", this 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 amendment.

[1] A separate entry is established and effective Aug. 11, 1967, a validated license is required for export of these commodities to Country Group W.

[2] A validated license is no longer required for export to East Germany of commodities included in this entry which previously required a license to this destination.

[3] A validated license is no longer required for export of these commodities to East Germany.

[4] The Processing Number has been changed for some commodities included in this entry.

[5] An Import Certificate is no longer required in support of an application to export artificial graphite included in this entry, where the total thermal neutron absorption cross section is greater than 5 millibarns per atom to the countries specified in § 373.2.

[6] A reporting requirement is deleted.

[7] A separate entry is established.

[8] Effective Aug. 11, 1967, a validated license is required for export of these commodities to Country Groups T, V, W, and X.

[9] The commodity description is revised with no change in controls.

[10] Effective Sept. 18, 1967, an Import Certificate (or a Hong Kong Import License) will be required in support of a license application covering export of alloys containing 5 percent or more boron to the countries specified in § 373.2.

[11] Effective Aug. 11, 1967, a validated license is required for export of these commodities to Country Groups T and V.

[12] Effective Aug. 11, 1967, the GLV Dollar-Value Limit is decreased for Country Group X.

[13] Effective Aug. 11, 1967, a validated license is required for export of commodities containing 5 percent or more boron, as follows: (a) Tubes, pipes, blanks, and hollow bars to Country Groups T and V, and (b) fittings to Country Groups T, V, W, and X.

[14] Effective Aug. 11, 1967, a validated license is required for export of commodities containing 5 percent or more boron, as follows: (a) Bars, rods, angles, shapes, and sections to Country Groups T, V, and W, and (b) ingots and other unwrought forms and bare wire to Country Groups T, V, W, and X.

[15] Effective Aug. 11, 1967, a validated license is required for export of these commodities to Country Groups T, V, W, X, and Y.

[16] Effective Aug. 11, 1967, a validated license is required for export of these commodities to Country Groups T, V, and W.

[17] Effective Aug. 11, 1967, a validated license is required for export of alloys containing 5 percent or more boron to Country Groups T, V, W, and X.

[18] The commodity description is revised to conform with Schedule B classification of containers.

[19] The PRL Commodity Group Number is changed (see § 376.2).

[20] Effective Aug. 11, 1967, a validated license is required for export to Country Groups T and V of castings and forgings containing 5 percent or more boron which presently do not require a validated license for export to these destinations.

[21] Effective Sept. 18, 1967, an Import Certificate (or a Hong Kong Import License) will be required in support of an application for a license to export to any of the countries specified in § 373.2 castings and forgings of all nonferrous base metals containing 5 percent or more boron not presently subject to this requirement.

[22] Attachments for integral tractor-shovel loaders are transferred from No. 71842 to 71931.

[23] This entry is deleted.

[24] This entry is deleted and these commodities are now included in the 13th entry on the Commodity Control List under this Export Control Commodity Number.

[25] Two entries are substituted for two entries presently on the Commodity Control List under this Export Control Commodity Number.

[26] An Import Certificate is no longer required in support of an application for a license to export to the countries specified in § 373.2 instruments which perform functions similar to synchros or resolvers with a rated electrical error from 0.25 to 0.5 percent of maximum output voltage.

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	
Plastic materials, regenerated cellulose, and artificial resins								
58120 Irradiated polyolefin sheeting. (12)[1]	Lb.	228	SWXYZ	-----	-----	-----	100	B.
58132 Other regenerated cellulose and chemical derivatives of cellulose. (2 and 3)[2]	Lb.	248	SZ	-----	-----	-----	-----	B.
58191 Hardened proteins. (1)[3]	Lb.	248	SZ	-----	-----	-----	-----	B.
58192 Modified natural resins (including ester gum), and chemical derivatives of natural rubber, all in unfinished or semi-finished form. (1)[4]	Lb.	248	SZ	-----	-----	-----	-----	B.
58199 Ammonium alginate. (2)[3]	Lb.	248	SZ	-----	-----	-----	-----	B.
Chemical materials and products, n.e.c.								
59020 0,0-dimethyl 0-P-nitro phenyl phosphorothiate; 0,0-diethyl 0-P-nitro phenyl phosphorothiate; 3,4-dichloropropionanilide; 3-amino-2,5-dichlorobenzoic acid; 2-chloro-4-ethylamino-6-isopropylamino-S-triazine; 3-(3,4-dicaloropheny1)-1-methoxy-1-methylurea; 2-chloro-N-isopropyl-acetanilide; alpha-chloro-N-,N-diallyl-isectamide; 2-chloro-4,6-bis(ethylamino)-S-triazine; a,a,a,-trifluoro-2,6-dinitro-N, N,-dipropyl-p-toluidine; 2-chloroallyl diethyldithiocarbamate; 2,3,5,6-tetrachloroterephthalic acid; 2,3-dichloroallyl diisopropylthiolcarbamate; 2,3,3-trichloroallyl diisopropylthiolcarbamate; and 4-chloro-2-butynyl-N-chlorocarbanilate. (1)[3]	Lb.	248	SZ	500	-----	-----	-----	B.
59062 Gluten and gluten flour. (1)[3]	Lb.	208	SZ	-----	-----	-----	-----	B.
59068 Casein, albumins and dextrins; glues and adhesives of fish, animal or vegetable origin; and albuminoidal substances, including edible and inedible gelatins. (1, 2 and 9)[3] [9]	Lb.	208	SZ	-----	-----	-----	-----	B.
59061 Tall oil. (1 and 2)[3]	Lb.	208	SZ	-----	-----	-----	-----	B.
59063 Pine oil, except pine-needle oil; terpenic solvents, n.e.c.; gum turpentine; and wood turpentine. (1)[3]	Gal.	208	SZ	-----	-----	-----	-----	B.
59065 Wood tar; wood tar oils; wood creosote; wood naphtha, and acetone oil. (1)[3]	Lb.	208	SZ	-----	-----	-----	-----	B.
59066 Vegetable pitch and products based thereon or on rosin. (1 and 2)[3]	Lb.	208	SZ	-----	-----	-----	-----	B.
59072 Other artificial graphite in block, brick, plate, or rod form, smallest dimension 2 inches or over and having a boron content of one part per million or less, the total thermal neutron absorption cross section being less than, or equal to, 5 millibarns per atom. (2) [5] [6]	Lb.	211	STVWXYZ	-----	500	500	-----	A E-8.
59073 Animal black, except activated. (1 and 2) [5]	Lb.	208	SZ	-----	-----	-----	-----	B.
Nonmetallic mineral manufactures, n.e.c.								
66303 Artificial graphite products, n.e.c., in block, brick, plate, or rod form, smallest dimension 2 inches or over and having a boron content of one part per million or less, the total thermal neutron absorption cross section being less than, or equal to, 5 millibarns per atom. (1) [5] [6]	Lb.	211	STVWXYZ	500	500	500	-----	A E-8.
66370 Artificial graphite refractory products, n.e.c., in block, brick, plate, or rod form, smallest dimension 2 inches or over and having a boron content of one part per million or less, the total thermal neutron absorption cross section being less than, or equal to, 5 millibarns per atom. (7) [5] [6]	Lb.	211	STVWXYZ	500	500	500	-----	A E-8.
66370 Other artificial graphite refractory products, n.e.c., in block, brick, plate, or rod form, smallest dimension 2 inches or over. (Specify by name, size and boron content in parts per million.) (8) [7] [9]	Lb.	212	STVWXYZ	500	500	500	-----	E-8.
66700 Monocrystals of ferrites and garnets, synthetic; and materials suitable for application in electromagnetic devices making use of the gyromagnetic resonance phenomenon. (Specify by name.) (1 and 6) [9]	Lb.	241	STVWXYZ	500	500	500	-----	A E-13.
Nonferrous metals								
68310 Nickel alloys, unwrought, containing 5 percent or more boron. (3) [7] [10]	Lb.	261	STVWXYZ	-----	500	100	-----	A E-7.
68321 Bars, rods, angles, shapes, sections, and wire of nickel alloy containing 5 percent or more boron. (5) [7] [10] [11] [12]	Lb.	261	STVWXYZ	-----	500	100	-----	A E-8.
68322 Nickel alloy plates, sheets, strips, powders, flakes and foil containing 5 percent or more boron. (8) [7] [10] [11] [12]	Lb.	261	STVWXYZ	-----	500	100	-----	A E-8.
68323 Tubes, pipes, blanks and fittings therefor, and hollow bars, of nickel alloy containing 5 percent or more boron. (6 and 7) [7] [10] [12] [13]	Lb.	261	STVWXYZ	-----	500	100	-----	A E-8.
68324 Nickel alloy electroplating anodes containing 5 percent or more boron. (1) [7] [10]	Lb.	261	STVWXYZ	-----	500	100	-----	A E-8.

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	
68401 Aluminum alloy ingots and other unwrought forms, and aluminum alloy bars, rods, angles, shapes, sections, and bare wire containing 5 percent or more boron. (2 and 3) [7] [20] [21] [14]	Lb.	261	STVWXYZ	.....	500	100	.....	A E-8.
68422 Aluminum alloy plates and sheets containing 5 percent or more boron. (2) [7] [9] [21]	Lb.	261	STVWXYZ	.....	500	100	.....	A E-8.
68423 Aluminum alloy foil and leaf containing 5 percent or more boron. (1) [7] [20] [21]	Lb.	261	STVWXYZ	.....	500	100	.....	A E-8.
68424 Aluminum alloy powder and flakes containing 5 percent or more boron. (1) [7] [20] [21]	Cwt. lb.	261	STVWXYZ	.....	500	100	.....	A E-8.
68425 Aluminum alloy tubes, pipes and tube blooms containing 5 percent or more boron. (4) [7] [20] [21] [20]	Lb.	261	STVWXYZ	.....	500	100	.....	A E-8.
68426 Aluminum alloy tube and pipe fittings containing 5 percent or more boron. (1) [7] [20] [21]	Lb.	261	STVWXYZ	.....	500	100	.....	A E-8.
68431 Magnesium base alloys, unwrought, containing 0.4 percent or more zirconium, 1 percent or more rare earth metals (cerium misch metal), 10 percent or more lithium, or 5 percent or more boron. [Report scrap in No. 28405.] (1 and 2) [20] [21]	Lb.	261	STVWXYZ	.....	500	100	.....	A E-7.
68432 Magnesium base alloys, wrought, containing 0.4 percent or more zirconium, 1 percent or more rare earth metals (cerium misch metal), 10 percent or more lithium, or 5 percent or more boron. (Specify by name.) (1 and 2) [20] [21]	Lb.	261	STVWXYZ	.....	500	100	.....	A E-8.
Manufactures of Metal, n.e.c.								
69891 Containers, iron or steel, jacketed only, for the storage of liquefied gases at temperatures below minus 274° F. (minus 170° C.), with multi-laminar type insulation under vacuum. (2) [20]	No.	211	STVWXYZ	100	500	100	.....	A E-8.
69899 Castings and forgings of nonferrous base metals containing 5 percent or more boron. (4, 9, and 21) [20] [20] [21]	Lb.	261	STVWXYZ	100	500	100	.....	A E-8.
Machinery other than electric								
71130 Diesel engines, nonmagnetic, 50 brake horsepower and over, having a nonmagnetic content exceeding 65 percent of total weight, or having nonmagnetic parts other than crankcase, block, head, piston, covers, end plates, valve facings, gaskets, and fuel, lubricant and other supply lines (specify brake horsepower at rated r.p.m.); and specially designed parts and accessories, n.e.c. (1 and 4) [9]	.....	431	STVWXYZ	.....	500	.....	.....	A.
71150 Diesel marine engines, 1,500 brake horsepower and over, with rotary speeds of 700 r.p.m. and over, designed for use on submarines (specify brake horsepower at rated r.p.m.); and specially designed parts and accessories, n.e.c. (2 and 4) [9]	.....	431	STVWXYZ	.....	500	.....	.....	A.
71159 Diesel engines, nonmagnetic, 50 brake horsepower and over, having a nonmagnetic content exceeding 50 percent, up to but not exceeding 65 percent of total weight (specify brake horsepower at rated r.p.m.); and specially designed parts and accessories, n.e.c. (3 and 5) [9]	.....	432	STVWXYZ	.....	500	.....	.....	
71160 Outboard motors, over 15 horsepower, and other internal combustion engines, n.e.c., including other diesel engines, and engines for watercraft and automotive vehicles; and parts and accessories, n.e.c. [Report internal combustion engines for aircraft in No. 71141.] (5) [9]	.....	438	SXYZ	.....	.....	.....	100	B.
71230 Nonmilitary type tracklaying tractors, 135 horsepower and over; and nonmilitary type contractors' off-highway wheel tractors, 135 horsepower and over. (Specify as nonmilitary and state horsepower.) (2 and 3) [9]	No.	402	SVWXYZ	.....	.....	.....	.....	E-11.
71250 Nonmilitary type tracklaying tractors, under 135 horsepower; and nonmilitary type contractors' off-highway wheel tractors, under 135 horsepower. (Specify as nonmilitary and state horsepower.) (6) [9]	No.	408	SXYZ	.....	.....	.....	100	B.
71842 Parts, accessories, and attachments specially designed for construction equipment built to military specifications. (Specify as military.) (4) [20]	.....	401	STVWXYZ	.....	500	.....	.....	A.
71843 Attachments specially designed for nonmilitary type integral tractor-shovel loaders of 135 horsepower and over. [Report integral tractor-shovel loaders in No. 71931.] (5) [20] [21]	.....	402	SVWXYZ	.....	.....	1,000	.....	E-11.
71931 Military type integral tractor-shovel loaders; and specially designed parts and attachments. (1) [20]	.....	401	STVWXYZ	.....	500	.....	.....	A.
71931 Nonmilitary type integral tractor-shovel loaders, 135 horsepower and over; and specially designed parts and attachments, except cabs and cab guards (canopy tops). (Specify as nonmilitary, whether wheel or tracklaying type, and horsepower.) (2) [20]	.....	402	SVWXYZ	.....	.....	1,000	.....	E-11.
71960 Equipment for the production of military explosives and solid propellants (for example, dehydration presses; extrusion presses for the extrusion of small arms, cannon and rocket propellants; cutting machines for the sizing of extruded propellants; sweetie barrels (tumblers), 6 feet and over in diameter and having over 500 pounds product capacity; continuous mixers for solid propellants; and nitrators, continuous types) (specify by name); and specially designed parts and accessories, n.e.c. (14, 21, 25, 26, 29 and 30) [9]	.....	411	STVWXYZ	.....	500	100	.....	A.
Electrical machinery, apparatus, and appliances								
72220 Other potentiometers using only switched elements, and parts, n.e.c. (11) [24]	.....	618	SXYZ	.....	.....	.....	100	B.
72690 Electrical carbons, except carbon brushes, artificial graphite, whether or not containing other material to give improved performance at high temperatures, having an apparent relative density of 1.90 and greater, except nonpyrolytic graphite of density between 1.90 and 1.95 when compared to water at 60° F. (15.5° C.). (1) [20]	.....	211	STVWXYZ	.....	500	500	.....	A E-8.

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	
72996 Electrical carbons, except carbon brushes, artificial graphite, smallest dimension 2 inches or over and having a boron content of one part per million or less, the total thermal neutron absorption cross section being less than, or equal to, 5 millibarns per atom. (2) [4 5 18]	.....	211	STVWXYZ...	.....	500	500	.....	A E-8.
72996 Other pyrolytic graphite electrical carbons. (3) [19]	.....	212	STVWXYZ...	.....	500	500	.....	E-8.
72996 Other electrical carbons, except carbon brushes, artificial graphite, smallest dimension 2 inches or over. (Specify by size and boron content in parts per million.) (4) [18]	.....	212	STVWXYZ...	.....	1,000	1,000	.....	E-8.
72999 Other instruments which perform functions similar to synchros or resolvers (for example, Microsyncs®, Synchrotels®, and Inductosyns®), and having any of the following characteristics: (a) a rated electrical error of 10 minutes or less, or of 0.25 percent or less of maximum output voltage, (b) a related dynamic accuracy for receiver types of 1° or less, except that for units of size 30 (3 inches in diameter) or larger a rated dynamic accuracy of less than 1°, or (c) designed to operate below minus 55° C. or above plus 125° C. (specify by name and model number); and specially designed parts and accessories, n.e.c. (7 and 8) [23]	.....	601	STVWXYZ...	.....	500	.....	.....	A.
72999 Other servo control units, linear induction potentiometers, induction rate generators, synchros and resolvers; and instruments which perform functions similar to synchros or resolvers with a rated electrical error from 0.25 to 0.5 percent of maximum output voltage; and specially designed parts and accessories, n.e.c. [Report servo motors in No. 72210.] (7 and 8) [23 26]	.....	602	STVWXYZ...	.....	500	500	.....	
Professional, scientific, and controlling instruments; photographic and optical goods, watches, and clocks								
86112 Optical elements as follows: (a) specially designed for infrared or ultraviolet communications or detection equipment, or (b) specially designed for equipment providing amplification or oscillation by means of stimulated electromagnetic radiation, such as Masers, Lasers, or Irasers. (Specify by name and type.) (4 and 5) [3]	No.	611	STVWXYZ...	50	500	50	.....	A.
86193 Optical measuring and checking instruments, and parts. (4) [3]	.....	628	SZ.....	500	.....	.....	.....	B.
86193 Other measuring and checking instruments, appliances and machines; and parts. (6) [3]	.....	418	SZ.....	500	.....	.....	.....	B.
86195 Vibration testing equipment capable of providing a thrust of 2,000 pounds or less. (10) [7 12 18]	.....	412	STVWXYZ...	500	500	500	.....	

* For explanation, see § 399.1.

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. August 11, 1967, may be exported under the previous general license provisions up to and including September 5, 1967. Any such shipment not laden aboard the exporting carrier on or before September 5, 1967, requires a validated license for export.

(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.)

[F.R. Doc. 67-9483; Filed, Aug. 15, 1967; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Office of Emergency Planning

Section 213.3326 is amended to show that the position of Special Assistant to the Assistant Director is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (2) is added to paragraph (d) of § 213.3326 as set out below.

§ 213.3326 Office of Emergency Planning.

* * * * *

(d) *Office of the Assistant Director.* * * *

(2) One Special Assistant to the Assistant Director.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

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

[F.R. Doc. 67-9594; Filed, Aug. 15, 1967; 8:49 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 3]

PART 120—LOAN POLICY

The Loan Policy Regulation of the Small Business Administration, Part 120 (as published in 28 F.R. 6675, Rev. 2, and amended in 29 F.R. 2486, 18419; 30 F.R. 9813, 15466), is hereby revised and republished and as so revised reads as follows:

Sec.
120.1 Introduction.
120.2 Business loans and guarantees.
120.3 Terms and conditions of financial assistance.
120.4 Disaster loans and guarantees.

AUTHORITY: The provisions of this Part 120 issued under P.L. 85-536, sec. 5, 72 Stat. 385, 15 USC 634.

§ 120.1 Introduction.

(a) This part is established by the SBA to set forth principles and policies which will be followed in the granting and denial of financial assistance to small business concerns. It is not intended that this general statement of policy provide answers to all questions which may arise in connection with specific applications.

(b) "Financial assistance" as used in this part shall include direct loans made by SBA, immediate participation loans, and guaranteed loans.

(c) "Financial institution" as used in this part shall include, but not be limited to, banks and other concerns whose regular course of business entails the making of commercial and industrial loans to the general public.

§ 120.2 Business loans and guarantees.

Basic principles governing the granting and denial of applications for financial assistance:

(a) Applications for financial assistance may be considered only when there is evidence that the desired credit is not otherwise available on reasonable terms. The financial assistance applied for shall be deemed to be otherwise available on reasonable terms, unless it is satisfactorily demonstrated that:

(1) Proof of refusal of the required financial assistance has been obtained from—

(i) The applicant's bank of account;

(ii) If the amount of financial assistance applied for is in excess of the legal lending limit of the applicant's bank or in excess of the amount that the bank normally lends to any one borrower, then a refusal from a correspondent bank or from any other lending institution whose lending capacity is adequate to cover the financial assistance applied for; and

(iii) Not less than two banks in cities where the population exceeds 200,000.

Proof of refusal must contain the date, amount and terms requested, and the reasons for not granting the desired credit. Bank refusals to advance credit should not be considered the full test of unavailability of credit and, where there is knowledge or reasons to believe that credit is otherwise available on reasonable terms from sources other than such banks, the financial assistance applied for cannot be granted notwithstanding the receipt of written refusals from such banks.

(2) The financial assistance required does not appear to be obtainable:

(i) On reasonable terms through the public offering or private placing of securities of the applicant;

(ii) Through the disposal at a fair price of assets not required by the applicant in the conduct of its existing business or not reasonably necessary to its potential healthy growth; and

(iii) Without undue hardship through utilization of the personal credit or resources of the owner, partners, management or principal shareholders of the applicant.

(iv) Through V-loan, or other applicable Government financing.

(b) It is the policy to stimulate and encourage loans by banks and other lending institutions.

(1) An applicant for a direct SBA loan must show that an immediate participation or guaranteed loan is not available. An applicant for an immediate participation loan must show that a guaranteed loan is not available.

(2) SBA's share of immediate participation loans shall not exceed 90 percent of the loan. In guaranteed loans the exposure of SBA under the guaranty may not exceed 90 percent of the unpaid principal balance and accrued interest.

(3) No agreement to extend financial assistance under the Small Business Act shall establish any preferences in favor of a bank or other lending institution, except in accordance with the Simplified Early Maturities Participation Plan set forth in Part 122 of this chapter.

(c) No financial assistance shall be extended unless there exists reasonable assurance that the loan can and will be repaid pursuant to its terms. Reasonable assurance of repayment will exist only where the past earnings record and future prospects of the firm indicate ability to repay the loan out of income from the business. It will be deemed not to exist when the proposed loan is to accomplish an expansion which is unwarranted in the light of the applicant's past experience and management ability, or when the effect of making the loan is to subsidize inferior management.

(d) Financial assistance will not be granted by SBA:

(1) If the direct or indirect purpose or result of granting such assistance would be to—

(i) Pay off a creditor or creditors of the applicant who are inadequately secured and are in position to sustain a loss.

(ii) Provide funds, directly or indirectly, for payment, distribution, or as a loan to owners, partners or shareholders of the applicant which do not change ownership interests in applicant. This shall not apply to ordinary compensation for services rendered.

(iii) Refund a debt owed to a Small Business Investment Company.

(iv) Replenish funds theretofore used for such purposes.

(2) If the purpose of the applicant in applying for financial assistance is to effect a change in ownership of a business unless such change will promote the sound development or preserve the existence of a small business concern;

(3) If the financial assistance will provide or free funds for speculation in any kind of property, real or personal, tangible or intangible;

(4) If the applicant is an eleemosynary institution or other nonprofit enterprise: *Provided, however,* That this provision shall not be construed to bar financial assistance to a cooperative if it carries on a business activity and the purpose of such activity is to obtain pecuniary benefit for its members in the operation of their otherwise eligible small business concerns.

(5) If the purpose of the financial assistance is to finance the construction, acquisition, conversion, or operation of recreational or amusement facilities, unless such facilities contribute to the health or general well-being of the public;

(6) If the applicant is a newspaper, magazine, book publishing company, radio broadcasting company, television broadcasting company, or similar enterprise;

(7) If 50 percent or more of the net sales of the applicant is derived from the sale of alcoholic beverages;

(8) If any part of the gross income of the applicant (or of any of its principal owners) is derived from gambling activities;

(9) If the financial assistance is to provide funds to an enterprise primarily engaged in the business of lending or investments or to any otherwise eligible enterprise for the purpose of financing investments not related or essential to the enterprise;

(10) If the purpose of the financial assistance is to finance the acquisition, construction, improvement or operation of real property which is, or is to be, held primarily for sale or investment.

(11) If the effect of the granting of the financial assistance will be to encourage monopoly or will be inconsistent with the accepted standards of the American system of free competitive enterprise;

(12) If the financial assistance would be used primarily in a farming or other agricultural activity; or if the applicant is a processor of agricultural commodities and grows or produces more of the commodities processed than he purchases from others.

§ 120.3 Terms and conditions of financial assistance.

(a) *Maturities.* The maturity of business loans made under the Small Business Act shall be restricted to the minimum consistent with sound business practice, not to exceed 10 years.

(b) *Charges on guaranteed loans*—(1) *Charges.* In guaranteed loans (those made by a financial institution with which SBA has entered into an agreement to guarantee as set forth in Part 122 of this chapter), a guaranty charge shall be payable by the financial institution to SBA for such agreement. The guaranty charge shall be one-half of 1 percent per annum on the portion of the loan which SBA has guaranteed.

(2) *Interest.* (i) Except as provided in subdivision (iii) of this subparagraph, interest on SBA's share of immediate participation loans shall not exceed 5½ percent per annum and where the rate of interest on the share of the loan of the bank or other financial institution is less than 5½ percent per annum then the rate of SBA's share of the loan shall be at the same rate, but not less than 5 percent per annum. Subject to the approval of SBA, a participating financial institution may establish such rate of interest on its share of a loan as shall be legal and reasonable, but in no event to exceed 8 percent per annum.

(ii) Direct loans: Except as provided in subdivision (iii) of this subparagraph, interest on all direct loans which may be made by SBA shall be at the rate of 5½ percent per annum, except as may be otherwise required by reason of the provisions of the Servicemen's Readjustment Act of 1944, as amended.

(iii) Interest on SBA's share of financial assistance, which may be extended to Group Corporations shall be at the rate of 5 percent per annum. Subject to the approval of SBA, financial institutions may establish such rate of interest on their share of participation or guaranteed loans as shall be legal and reasonable, but in no event to exceed 8 percent.

(iv) In the event SBA purchases pursuant to a guaranty agreement, the interest rate on the part of the loan purchased by SBA shall be 5½ percent per annum: *Provided, however,* That where the rate of interest on the financial institution's loan is less than 5½ percent, then the rate of the SBA's part shall be at the same rate, but not less than 5 percent per annum.

(v) The interest rate on temporary advances to financial institutions under the liquidity privilege of the Loan Guaranty Plan shall be 4½ percent per annum computed on a per diem basis.

(3) *Service fees.* In immediate participation loans made and serviced by a

financial institution, the financial institution may deduct a service fee only out of interest collected for the account of SBA so long as the bank is servicing the loan, and provided that such fee shall not be added to any amount which borrower is obligated to pay under the loan. Where SBA's share of the loan is 75 percent or less, the service fee shall be ½ of 1 percent per annum on the unpaid principal balance of SBA's share of the loan. Where SBA's share is in excess of 75 percent of the loan, the service fee shall be one-quarter of 1 percent per annum on the unpaid principal balance of SBA's portion of the loan.

(4) *Closing fees.* A closing fee equivalent to one-eighth of one percent of SBA's approved portion of the loan, or $10, whichever is the greater, shall be imposed upon all direct loans and immediate participation loans made and serviced by SBA which are authorized pursuant to section 7(a) of the Small Business Act, as amended. The fee shall be paid to SBA prior to disbursement of the loan and shall be exclusive of any other closing costs (such as recording fees and taxes, costs of title examination and title insurance, and other charges incident to the transaction) which are customarily paid by the borrower.

§ 120.4 Disaster loans and guarantees.

(a) *Scope of disaster assistance.* Financial assistance for disaster relief will be considered on an individual basis in the light of circumstances of the applicant and of the particular disaster or business displacement. Such financial assistance will be made as SBA determines to be necessary or appropriate to relieve the distress and hardships attendant upon the disasters or business displacement. Financial assistance may be extended:

(1) To rehabilitate or replace property damaged or lost as a result of disasters declared by SBA, declarations of which are published in the FEDERAL REGISTER, except that such financial assistance may not be used to rehabilitate or replace personal recreation or vacation homes, cabins, or similar facilities. However, if the property is primarily rental property which is an important source of income for the owner, a rehabilitation loan will be considered (Physical-Loss Disaster Assistance);

(2) To a small business concern located in an area declared to be a major disaster area by the President or declared to be a natural disaster area by the Secretary of Agriculture or his designee, if SBA determines that the concern has suffered substantial economic injury as a result of such disaster (Substantial Economic Injury Assistance);

(3) To assist in reestablishing the business of a small business concern which has been displaced by a federally aided urban renewal or highway construction program or by any other construction conducted by or with funds provided by the Federal Government, if SBA determines that the concern has suffered substantial economic injury as a result of such displacement, except that such financial assistance may not be made for replacement or rehabilitation of homes or apartment houses (Displaced Business Disaster Assistance); and

(4) To a small business concern to continue or reestablish its business if SBA determines that the concern has suffered substantial economic injury as a result of the inability of such concern to process or market a product for human consumption because of disease or toxicity occurring in such product through natural or undetermined causes (Product Disaster Assistance).

(b) *Limitations on assistance.* (1) Farmers, stockmen, and others engaged primarily in agricultural activities are not small-business concerns and, therefore, are ineligible for economic injury disaster assistance through SBA programs. Neither are they eligible for section 7(b)(1) physical disaster loan assistance, and no disaster loan funds will be provided which would be used primarily in a farming or other agricultural activity, except that, where the disaster area is located beyond the territorial jurisdiction of any other Federal agency otherwise authorized to provide such assistance, such parties shall be eligible for Physical-Loss Disaster Assistance.

(2) Religious, eleemosynary, and nonprofit organizations are not small business concerns and, therefore, ineligible for assistance except for Physical-Loss Disaster Assistance.

(3) Disaster assistance may be extended only to applicants determined by SBA to have suffered substantially the disaster loss; it will not be extended if SBA determines from the circumstances that the applicant assumed the loss or possibility of loss from the disaster. Therefore, applicants shall not be eligible where, for example, their concerns have been acquired or established, or where a substantial change of ownership therein occurred, during or following a period of disaster or after approval of a federally aided project, or where the property to be rehabilitated has been acquired after the disaster.

(4) If SBA determines that funds are otherwise available without undue hardship to a disaster victim, its principal owners, shareholders, or stockholders, SBA may require that such funds be expended prior to the expenditure of Federal funds. This subsection does not apply to privately owned colleges and universities to the extent the loss or damage is not compensated for by insurance or otherwise.

(c) *Interest.* (1) Interest on SBA's share of financial assistance, excluding loans under the Displaced Business Disaster Assistance program, shall be at the rate of 3 percent per annum. Where a disaster loan is made for the acquisition or construction (including acquisition of site therefor) of housing for the personal occupancy of the borrower, the interest rate shall be at the rate of 3 percent per annum. Where a participating institution's share of an immediate participation loan represents complete conversion of a predisaster loan made by such institution the interest rate on the participating institution's share may be at a rate accepted as reasonable by SBA.

(2) Interest on SBA's share of financial assistance made under the Displaced Business Disaster program shall be at a rate determined by SBA in conformity with the statutory formula set forth in the Small Business Act, as amended.

(d) *Maturities.* The maximum maturity, including renewals and extensions, for disaster loans shall not exceed 30 years.

(e) *Participation limitations.* SBA's share of immediate participation disaster loans shall not exceed 90 percent of the loan. In guaranteed disaster loans the exposure of SBA under the guaranty may not exceed 90 percent of the unpaid principal balance and accrued interest.

(f) *Service fees.* No service fees shall be charged on disaster loans.

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

Dated: August 10, 1967.

ROBERT C. MOOT,
Administrator.

[F.R. Doc. 67-9573; Filed, Aug. 15, 1967; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 67-SO-36]

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

Alteration of Control Zones and Transition Areas

On July 13, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 10309) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Albany, Ga., and Tallahassee, Fla., control zones and transition areas and the Valdosta, Ga., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.d.s.t., October 12, 1967, as hereinafter set forth.

In § 71.171 (32 F.R. 2071) the Albany, Ga. (Municipal Airport), control zone (32 F.R. 8708) is amended to read:

ALBANY, GA. (MUNICIPAL AIRPORT)

Within a 5-mile radius of the Albany Municipal Airport (latitude 31°32'08" N., longitude 84°11'34" W.); within 2 miles each side of the Albany VORTAC 145° radial, extending from the 5-mile radius zone to 1 mile SE of the VORTAC.

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

TALLAHASSEE, FLA.

Within a 5-mile radius of Tallahassee Municipal Airport (latitude 30°23'59" N., longitude 84°21'22" W.); within 2 miles each side of the Tallahassee VORTAC 173° radial, extending from the 5-mile radius zone to 2 miles S of the VORTAC; within 2 miles each side of the Tallahassee ILS localizer N course, extending from the 5-mile radius zone to 9 miles N of the airport.

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

ALBANY, GA.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Albany Municipal Airport (latitude 31°32'08" N., longitude 84°11'34" W.); within a 10-mile radius of NAS Albany (latitude 31°35'50" N., longitude 84°05'05" W.); within 2 miles each side of the Albany VORTAC 145° radial, extending from the 9-mile radius area to the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning NE of Albany at the INT of the S boundary of V-70 and the arc of a 40-mile radius circle centered at NAS Albany, thence clockwise along this arc to latitude 31°35'30" N., thence W along this latitude to the arc of a 30-mile radius circle centered at the Albany Municipal Airport, thence clockwise along this arc to a line 5 miles S of and parallel to the direct radials between the Dothan and Albany VORTACs, thence W along this line to a line extending through latitude 31°16'30" N., longitude 84°51'30" W., and latitude 31°37'30" N., longitude 84°46'00" W., thence N along this line to latitude 31°37'30" N., longitude 84°46'00" W., thence to latitude 31°41'20" N., longitude 84°56'55" W., thence to latitude 31°47'20" N., longitude 84°58'20" W., thence W along latitude 31°-47'20" N., to the E boundary of V-241, thence N along this boundary to the INT of the S boundary of V-70, thence E along this boundary to point of beginning; and that airspace extending upward from 3,700 feet MSL beginning at the INT of the NE boundary of V-7 and a line extending from latitude 31°16'30" N., longitude 84°51'30" W. through latitude 31°14'35" N., longitude 85°10'45" W.; thence to latitude 31°16'30" N., longitude 84°51'30" W.; thence N along a line extending from latitude 31°16'30" N., longitude 84°51'30" W. through latitude 31°37'30" N., longitude 84°46'00" W., to the intersection of a line 5 miles S of and parallel to the direct radials between the Albany and Dothan VORTACs; thence E along this line to the arc of a 30-mile radius circle centered at the Albany Municipal Airport; thence counterclockwise along this arc to the W boundary of V-97/V-35W; thence S along this boundary to the NE boundary of V-7; thence NW along this boundary to point of beginning.

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

TALLAHASSEE, FLA.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Tallahassee Municipal Airport (latitude 30°23'59" N., longitude 84°21'22" W.); within a 5-mile radius of the Tallahassee Commercial Airport (latitude 30°33'-00" N., longitude 84°22'30" W.); within 8 miles E and 5 miles W of the ILS localizer S course, extending from the 10-mile radius area to 12 miles S of the LOM; within 2 miles each side of the Tallahassee VORTAC 353° radial, extending from the 5-mile radius area to 8 miles N of the VORTAC.

In § 71.181 (32 F.R. 2148) the Valdosta, Ga., transition area (32 F.R. 9641) is amended as follows: "* * * on the W by V-35/97 * * *" is deleted and "* * * on the W by V-35/159 * * *" is substituted therefor.

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

Issued in East Point, Ga., on August 7, 1967.

J. N. COKER,
Acting Director, Southern Region.

[F.R. Doc. 67-9576; Filed, Aug. 15, 1967; 8:48 a.m.]

[Airspace Docket No. 66-WE-59]

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

Designation of VOR Federal Airway; Correction

On July 18, 1967, F.R. Doc. 67-8226 was published in the FEDERAL REGISTER (32 F.R. 10507) which amended Part 71 of the Federal Aviation Regulations by extending VOR Federal airway No. 465, effective September 14, 1967. This amendment which extended V-465 showed the airway floor as 12 AGL between Elko, Nev., and Malad City, Idaho, whereas it should have shown a segmented floor which presently exists for the segment of V-494 which was replaced by V-465. Accordingly, action is taken herein to correct this airway floor designation.

Since this amendment is editorial in nature and imposes no additional burden on any person, compliance with section 4 of the Administrative Procedure Act is unnecessary and the effective date of the final rule as initially adopted is retained.

In consideration of the foregoing, effective immediately, F.R. Doc. 67-8226 (32 F.R. 10507) is amended as follows:

Item 1. is amended to read: In V-465 "From Malad City, Idaho," is deleted and "From Elko, Nev., 12 AGL Wells, Nev.; 12 miles, 12 AGL, 30 miles, 115 MSL, 20 miles, 90 MSL, 36 miles, 115 MSL, 24 miles, 95 MSL, 12 AGL Malad City, Idaho;" is substituted therefor.

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

Issued in Washington, D.C., on August 7, 1967.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-9577; Filed, Aug. 15, 1967; 8:48 a.m.]

[Airspace Docket No. 67-SO-59]

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

Description of Transition Area; Correction

On July 25, 1967, F.R. Doc. 67-8585 was published in the FEDERAL REGISTER (32 F.R. 10839 and 10840) amending Part 71 of the Federal Aviation Regulations.

In the amendment, the Salisbury NDB latitudinal ordinate was incorrectly published as "35°40'30" N." The latitudinal ordinate should have been given as "35°40'40" N."

Since this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, F.R. Doc. 67-8585 is amended as follows: In the sixth line of the Salisbury, N.C., transition area description "* * * (latitude 35°40'30" N. * * *" is deleted and "* * * (latitude 35°40'40" N. * * *" is substituted therefor.

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

Issued in East Point, Ga., on August 4, 1967.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 67-9578; Filed, Aug. 15, 1967; 8:48 a.m.]

[Airspace Docket No. 67-AL-1]

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

Designation of Control Zone and Transition Area

On July 1, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 9571) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would designate controlled airspace in the vicinity of Amchitka, Alaska.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0001 e.s.t., October 12, 1967, as hereinafter set forth.

1. Section 71.171 (32 F.R. 2071) is amended by adding the following:

AMCHITKA, ALASKA

Within a 5-mile radius of the Amchitka, Alaska Airport (latitude 51°22'45" N., longitude 179°16'52" W.); within 2 miles each side of runway 7-25 centerlines extending from the 5-mile radius zone to 5.5 miles east and 5.5 miles west of the Amchitka Airport; within 2 miles each side of the 082° bearing from the Amchitka RBN extending from the RBN to 8 miles east; and within 2 miles each side of the 247° bearing from the Amchitka RBN, extending from the RBN to 8 miles southwest. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Alaska Airman's Guide and Chart Supplement.

2. Section 71.181 (32 F.R. 2148) is amended by adding the following:

AMCHITKA, ALASKA

That airspace extending upward from 700 feet above the surface within 8 miles north

and 5 miles south of the 082° bearing from the Amchitka RBN extending from the RBN to 11.5 miles east; within 8 miles southeast and 5 miles northwest of the 247° bearing from the Amchitka RBN, extending from the RBN to 11.5 miles southwest; and that airspace extending upward from 1,200 feet above the surface within a 29-mile radius of the Amchitka Airport (latitude 51°22'45" N., longitude 179°15'42" E.).

(Secs. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348, 1510; Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on August 11, 1967.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-9603; Filed, Aug. 15, 1967; 8:49 a.m.]

[Airspace Docket No. 65-WA-51]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Areas

On November 4, 1966, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (31 F.R. 14270) stating that the Federal Aviation Agency was considering amendments to Part 73 of the Federal Aviation Regulations which would modify Restricted Areas R-2906 Rodman, Fla., R-2907 Lake George, Fla., and R-2910 Pinecastle, Fla.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. There was a large response to this notice with a total of 44 comments being received. Of these comments 28 can be classified as objections, 12 as requests for a hearing in the local area and four as not objecting. Because of the interest shown in the proposals contained in this docket and Airspace Docket No. 65-WA-49, a special informal airspace meeting was held in Ocala, Fla., on February 2, 1967.

Most of the objections received in response to the NPRM and at the Ocala meeting expressed concern over possible detrimental effects on the economic growth of north-central Florida due to the limitations on air traffic between this area and the east coast of Florida and due to the possible annoyance to patrons of the numerous tourist attractions in the vicinity of Silver Springs, Fla., and those planned on the Cross Florida Barge Canal in the vicinity of Lake Kerr. There was also concern over the effect on the breeding of horses in this area. As a result of these objections we are reducing the length of the proposed R-2907B by 10 miles at the western extremity and eliminating the proposed R-2907C. This removes the restricted area further from the affected tourist attractions and horse farms and also provides east/west access between R-2906 and R-2907.

An objection was set forth stating that expansion of R-2906 would interfere with the traffic pattern for the MQ Ranch Airport. As a result of this objection, the airspace of R-2906 will be reduced by changing the boundary to the east bank of the St. John River. This will provide adequate space for traffic patterns at the MQ Ranch Airport.

Objections were received concerning the adverse effect this proposal would have on operations at Umatilla Airport. The only operational effect on Umatilla Airport is the extension of the air route to Jacksonville or Daytona Beach by 5 and 3 nautical miles, respectively. In view of the importance of this highly instrumented range, this short extension in flight paths is considered reasonable.

Highways, waterways and housing are within these restricted areas. Hence, this rule does not exempt the user from the requirements of § 91.79 of the Federal Aviation Regulations. The user, while operating in these restricted areas, is required to observe the minimum safe altitudes specified in § 91.79 over any congested area, person, vehicle, or structure on the surface not owned, operated or leased by the Navy, or for which a previous mutual agreement between the owner and the user has not been reached.

In general, the Federal Aviation Administration (FAA) recognizes that these areas will cause some inconvenience to certain civil operators. However, the FAA must give full consideration to the airspace requirements involving national defense as well as civil users in exercising its authority and responsibility. In this case, the modifications made to the original proposal represent a compromise to lessen the adverse effect on civil activities and still allow the Navy to complete its mission.

In consideration of the foregoing, Part 73, § 73.29 (32 F.R. 2303, 5769) is amended, effective September 14, 1967, as hereinafter set forth.

1. R-2906 Rodman, Fla., boundaries, and the text thereof is deleted and the following substituted therefor:

Boundaries: A circle with a 5-nautical-mile radius centered at latitude 29°29'00" N., longitude 81°46'00" W.; excluding the area east of the east bank of the St. Johns River.

2. R-2907 Lake George, Fla., is deleted and the following is substituted therefor:

R-2907 LAKE GEORGE, FLA.

SUBAREA A

Boundaries: Beginning at latitude 29°23'-00" N., longitude 81°31'10" W.; to latitude 29°12'30" N., longitude 81°30'00" W.; to latitude 29°12'30" N., longitude 81°38'30" W.; to latitude 29°15'05" N., longitude 81°-40'00" W.; to latitude 29°20'30" N., longitude 81°40'00" W.; to latitude 29°23'00" N., longitude 81°40'00" W.; to latitude 29°23'00" N., longitude 81°39'10" W.; thence via a 5-nautical-mile arc centered at latitude 29°19'-11" N., longitude 81°35'15" W.; to point of beginning.

Designated altitudes: Surface to FL 240.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Jacksonville ARTC Center.

Using agency: Commander Fleet Air Jacksonville, NAS Jacksonville, Fla.

SUBAREA B

Boundaries: Beginning at latitude 29°20'-05" N., longitude 81°40'00" W.; to latitude 29°15'05" N., longitude 81°40'00" W.; to latitude 29°15'05" N., longitude 81°51'50" W.; to latitude 29°20'05" N., longitude 81°51'50" W.; to point of beginning.

Designated altitudes: Surface to 9,000 feet MSL from a line of longitude 81°40'00" W., to a line of longitude 81°42'55" W.; surface to 6,000 feet MSL from a line of longitude 81°42'55" W., to a line of longitude 81°51'50" W.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Jacksonville ARTC Center.

Using agency: Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

3. R-2910 Pinecastle, Fla., is deleted and the following is substituted therefor:

R-2910 PINECASTLE, FLA.

Boundaries: A circle with a 5-nautical-mile radius centered at latitude 29°06'52" N., longitude 81°42'55" W.; with a northwest extension to the circle beginning at latitude 29°07'55" N., longitude 81°48'20" W.; to latitude 29°10'00" N., longitude 81°50'35" W.; to latitude 29°14'00" N., longitude 81°45'50" W.; to latitude 29°11'50" N., longitude 81°-43'00" W.; and with a southeast extension to the circle beginning at latitude 29°10'05" N., longitude 81°38'50" W.; to latitude 28°-57'55" N., longitude 81°28'25" W.; to latitude 28°53'50" N., longitude 81°33'45" W.; to latitude 29°03'05" N., longitude 81°47'-00" W.

Designated altitudes: Surface to FL 240 within the 5-nautical-mile radius. Surface to 9,000 feet MSL within the northwest extension. Surface to 9,000 feet MSL within the southeast extension from the circle to a line from latitude 29°04'25" N., longitude 81°-33'55" W.; to latitude 28°58'50" N., longitude 81°40'30" W. Surface to 6,000 feet MSL within that portion of the southeast extension that lies southeast of a line from latitude 29°04'25" N., longitude 81°33'55" W.; to latitude 28°58'50" N., longitude 81°40'30" W.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Jacksonville ARTC Center.

Using agency: Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

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

Issued in Washington, D.C., on August 11, 1967.

ARCHIE W. LEAGUE,
Director, Air Traffic Service.

[F.R. Doc. 67-9602; Filed, Aug. 15, 1967; 8:49 a.m.]

[Airspace Docket No. 67-WA-12]

PART 75—ESTABLISHMENT OF JET ROUTES

Designation of Jet Route; Correction

On July 22, 1967, F.R. Doc. 67-8516 was published in the FEDERAL REGISTER (32 F.R. 10785) which amended Part 75 of the Federal Aviation Regulations by altering and designating certain jet routes to become effective on September 14, 1967.

This amendment in part designated Jet Route No. 96 from Los Angeles Calif., to Joliet, Ill. The alignment of J-96 showed the route between Garden City, Kans., and Salina, Kans., as direct, whereas it should have shown via the intersection of the Garden City 066° and the Salina 257° radials so as to overlie Jet Route No. 18. Accordingly, action is taken herein to correct this jet route alignment.

Since this amendment is editorial in nature and imposes no additional burden on any person, compliance with section 4 of the Administrative Procedure Act is unnecessary and the effective date of September 14, 1967, as initially adopted is retained.

In consideration of the foregoing, effective immediately, F.R. Doc. 67-8516 (32 F.R. 10785) is amended as follows:

Item 1d., is amended to read:

d. Jet Route No. 96 is added:

Jet Route No. 96 (Los Angeles, Calif., to Joliet, Ill.), from Los Angeles, Calif., via Ontario, Calif.; INT of Ontario 093° and Parker, Calif., 261° radials; Parker; Prescott, Ariz.; Winslow, Ariz.; Gallup, N. Mex.; Cimarron, N. Mex.; Garden City, Kans.; INT Garden City 066° and Salina, Kans., 257° radials; Salina; Kirksville, Mo.; Bradford, Ill.; to Joliet, Ill.

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

Issued in Washington, D.C., on August 7, 1967.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-9579; Filed, Aug. 15, 1967; 8:48 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.564]

PART 92—NOTARIAL AND RELATED SERVICES

Depositions

Section 92.66(a) of Title 22 of the Code of Federal Regulations is revised to read as follows:

§ 92.66 Depositions taken before foreign officials or other persons in a foreign country.

(a) *Customary practice.* Under Federal law (Rule 28(b), Rules of Civil Procedure for the District Courts of the United States) and under the laws of some of the States, a commission to take depositions can be issued to a foreign official or to a private person in a foreign country. However, this method is rarely used; commissions are generally issued to U.S. consular officers. In those countries where American consular officers are not permitted to take testimony (see § 92.55(c)) and where depositions must be taken before a foreign authority, letters rogatory are usually issued to a foreign court. The Department of State has been authorized (62 Stat. 949; 28 U.S.C. 1781) directly or through suitable channels to receive a letter rogatory issued, or request made, by a tribunal in the United States, to transmit it to the foreign or international tribunal, officer, or agency to whom it is addressed, and to receive and return it after execution. In Federal practice letters rogatory to request the taking of evidence are issued only when necessary or convenient, on application and notice, and on such terms and with such directions as are just and appropriate (Rule 28(b), Rules of Civil Procedure for the District Courts of the United States). When the name of the foreign court is not known, letters rogatory are usually addressed "To the Appropriate Judicial Authority in (here name the country)."

* * * * *

Section 92.67 is revised to read as follows:

§ 92.67 Taking of depositions in United States pursuant to foreign letters rogatory.

(a) *Authority and procedure.* The taking of depositions by authority of State courts for use in the courts of foreign countries is governed by the laws of the individual States. As respects Federal practice, the district court of the district in which a person resides or is found may order him to give his testimony or statement or to produce a document or other thing for use in a proceeding in a foreign or international tribunal. The order may be made pursuant to a letter rogatory issued, or request made, by a foreign or international tribunal or upon the application of any interested person and may direct that the testimony or statement be given, or the document or other thing be produced, before a person appointed by the court. By virtue of his appointment, the person appointed has power to administer any necessary oath and take the testimony or statement. The order may prescribe the practice and procedure, which may be in whole or part the practice and procedure of the foreign country or the international tribunal, for taking the testimony or statement or producing the document or other thing. To the extent that the order does not prescribe otherwise, the testimony or statement shall be taken, and the document or other thing produced, in accordance with the Federal Rules of Civil Procedure. A person may not be compelled to give his testimony or statement or to produce a document or other thing in violation of any legally applicable privilege. This does not preclude a person within the United States from voluntarily giving his testimony or statement, or producing a document or other thing, for use in a proceeding in a foreign or international tribunal before any person or in any manner acceptable to him (28 U.S.C. 1782).

(b) *Formulation of letters rogatory.* A letter rogatory customarily states the nature of the judicial assistance sought by the originating court, prays that this assistance be extended, incorporates an undertaking of future reciprocity in like circumstances, and makes some provision for payment of fees and costs entailed in its execution. As respects Federal practice, it is not required that a letter rogatory emanating from a foreign court be authenticated by a diplomatic or consular officer of the United States or that it be submitted through the diplomatic channel; the seal of the originating court suffices. When testimony is desired, the letter rogatory should state whether it is intended to be taken upon oral or written interrogatories. If the party on whose behalf the testimony is intended to be taken will not be represented by counsel, written interrogatories should be attached. Except where manifestly unneeded (e.g. a Spanish-language letter rogatory intended for execution in Puerto Rico) or dispensed with by arrangement with the court, letters rogatory and interrogatories in a foreign language should be accompanied by English translations.

(c) *Addressing letters rogatory.* To avert uncertainties and minimize possibilities for refusal of courts to comply with requests contained in letters rogatory in the form in which they are presented, it is advisable that counsel for the parties in whose behalf testimony is sought ascertain in advance if possible, with the assistance of correspondent counsel in the United States or that of a consular representative or agent of his nation in the United States, the exact title of the court, Federal or State as the case may be, which will be prepared to entertain the letter rogatory. In Federal practice the following form of address is acceptable:

The U.S. District Court for the _____
(e.g. Northern, Southern) District of _____ (State)
_____, _____
(City) (State)

In instances where it is not feasible to ascertain the correct form of address at the time of preparation of the letter rogatory, and it will be left for counsel in the United States, or a consul or agent in the United States of the nation of origin of the letter rogatory to effect its transmission to an appropriate court, the following form may be used: "To the Appropriate Judicial Authority at (name of locality)."

(d) *Submitting letters rogatory to courts in the United States.* A letter rogatory may be submitted to the clerk of the court of which assistance is sought, either in person or by mail. This may be direct by international mail from the originating foreign court. Alternatively, submission to the clerk of court may be effected in person or by mail by any party to the action at law or his attorney or agent, or by a consular officer or agent in the United States of the foreign nation concerned. Finally, the Department of State has been authorized (62 Stat. 949; 28 U.S.C. 1781) to receive a letter rogatory issued, or request made, by a foreign or international tribunal, to transmit it to the tribunal, officer, or agency in the United States to whom it is addressed, and to receive and return it after execution. This authorization does not preclude—

(1) The transmittal of a letter rogatory or request directly from a foreign or international tribunal to the tribunal, officer, or agency in the United States to whom it is addressed and its return in the same manner; or

(2) The transmittal of a letter rogatory or request directly from a tribunal in the United States to the foreign or international tribunal, officer, or agency to whom it is addressed and its return in the same manner.

Section 92.85 is revised to read as follows:

§ 92.85 Service of legal process usually prohibited.

The service of process and legal papers is not normally a Foreign Service function. Except when directed by the Department of State, officers of the Foreign Service are prohibited from serving process or legal papers or appointing other persons to do so.

Section 92.86 is revised to read as follows:

§ 92.86 Consular responsibility for serving subpoenas.

When directed by the Department of State, officers of the Foreign Service will serve a subpoena issued by a court of the United States on a national or resident of the United States who is in a foreign country unless such action is prohibited by the law of the foreign country.

The regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedures Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the provisions thereof involve foreign affairs functions of the United States.

For the Secretary of State.

BARBARA M. WATSON,
Acting Administrator, Bureau of Security and Consular Affairs.

JULY 10, 1967.

[F.R. Doc. 67-9575; Filed, Aug. 15, 1967; 8:48 a.m.]

Title 23—HIGHWAYS AND VEHICLES

Chapter II—Vehicle and Highway Safety

[Docket No. 19]

PART 255—INITIAL FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Safety Standard No. 201; Occupant Protection in Interior Impact, Passenger Cars and Related Definitions

Motor Vehicle Safety Standard No. 201, issued January 31, 1967, and published in the FEDERAL REGISTER, February 3, 1967 (32 F.R. 2413), specifies requirements for instrument panels, seat backs, protrusions, sun visors, and armrests to afford impact protection for occupants of passenger cars manufactured after January 1, 1968.

Parties adversely affected by the Standard were permitted to petition for reconsideration on or before March 6, 1967, pursuant to 23 CFR 215.17. By order dated March 29, 1967, the Acting Under Secretary of Commerce for Transportation consolidated the 27 petitions related to Standard No. 201 and ordered that a hearing on reconsideration be held.

On April 21, 1967, the Federal Highway Administration issued an order directing that a rulemaking hearing be held pursuant to 5 U.S.C. 553 (formerly sec. 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 1003)). The hearing was held May 22 and 23, 1967, at Detroit, Mich., and May 24 and 25, 1967, at Washington, D.C. On June 22, 1967, the presiding officer submitted his Report of Recommended Findings to the Federal Highway Administration.

On June 8 and 9, 1967, and July 6 and 7, 1967, meetings were held by the National Highway Safety Bureau with domestic and foreign auto industry engineers in which detailed engineering discussions of all problems of compliance with the Standard were held.

After review of the evidence presented at the hearings ordered by the Federal Highway Administration, the report of the presiding officer, and the Bureau's analysis of the engineering meetings with the industry, I have determined that Standard 201 issued January 31, 1967, should be superseded by a new Standard that specifies initial requirements to afford impact protection for occupants, and that certain related definitions should be amended accordingly.

Good cause is shown that an effective date earlier than 180 days after issuance is in the public interest and notice and public procedure hereon are unnecessary since these amendments relieve restrictions and impose no additional burden on any person.

In consideration of the foregoing, Part 255, Initial Federal Motor Vehicle Safety Standards, is amended by superseding § 255.21, Motor Vehicle Safety Standard No. 201 (32 F.R. 2413), with a new Motor Vehicle Safety Standard No. 201 to read as set forth below and by amending § 255.3(b) as set forth below.

These amendments are 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 August 11, 1967.

LOWELL K. BRIDWELL,
Federal Highway Administrator.

In § 255.3(b):

1. Revoke the definition of "knee and leg impact area."

2. Revise the definition of "pelvic impact area" to read as follows:

"Pelvic impact area" means that area of the door or body side panel adjacent to any outboard designated seating position which is bounded by horizontal planes 7 inches above and 4 inches below the seating reference point and vertical transverse planes 8 inches forward and 2 inches rearward of the seating reference point.

3. Revise the definition of "head impact area" to read as follows:

"Head impact area" means all nonglazed surfaces of the interior of a vehicle that are statically contactable by a 6.5-inch diameter spherical head form of a measuring device having a pivot point to "top-of-head" dimension infinitely adjustable from 29 to 33 inches in accordance with the following procedure, or its graphic equivalent:

(a) At each designated seating position, place the pivot point of the measuring device—

(1) For seats that are adjustable fore and aft, at—

(i) The seating reference point; and

(ii) A point 5 inches horizontally forward of the seating reference point and vertically above the seating reference point an amount equal to the rise which results from a 5-inch forward adjustment of the seat or 0.75 inch; and

(2) For seats that are not adjustable fore and aft, at the seating reference point.

(b) With the pivot point to "top-of-head" dimension at each value allowed by the device and the interior dimensions of the vehicle, determine all contact points above the lower windshield glass line and forward of the seating reference point.

(c) With the head form at each contact point, and with the device in a vertical position if no contact point exists for a particular adjusted length, pivot the measuring device forward and downward through all arcs in vertical planes to 90° each side of the vertical longitudinal plane through the seating reference point, until the head form contacts an interior surface or until it is tangent to a horizontal plane 1 inch above the seating reference point, whichever occurs first.

4. Add the following definitions:

"Designated seating capacity" means the number of designated seating positions provided.

"Designated seating position" means any plan view lateral location intended by the manufacturer to provide seating accommodation for a person at least as large as a 5th percentile adult female, except auxiliary seating accommodations such as temporary or folding jump seats.

"Seating reference point" means the manufacturer's design reference point which—

(a) Establishes the rearmost normal design driving or riding position of each designated seating position in a vehicle;

(b) Has coordinates established relative to the designed vehicle structure;

(c) Simulates the position of the pivot center of the human torso and thigh; and

(d) Is the reference point employed to position the two dimensional templates described in SAE Recommended Practice J826, "Manikins for Use in Defining Vehicle Seating Accommodations," November 1962.

"5th percentile adult female" means a person possessing the dimensions and weight of the 5th percentile adult female specified for the total age group in Public Health Service Publication No. 1000, Series 11, No. 8, "Weight, Height, and Selected Body Dimensions of Adults."

MOTOR VEHICLE SAFETY STANDARD NO. 201

OCCUPANT PROTECTION IN INTERIOR IMPACT—PASSENGER CARS

S1. *Purpose and scope.* This standard specifies initial requirements to afford impact protection for occupants.

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

S3. *Requirements*—S3.1 *Instrument Panels.* Except as provided in S3.1.1, when that area of the instrument panel that is within the head impact area is impacted in accordance with S3.1.2 by a 15-pound, 6.5-inch diameter head form at a relative velocity of 15 miles per hour, the deceleration of the head form shall not exceed 80g continuously for more than 3 milliseconds.

S3.1.1 The requirements of S3.1 do not apply to—

(a) Console assemblies;

(b) Areas less than 5 inches inboard from the juncture of the instrument panel attachment to the body side inner structure;

(c) Areas closer to the windshield juncture than those statically contactable by the head form with the windshield in place;

(d) Areas outboard of any point of tangency on the instrument panel of a 6.5-inch diameter head form tangent to and inboard of a vertical longitudinal plane tangent to the inboard edge of the steering wheel; or

(e) Areas below any point at which a vertical line is tangent to the rearmost surface of the panel.

S3.1.2 *Demonstration procedures.* Tests shall be performed as described in Society of Automotive Engineers Recommended Practice J921, "Instrument Panel Laboratory Impact Test Procedure," June 1965, using the specified instrumentation or instrumentation that meets the performance requirements specified in Society of Automotive Engineers Recommended Practice J977, "Instrumentation for Laboratory Impact Tests," November 1963, except that—

(a) The origin of the line tangent to the instrument panel surface shall be a point on a transverse horizontal line through a point 5 inches horizontally forward of the seating reference point of the front outboard passenger designated seating position, displaced vertically an amount equal to the rise which results from a 5-inch forward adjustment of the seat or 0.75 inches; and

(b) Direction of impact shall be either—

(1) In a vertical plane parallel to the vehicle longitudinal axis; or

(2) In a plane normal to the surface at the point of contact.

S3.2 *Seat backs.* Except as provided in S3.2.1, when that area of the seat back that is within the head impact area is impacted in accordance with S3.2.2 by a 15-pound, 6.5-inch diameter head form at a relative velocity of 15 miles per hour, the deceleration of the head form shall not exceed 80g continuously for more than 3 milliseconds.

S3.2.1 The requirements of S3.2 do not apply to rearmost, side-facing, back-to-back, folding auxiliary jump, and temporary seats.

S3.2.2 *Demonstration procedures.* Tests shall be performed as described in Society of Automotive Engineers Recommended Practice J921, "Instrument Panel Laboratory Impact Test Procedure," June 1965, using the specified instrumentation or instrumentation that meets the performance requirements specified in Society of Automotive Engineers Recommended Practice J977, "Instrumentation for Laboratory Impact Tests," November 1966, except that—

(a) The origin of the line tangent to the uppermost seat back frame component shall be a point on a transverse horizontal line through the seating reference point of the right rear designated seating position, with adjustable forward seats in their rearmost design driving position and reclinable forward seat backs in their nominal design driving position;

(b) The direction of impact shall be either—

(1) In a vertical plane parallel to the vehicle longitudinal axis; or

(2) In a plane normal to the surface at the point of contact;

(c) For seats without head restraints installed, tests shall be performed for each individual split or bucket seat back at points within 4 inches left and right of its centerline, and for each bench seat back between points 4 inches outboard of the centerline of each outboard designated seating position;

(d) For seats having head restraints installed, each test shall be conducted with the head restraint in place at its lowest adjusted position, at a point on the head restraint centerline; and

(e) For a seat that is installed in more than one body style, tests conducted at the fore and aft extremes identified by application of subparagraph (a) shall be deemed to have demonstrated all intermediate conditions.

S3.3 *Sun visors.* S3.3.1 Two sun visors shall be provided that are constructed of, or covered with energy-absorbing material.

S3.3.2 Each sun visor mounting shall present no rigid material edge radius of less than 0.125 inch that is statically contactable by a spherical 6.5-inch diameter head form.

S3.4 *Armrests*—S3.4.1 *General.* Each installed armrest shall conform to at least one of the following:

(a) It shall be constructed with energy-absorbing material and shall deflect or collapse laterally at least 2 inches without permitting contact with any underlying rigid material.

(b) It shall be constructed with energy absorbing material that deflects or collapses to within 1.25 inches of a rigid test panel surface without permitting contact with any rigid material. Any rigid material between 0.5 and 1.25 inches from the panel surface shall have a minimum vertical height of not less than 1 inch.

(c) Along not less than 2 continuous inches of its length, the armrest shall, when measured vertically in side elevation, provide at least 2 inches of coverage within the pelvic impact area.

S3.4.2 *Folding armrests.* Each armrest that folds into the seat back or between two seat backs shall either—

(a) Meet the requirement of S3.4.1; or

(b) Be constructed of or covered with energy-absorbing material.

[F.R. Doc. 67-9595; Filed, Aug. 15, 1967; 8:49 a.m.]

Title 25—INDIANS

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

SUBCHAPTER G—TRIBAL GOVERNMENT

PART 52—TRIBES ORGANIZED UNDER SECTION 16 OF INDIAN REORGANIZATION ACT

Registration for Voting on Constitutions and Bylaws

On February 18, 1967, notice of proposed rule making regarding an amendment of Part 52, Chapter I, Title 25 of the Code of Federal Regulations, to effect the registration of eligible voters in conjunction with elections called by the Secretary of the Interior pursuant to section 16 of the Indian Reorganization Act and to permit the witnessing of absentee ballots cast in conjunction therewith was published in the FEDERAL REGISTER (32 F.R. 3061–3062). After consideration of all such relevant matter as was presented by integrated persons, the amendment as so proposed is hereby adopted, subject to the following changes:

1. In § 52.10a the words "registered mail" appearing in the first sentence are changed to "certified mail."

2. To § 52.10a there is added the sentence "Notice of the need to register shall be sent by regular mail to all eligible voters who reside on the reservation."

3. Section 52.10a has been expanded to provide that an initial list of registered voters shall be valid for a period of three years and for the registration of persons who become eligible to vote during this period.

4. In § 52.11 the words "the election" appearing in the opening sentence are changed to "an election."

5. There is inserted in § 52.13, as follows, the requirement that notices of elections point out also that voters who have not registered must do so in order to vote: "and the need for nonregistered voters to register."

6. There is inserted a revision of § 52.15.

Effective date. This amendment is effective on date of publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

AUGUST 10, 1967.

1. Section 52.5 is amended to read as follows:

§ 52.5 Request to call election.

The Secretary will authorize the calling of an election on adoption of a constitution and bylaws upon request by the tribal governing body or an authorized representative committee or upon petition filed by at least one-third of the adult members of the group. An election on the adoption of amendments to the constitution and bylaws shall be authorized by the Secretary when requested as provided in the amendment article of the constitution and bylaws; however, the election shall be conducted in the manner prescribed in the rules and regulations in this part. The Secretary may propose amendments to the constitution for consideration at Secretarial elections, unless the constitution and bylaws for Secretarial elections provides otherwise. Any authorization not acted upon within ninety (90) days from the date of issuance will be considered void.

2. The heading and text of § 52.6 are amended to read as follows:

§ 52.6 Entitlement to vote.

(a) If the unorganized group is a tribe or tribes of a reservation:

(1) Any adult member regardless of residence shall be entitled to vote: *Provided*, He has duly registered.

(2) Duly registered adult nonresidents or ill or physically disabled registered members may vote by absentee ballot. See § 52.17.

(b) If the unorganized group is composed of the adult Indian residents of a reservation:

(1) Any adult Indian resident shall be entitled to vote: *Provided*, He has duly registered.

(2) Absentee voting shall be permitted for duly registered residents temporarily absent from the reservation, ill, or physically disabled.

(c) For organized tribes voting in elections for amendments of the constitution and bylaws, only voters who have duly registered are entitled to vote, i.e., if the group was organized as a tribe, absentee balloting is permitted, but if the group was organized as residents of a reservation, absentee balloting will not be permitted except as provided in paragraph (b) (2) of this section.

3. In § 52.8, that part of paragraph (b) which runs through (1) is amended to read as follows:

§ 52.8 Election Board.

* * * * *

(b) It shall be the duty of the board to conduct elections in compliance with the procedures described in this Part 52 and in particular, (1) to see that the name of each person offering to vote is on the official list of registered voters; * * *

4. A new section to be designated 52.10a *Registration*, is added to the Table of Contents and to the body of the regulations, to read as follows:

§ 52.10a Registration.

(a) The Election Board upon receipt of authorization to conduct an election shall notify by certified mail, return receipt requested, all adult Indians of the tribe, who to its knowledge are not living on the reservation, of the need to register if they intend to vote. Any Indian who will become twenty-one (21) years of age within ninety (90) days from the date of authorization shall also be notified and shall be eligible to register: *Provided*, He shall not be entitled to vote should election day fall before his 21st birthday. Such notice shall be sent to an individual's last known address as it may appear on the records of the local unit of the Bureau of Indian Affairs having jurisdiction. It shall be accompanied by an appropriate preaddressed registration form which shall provide space for at least the name and address of the person desiring to register and for attesting that he or she is a tribal member either twenty-one (21) years of age or over, or will be within ninety (90) days from the date of authorization. Such nonresident who wishes to participate in the election must complete and return the registration form before or in conjunction with requesting an absentee ballot. Indians living on the reservation who desire to vote must register with the Election Board as it shall determine in sufficient time to permit compliance with § 52.11. Notice of the need to register shall be sent by regular mail to all eligible voters who reside on the reservation.

(b) Registration in accordance with paragraph (a) of this section shall be valid for a period of three years from the date of the election for which it was initially required. Such initial registration shall suffice for any subsequent election called pursuant to this part within that period. Between occasions of official registration, it shall be the responsibility of each person who becomes eligible to vote to notify the officer in charge of his desire to register. Said officer shall provide him with the necessary registration form. Upon return of the properly completed form, the officer in charge shall insure that the name of said registrant is placed upon the list of registered voters. Registrants shall, likewise, be responsible for notifying the officer in charge of any change affecting their status.

5. Section 52.11 is amended to read as follows:

§ 52.11 Voting list.

The Election Board shall compile in alphabetical order an official list of registered voters, arranged by voting districts, if any, of the members of the tribe who are or will have attained the age of twenty-one (21) years within ninety (90) days from the date an election is authorized and who have duly registered to vote. A copy of this list shall be supplied to each District Election Board and also posted at the headquarters of the local administrative unit of the Bureau of Indian Affairs and at various public places designated by the Election Board throughout the reservation at least 20 days prior to the election.

6. In § 52.12, the first sentence is amended to read as follows:

§ 52.12 Eligibility disputes.

The Election Board shall determine any written claim to vote presented to it by one whose name does not appear on the official list of registered voters as well as any written challenge of the right to vote of anyone whose name is on the list, and its decision shall be final. * * *

7. In § 52.13, that part which runs through the first five sentences is amended to read as follows:

§ 52.13 Election notices.

Not less than twenty (20) nor more than sixty (60) days' notice shall be given of an election and the need for nonregistered voters to register unless otherwise authorized by the Secretary. If an election is called upon less than twenty (20) days' notice, registered absentee voters shall nevertheless be allowed twenty (20) days from the giving of such notice for the Election Board to receive their ballots. In such an election the posting of the official list of registered voters shall coincide with the giving of such notice. The Election Board shall determine whether the notice shall be given by television, radio, newspaper, poster, or mail, or by one or more of these methods, and whether in an Indian language in addition to English. A copy of any written election notice may be mailed to each registered voter and posted at the local administrative unit of the Bureau of Indian Affairs and elsewhere as directed by the Election Board. * * *

8. In § 52.15, the word "qualified" appearing in the first sentence is changed to "registered". As amended, § 52.15 reads as follows:

§ 52.15 Manner of voting.

Any registered voter may vote by presenting himself at the polls of his voting district within the prescribed voting period, announcing to the officials there his name and address and by marking and placing in the ballot box the ballot which shall be handed to him. Voting shall be by secret ballot. See § 52.17 covering absentee voting.

9. Section 52.17 is amended in its entirety to read as follows:

§ 52.17 Absentee voting.

Nonresident members who have registered may vote by absentee ballot except as prohibited by § 52.6(c). Also, whenever due to temporary absence from the reservation, illness, or physical disability a registered eligible voter is not able to vote at the polls and duly causes the Election Board to be notified thereof, he shall be entitled to vote by absentee ballot. The Election Board shall give or mail ballots for absentee voting to registered voters upon request in sufficient time to permit the voter to execute and return same on or before the date of the election or within the time allowed by the Election Board. Together with the ballot there shall be an inner envelope bearing on the outside the words "Absentee Ballot," a preaddressed outer envelope, and a certificate in form as follows:

I, _____, hereby certify that I am a member of the _____ Tribe of Indians; that I will be 21 years of age or over at the election date and am entitled to vote in the election to be held on (date of election); and that I cannot appear at the polling place on the reservation on the date of the election because (Indicate one of the following reasons) I expect to be absent from the reservation ☐ or because of illness ☐ or physical disability ☐. I further certify that I marked the enclosed ballot in secret.[1]

Signed _____
(Voter)

Subscribed and certified before us this _____ day of _____ 19 _____; and we hereby certify that we are of adult age; that the voter exhibited the ballot to us unmarked; that he then in our presence and in the presence of no other person, and in such manner that we could not see his vote, marked such ballot and enclosed and sealed the same in the envelope marked "Absentee Ballot".[1]

_____
Witness

_____
Address

_____
Witness

_____
Address

The voter shall in the presence of two witnesses of adult age, and of no other person, mark such ballot but in such manner that such witnesses cannot know how the ballot was marked, and the ballot shall then in the presence of such witnesses be folded so as to conceal the marking, and be, in the presence of such witnesses, placed in the envelope marked "Absentee Ballot" and the envelope sealed. The voter shall then execute and subscribe the certificate before such witnesses. He shall then place the sealed envelope marked "Absentee Ballot" together with the certificate in the outer envelope, and mail it or have it delivered. The preaddressed outer envelope shall be directed to the Election Board at the reservation. Absentee ballots must be received by the Election Board not later than the close of the polls on election day, except as covered by § 52.13. The Election Board shall make and keep a record of ballots mailed, to whom mailed, the date of mailing, the address on the envelope, the date of the return of such ballot, and from whom received, and shall count and register all such votes after all other ballots have been counted and include them in the results of the election.

[F.R. Doc. 67-9593; Filed, Aug. 15, 1967; 8:49 a.m.]

PART 53—TRIBES ORGANIZED UNDER SECTION 16 OF INDIAN REORGANIZATION ACT AND OTHER ORGANIZED TRIBES

On pages 3062 and 3063 of the FEDERAL REGISTER of February 18, 1967, there was published a notice and text of a proposed Part 53 to Title 25, Code of Federal Regulations.

Interested persons were given the opportunity to participate in the rule-making process by submitting written comments, suggestions, or objections with respect to the proposed regulations. After consideration of all such relevant matter as was submitted by interested parties, the proposed Part 53 is hereby adopted, subject to the following changes:

1. In § 53.3 the word "authorized" appearing in the eighth line is changed to "eligible."

2. In § 53.4 the words "the purpose of that petition" are changed to "at least a summary of the objectives of the petitioners."

3. In § 53.5 the final period is stricken, and there is added: ", and that to the best of his knowledge the signatories thereto are eligible voters. Only an eligible tribal voter shall be recognized as a valid collector of signatures to a petition."

4. In § 53.7 there is added as a concluding sentence: "In event an individual's name appears on a petition more than once, all but one of the names shall be stricken."

Effective date. Part 53, 25 CFR, is effective on date of this publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

AUGUST 10, 1967.

Part 53, Chapter I, Title 25 of the Code of Federal Regulations reads as follows:

Sec.
53.1 Definitions.
53.2 Purpose and scope.
53.3 Applicability to tribal groups.
53.4 Petition format.
53.5 Notarization of petition signatures.
53.6 Filing of petitions.
53.7 Challenges.
53.8 Action on the petition.

AUTHORITY: The provisions of this Part 53 issued under 5 U.S.C. 22 and 25 U.S.C. 2 and 9; and 25 U.S.C. 476.

§ 53.1 Definitions.

As used in this Part 53:

(a) "Secretary" means the Secretary of the Interior or his authorized representative.

(b) "Commissioner" means the Commissioner of Indian Affairs or his authorized representative.

(c) "Local Bureau Official" means the Superintendent, Field Representative or other line officer of the Bureau of Indian Affairs who has local administrative jurisdiction over the tribe concerned.

(d) "Bureau" means the Bureau of Indian Affairs.

(e) "Tribe" means any recognized Indian, Eskimo, or Aleut tribe, organized band, pueblo, or community which is subject to the jurisdiction of the Bureau of Indian Affairs and which has adopted a constitution approved by the Commissioner or the Secretary.

(f) "Spokesman for the petitioner" means the authorized voter of a tribe initiating a petition or designated by the initiators of a petition to speak in their behalf.

(g) "Constitution" means the organizational framework of any organized tribe for the exercise of governmental powers.

§ 53.2 Purpose and scope.

The purpose of this part is to provide uniformity and order in the formulation and submission of petitions requesting the Secretary or the Commissioner to call elections to amend tribal constitutions as such documents may provide.

§ 53.3 Applicability to tribal groups.

The regulations, policies, and procedures set forth in this part apply to any tribe which provides through its constitution for the Secretary or the Commissioner to call elections to amend tribal constitutions upon filing a petition signed by a stipulated percentage or number of tribal members who are eligible voters under the constitution of the tribe involved.

§ 53.4 Petition format.

Petitions may consist of as many pages as are necessary to accommodate the signatures of the petitioners. However, each sheet of a petition must set forth at least a summary of the objectives of the petitioners and must show the date upon which the petition was signed by each individual, as well as the current mailing address of each signer.

§ 53.5 Notarization of petition signatures.

Signatures to a petition must be authenticated in one of the following ways: (a) Through having each signer subscribe or acknowledge his signature before a notary public; (b) through having the collector of signatures appear before a notary and sign, in his presence on each sheet of the petition, a statement attesting that the signatures were affixed on the dates shown and by the individuals whose names appear thereon, and that to the best of his knowledge the signatories thereto are eligible voters. Only an eligible tribal voter shall be recognized as a valid collector of signatures to a petition.

§ 53.6 Filing of petitions.

All petitions submitted pursuant to this section must be filed with the local Bureau official responsible for administering the tribe's affairs. No petitions will be accepted until a spokesman for the petitioners declares that he wishes to make an official filing. Once a declaration of official filing is made and the petition is given to the local Bureau official, that official shall immediately designate thereon the date of receipt and shall inform the spokesman for the petitioners that no additional signatures may be added and that no withdrawal of signatures will be subsequently permitted. The local Bureau official shall also acknowledge in writing his receipt of the petition, indicating the exact number of signatures which are attached. Upon this written acknowledgment of the petition, the local Bureau official shall publicly post at the local Bureau

[1] Criminal penalties are provided by statute for knowingly filing false information in such statements. 18 U.S.C. 1001.

unit serving the tribe the matter proposed in the petition, which shall remain posted for a period of thirty (30) days.

§ 53.7 Challenges.

Once an official filing has been made, the local Bureau official shall have copies made of the petition and its signatures, and shall keep these copies at the agency or field office for fifteen (15) days, during which time they shall be available for examination by authorized voters of the tribe upon request. During this 15-day period challenges of signatures may be filed with the local Bureau official. Challenges will be considered on the following grounds: (a) Forgery of signatures; (b) lack of proper qualifications of a signer. No challenge will be considered which is not accompanied by supporting evidence in writing. In event an individual's name appears on a petition more than once, all but one of the names shall be stricken.

§ 53.8 Action on the petition.

Within thirty (30) days after the official filing date, the local Bureau official shall forward to the Commissioner through the Area Director, or directly to the Commissioner in the case of a tribe not under the administrative jurisdiction of an Area Director, the original of the petition and its accompanying signatures, together with his recommendations concerning challenges, and his conclusions concerning (a) the validity of the signatures; (b) the adequacy of the number of signatures; (c) the propriety of the petitioning procedure. The Commissioner shall within forty-five (45) days after the official filing date, decide each challenge and the sufficiency of the petition and announce whether an election shall be called. In the event he decides that the petitioning action for any reason is insufficient for the calling of an election, he shall inform the spokesman for the petitioners and the governing body of the tribe of that fact and the basis of his decision; in the event he decides that the petitioning action does warrant the calling of an election, he shall so inform the spokesman for the petitioners and the governing body of the tribe concerned. His decision in such matters shall be final. The procedures for conducting the election, as well as the date for the election, will be determined in accordance with pertinent directives.

[F.R. Doc. 67-9560; Filed, Aug. 15, 1967; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER P—RECORDS

PART 289—SALE OF DEPARTMENT OF DEFENSE DIRECTIVES, INSTRUCTIONS, AND INDEXES TO THE PUBLIC

Sec.
289.1 Subscription service.
289.2 Ordering individual copies.

AUTHORITY: The provisions of this Part 289 issued under 10 U.S.C. 133; Independent Office Appropriation Act of 1952, Title V, sec. 501 (65 Stat. 290).

§ 289.1 Subscription service.

(a) Effective September 1, 1967, new and revised DoD Directives, Instructions, and Changes (except those marked "For Official Use Only"), published under the subject group numbers listed in subparagraph (2) of this paragraph and identified by asterisks in the left-hand margins of the "DoD Quarterly Listing of Unclassified Issuances"[1] and/or the "Quarterly Indexes" will be made available on a subscription basis, with automatic mailing upon payment of fees.

(1) The subscription will entitle the subscriber to automatically receive one copy of each new and revised issuance published under the subject groups desired, for the subscription period.

(2) Subscriptions will be accepted for a single subject group or for as many individual subject groups as the subscriber chooses. A list of the available subject groups is as follows:

1000—Manpower, Personnel, and Reserve.
2000—International Programs.
3000—Planning and Readiness.
4000—Logistics and Resources Management.
5000—General Administration.
6000—Health and Medical.
7000—Comptrollership.
Index—Listing of DoD Unclassified Issuances and Subject Index.

(b) An annual service charge of $6 for the DoD Issuances published under each subject group will apply without regard to the number of documents which may be issued within the group. This fee is to defray administrative expense for screening and distributing DoD Issuances.

(1) Orders may be forwarded at any time to the Director, Navy Publications and Printing Service Office, Building 4, Section D, 700 Robbins Avenue, Philadelphia, Pa. 19111, Attn: Code NPA-1, in any form, accompanied by a certified bank check or postal money order payable to the Treasurer of the United States.

(2) Subscription service pertains only to the release of new and revised DoD Directives and Instructions; Changes; and Indexes, as specified in paragraph (a) of this section.

§ 289.2 Ordering individual copies.

(a) In addition to the subscription service on new and revised DoD Issuances outlined in § 289.1, individual copies of any other DoD Directive, Instruction, and Change listed in the "DoD Quarterly Listing of Unclassified Issuances," will continue to be made available on an "as ordered" basis, without charge to the requester.

(b) The Naval Supply Depot, 5801 Tabor Avenue, Philadelphia, Pa. 19120, Attn: Code 300, will provide this service after September 1, 1967. Distribution will be restricted to one copy of each DoD Issuance per customer.

MAURICE W. ROCHE,
Chief, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 67-9547; Filed, Aug. 15, 1967; 8:45 a.m.]

[1] Filed as part of original document.

Chapter V—Department of the Army

SUBCHAPTER B—CLAIMS AND ACCOUNTS

PART 536—CLAIMS AGAINST THE UNITED STATES

Claims of Military Personnel and Civilian Employees for Property Lost or Damaged Incident to Service

In § 536.27, paragraph (a) is amended by revising subparagraphs (3) (iii), (4) (vi) (*e*), and (6) (viii); paragraph (b) is amended by revising the introductory text of subparagraph (4); paragraph (c) is amended by revoking subparagraph (2) (ii) (*e*) and by adding a new subdivision (iv) to subparagraph (8); and paragraph (d) is amended by revising subparagraph (3) (i), (ii) and (v), and by adding new subdivision (vi) to same subparagraph, as follows:

§ 536.27 Claims of military personnel and civilian employees for property lost or damaged incident to service.

(a) *General.* * * *

(3) *Claimants.* * * *

(iii) A member of another U.S. Armed Force may, where an installation of his service is not immediately available, present a claim to the Army for loss of or damage to personal property incident to his service. Any such claim will be investigated under the provisions of this section. The completed file will contain all required supporting documents, including evidence pertaining to recovery from a carrier, insurer, or other third party. Such claims will be forwarded as follows:

(*a*) Claims of Navy personnel will be forwarded directly to: Chief of Naval Personnel, Department of the Navy, Washington, D.C. 20370

(*b*) Claims of Marine Corps personnel will be forwarded directly to: Commandant of the Marine Corps, Headquarters, Marine Corps, Washington, D.C. 20380

(*c*) Claims of civilian employees of the Navy and of the Marine Corps will be forwarded directly to: Office of The Judge Advocate General, Department of the Navy, Washington, D.C. 20370

(*d*) Claims of Coast Guard personnel will be forwarded directly to: Commandant (PS), Headquarters, U.S. Coast Guard, Washington, D.C. 20591

(*e*) Claims of civilian employees of the Coast Guard will be forwarded directly to: Commandant (CL), Headquarters, U.S. Coast Guard, Washington, D.C. 20591

(*f*) Claims of Air Force personnel and civilian employees of the Air Force will be forwarded directly to the nearest Air Force installation for settlement.

(4) *Claims cognizable.* * * *

(vi) *Motor vehicle losses.* * * *

(c) Located at quarters, as defined in subdivision (i) (a) and (b) of this subparagraph, which for purposes of this subparagraph, includes garages, carports, driveways and assigned parking spaces and lots specifically provided and used for the purpose of parking at one's quarters, provided that the loss or damage is caused by fire, flood, hurricane, or other unusual occurence.

* * * * *

(6) *Types and categories of property not payable.* * * *

(viii) (a) Small items of substantial value such as expensive cameras, watches, jewelry, and furs shipped by ordinary means, e.g., with household goods or hold baggage and which are missing upon receipt of the shipment. If, however, small items of substantial value are lost or destroyed because of fire, flood, hurricane, sinking of vessel, or other unusual occurrence, or if the claimant requested shipment of such items by expedited mode but the items were shipped by ordinary means, the prohibition against payment does not apply.

(b) Items of extraordinary value, except bulky items, unless claimant requests shipment by expedited mode.

(b) *Filing of claim.* * * *

(4) *Evidence.* Requirements as to evidence are covered generally in § 536.1–536.11c. Except in small claims (§ 536.11b), in which recovery action against nonappropriated fund activities is not involved, the claimant will furnish, in addition to a statement of the facts and circumstances in detail, the following evidence in support of a claim for damage or loss:

* * * * *

(c) *Recovery from third parties.* * * *

(2) *Responsibilities and procedures.* * * *

(ii) *Transportation officer.* * * *

(e) [Revoked]

* * * * *

(8) *Post-settlement recovery action.* * * *

(iv) Claims to be referred to the General Accounting Office or the Department of Justice pursuant to the Federal Claims Collection Act of 1966 (80 Stat. 309), as implemented by Part 105 of Title 4, Code of Federal Regulations and AR 27–41, will be forwarded through claims channels to the Chief, U.S. Army Claims Service.

(d) *Settlement of claims.* * * *

(3) *Settlement—(i) Settlement authority.* (a) Subject to such limitations as may be imposed by the Judge Advocate General, the Chief, U.S. Army Claims Service, and all officers of the Judge Advocate General's Corps assigned to the U.S. Army Claims Service, subject to such limitations as may be imposed by the Chief of that Service, are delegated authority under this section to pay up to $10,000 in settlement of claims, and to disapprove claims regardless of the amount claimed.

(b) Subject to such limitations as may be imposed by the Judge Advocate General, the commander, or the staff judge advocate, of each of the following commands is delegated authority to:

(1) Approve and pay in part or in full, or disapprove, claims presented for $2,500 or less, and

(2) Pay claims regardless of the amount claimed provided an award of $2,500 or less is accepted by claimant in full satisfaction and final settlement of the claim.

(*i*) Each of the numbered armies within the continental United States;

(*ii*) Military District of Washington, U.S. Army;

(*iii*) U.S. Army Forces Southern Command;

(*iv*) U.S. Army, Alaska;

(*v*) U.S. Army, Pacific;

(*vi*) U.S. Army, Europe.

(ii) *Approving authority.* (a) Each of the following is delegated authority to:

(1) Approve and pay in full claims presented for $1,000 or less.

(2) Pay claims regardless of the amount claimed provided an award of $1,000, or less, is accepted by claimant in full satisfaction and final settlement of the claim.

(*i*) The commander, or the staff judge advocate, of any command authorized to exercise general courts-martial jurisdiction;

(*ii*) An officer of the Judge Advocate General's Corps assigned to a maneuver claims service or a disaster claims office when designated by the commander of a command listed in § 536.4a, subject to such limitation as the designating commander may prescribe;

(*iii*) The chief of a command claims service established pursuant to § 536.4b;

(*iv*) Officers of the Judge Advocate General's Corps assigned to the U.S. Army Claims Office, France, subject to such limitations as the Commanding Officer, U.S. Army Claims Office, France, may prescribe.

(*v*) Officers of the Judge Advocate General's Corps assigned to the U.S. Army Claims Office, Germany, subject to such limitations as the Commanding Officer, U.S. Army Claims Office, Germany, may prescribe.

(*vi*) Officers of the Judge Advocate General's Corps assigned to the U.S. Armed Forces Claims Service, Korea, subject to such limitations as the Chief, U.S. Armed Forces Claims Service, Korea, may prescribe.

(*vii*) A district or division engineer, Corps of Engineers, or the Chief of Engineers.

(b) The commanding officer of a command not authorized to exercise general courts-martial jurisdiction, but having a judge advocate assigned to his staff, or his judge advocate, is delegated authority to:

(1) Approve and pay in full claims presented for $500 or less, and

(2) Pay claims regardless of the amount claimed, provided an award of $500, or less, is accepted by claimant in full satisfaction and final settlement of the claim.

* * * * *

(v) *Reconsideration.* (a) While there is no appeal from the action of an approving or settlement authority under the Military Personnel and Civilian Employees' Claims Act of 1964 and this section, an approving or settlement authority may reconsider a claim upon request of the claimant or someone acting in his behalf. Even in the absence of such a request, an approving or settlement authority may on his own initiative reconsider a claim. He may reconsider a claim which he previously disapproved in whole or in part (even though a settlement agreement has been executed) when it appears that his original action was incorrect in law or fact based on the evidence of record at the time of the action or subsequently received. If he determines that his original action was incorrect, he will modify the action and, if appropriate, make a supplemental payment. The basis for a change in action will be stated in a memorandum included in the file.

(b) A successor or supervisory approving or settlement authority may also reconsider the original action on a claim but only on the basis of fraud or collusion, new and material evidence, or manifest error of fact such as errors in calculation or factual misinterpretation of applicable law.

(c) A request for reconsideration should fully indicate the legal or factual basis asserted as grounds for relief. Following completion of any investigation or other action deemed necessary for an informed disposition of the request, the approving or settlement authority will reconsider the claim and attempt to settle it by granting such relief as may appear warranted. When further settlement efforts appear unwarranted, the entire file with a memorandum of opinion will be forwarded through claims channels as outlined in § 536.10(d). If a claim supervisory authority (§ 536.4a) is unable to grant the relief requested, he will forward the claim with his recommendation to the Chief, U.S. Army Claims Service, Fort Holabird, Md. 21219, and inform the claimant of such reference.

(vi) *Compromise or termination of recovery actions.* Subject to the limitations contained in this section, each of the settlement and approving authorities designated in subdivisions (i) and (ii) of this subparagraph is delegated authority to compromise or terminate collection action on claims, within his monetary jurisdiction, against third parties under paragraph (c) of this section in accordance with the provisions of the Federal Claims Collection Act of 1966 (80 Stat. 309) as implemented by Joint Regulations promulgated by the General Accounting Office and the Department of Justice (4 CFR 101–105) and AR 27–41.

[C1, AR 27–29, May 22, 1967] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply sec. 1, 76 Stat. 767; 31 U.S.C. 240–243)

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

[F.R. Doc. 67-9548; Filed, Aug. 15, 1967; 8:46 a.m.]

Chapter VII—Department of the Air Force

SUBCHAPTER A—ADMINISTRATION

PART 800—DEPARTMENT OF THE AIR FORCE SEAL

SUBCHAPTER B—SALES AND SERVICES

PART 819a—SELLING AVIATION FUEL AND OIL FOR CONTRACT, CHARTER, AND CIVIL AIRCRAFT

Miscellaneous Amendments

Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

§ 800.4 [Amended]

In § 800.4, paragraph (c) is amended by deleting subparagraph (2).

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012)

A new Part 819a is added as follows:

Sec.
819a.1 Purpose.
819a.2 Definitions.
819a.3 Air Force sales policy.
819a.4 Identification of contract and charter aircraft.
819a.5 Authority to sell aviation fuel and oil.
819a.6 Prices.

AUTHORITY: The provisions of this Part 819a issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted.

SOURCE: AFR 67-53, Mar. 27, 1963.

§ 819a.1 Purpose.

This part states Air Force policy on the sale of aviation fuel and oil to aircraft operating under contract or charter to any U.S. Government agency, and to operators of civil aircraft.

§ 819a.2 Definitions.

(a) *Contract aircraft.* Aircraft under contract with any department or agency of the U.S. Government at rates based, in part, on sale of fuel and oil to the contractor at the Air Force standard price. These rates are lower than published rates available to the general public on file with the Civil Aeronautics Board. The aircraft are under the operational control of the department or agency concerned.

(b) *Charter aircraft.* Aircraft under agreement with any department or agency of the U.S. Government at rates which are not based on sale of fuel and oil at the Air Force standard price and which are equal to published rates available to the general public on file with the Civil Aeronautics Board. Charter aircraft may or may not be under operational control of the department or agency executing the agreement.

(c) *Civil aircraft.* Domestic or foreign aircraft operated by private individuals or corporations of any national registry, and foreign government-owned aircraft operating for commercial purposes.

(d) *Aviation fuels and oils.* Aviation fuel and oil items under Air Force Aviation Fuel Stock Fund Operation. (See attachment D1, Part Three, Volume I, AFM 67-1 (USAF Supply Manual), for the itemized list.)

(e) *Standard price.* Worldwide average cost of aviation fuel and oil to the Stock Fund. Current Air Force standard prices are available from SAAMA, Kelly AFB TX 78241.

(f) *Surcharge.* A 3 percent and a 15 percent charge to cover administrative and handling costs not reflected in the published standard price.

(g) *Local prevailing fair market price.* Price per unit charged similar type of transient aircraft by the nearest commercial airport refueling dealer for an equivalent product serviced into the aircraft less all taxes, duties, and fees (such as airport landing fees). The base commander will determine and maintain current local prevailing fair market prices.

(h) *Authorized supplier.* A commercial petroleum company doing business in the United States or its Territories which has an agreement with the Air Force to guarantee payment for aviation fuel and oil furnished by the Air Force to civil, contract, and charter aircraft. If credit purchase of fuel and oil by this method is desired, the operator must obtain an authorized supplier letter and submit three copies signed by an executive of the company to each approving authority to whom an AF Form 181, Civil Aircraft Landing Permit, is submitted (see Part 855, Subchapter F of this chapter). When applicable the name of the authorized supplier will be inserted in item 20 on an approved AF Form 181 by the approving authority.

NOTE: Authorized supplier letters are not accepted with a time limit on the period of guarantee or a time limit for receipt of invoices covering fuel and oil sales made during the valid period of the guarantee.

(i) *Commercial security bond.* A guarantee obtained by an operator from a commercial bonding company for payment of Air Force aviation fuel purchases and posted with the Aviation Fuel Stock Fund Manager, SAAMA. (Notification of established credit is issued by the Directorate of Air Force Aerospace Fuels, SAAMA, to Air Force installations.)

(j) *Federal excise taxes.* 26 U.S.C. 4081 imposes an excise tax of four (4) cents per gallon on all grades of aviation gasoline. 26 U.S.C. 4041(b) imposes an excise tax of two (2) cents per gallon on special motor fuel (JP-4 jet fuel) which is sold for use otherwise than as a fuel for the propulsion of a highway vehicle. 26 U.S.C. 4091 imposes an excise tax of six (6) cents per gallon (or one and one-half (1½) cents per quart) on all grades of aviation lubricating oil. These taxes apply only on sales made in the continental United States, Alaska, and Hawaii except as exempted in the note in § 819a.6.

§ 819a.3 Air Force sales policy.

(a) Air Force aviation fuel and oil are not sold to civil and charter aircraft in competition with private enterprise. The Air Force does not furnish aviation fuel and oil to such aircraft if commercial refueling of commercial products is available. However, in some instances commercial refueling is available at the same airport as Air Force facilities, but airport safety regulations do not permit the commercial refueling operator to move his equipment to the Air Forces refueling ramp nor do they permit the aircraft to be taxied across the runways to the commercial refueling ramp. Under such circumstances, a charter or civil aircraft making an authorized stop at the Air Force installation is authorized to buy Air Force aviation fuel and oil.

(b) If commercial refueling is not available, the sale of Air Force aviation fuel and oil to aircraft under charter agreement with the U.S. Government is permitted at, and limited to, points where passengers or cargo are loaded into or discharged from the aircraft. Sales to civil aircraft are governed by the conditions outlined in § 819a.5(c).

(c) The sale of Air Force Aviation fuel and oil to aircraft under contract to any department of the U.S. Government is authorized without the restrictions in paragraphs (a) and (b) of this section.

(d) The policies in this section pertain to aircraft operated under contract or charter to the Air Force and other departments of the U.S. Government when the operators of these aircraft present, for positive identification, the credentials established by this part or by the department or agency administering the contract or charter agreement. If identifying credentials are not presented, the aircraft are considered civil aircraft as far as the sale of aviation fuel and oil is concerned.

§ 819a.4 Identification of contract and charter aircraft.

Identification credentials of contract and charter aircraft of the U.S. Government are limited to:

(a) *Department of Defense—contract aircraft.* Contract aircraft operating under Department of Defense contracts for domestic operations are identified by a Certificate of Operations signed by the contracting officer. This certificate will indicate the type of service involved and the contract under which operations are being performed. Examples are: Certificates of Logair Operations and Certificates of Quicktrans Operations. Contract aircraft operating under Department of Defense contracts for international operations are identified by MATS Form 8, "Civil Aircraft Certificate," indicating contract aircraft.

(b) *Department of Defense—charter aircraft.* Charter aircraft operating under Department of Defense charters will be identified as follows:

(1) Flights limited to the continental United States for cargo service are identified by a CAFM (Civil Air Freight Movement) number on the SF 1103, "U.S. Government Bill of Lading."

(2) Flights limited to the continental United States for passenger service are identified by a CAM (Commercial Air Movement) number on the SF 1169, "Transportation Request."

(3) Charter aircraft used exclusively within an oversea area are provided identification by the appropriate oversea commander. The commander advises all activities concerned of such identification and enacts the necessary measures

to preclude violations of sales policies established in this part.

(c) *Other U.S. Government departments and agencies.* When other departments or agencies of the U.S. Government desire that aircraft under contract or charter by them obtain fuel and oil from Air Force bases, the department or agency will advise the Director of Air Force Aerospace Fuels, SAAMA, and provide information as to the identification documents. The Director of Air Force Aerospace Fuels will then furnish the necessary information directly to the Air Force installations concerned.

(d) *Private or commercial aircraft.* All private or commercial aircraft not identified in accordance with this section will be considered to be civil aircraft.

§ 819a.5 Authority to sell aviation fuel and oil.

Commanders may authorize the sale of aviation fuels and oils for use in contract, charter, and civil aircraft only under the conditions stated in this section. Any sale not complying with these conditions subjects Air Force personnel involved to possible action in accordance with AFR 67-10 (Responsibility for Public Property in Possession of the Air Force).

(a) For contract aircraft, identified in accordance with § 819a.4 (a) and (c):

(1) Cash sales are authorized.

(2) Credit sales are authorized if the operator presents AF Form 181, indicating an authorized supplier; or if the Air Force installation has been notified that the operator has posted bond secured with a commercial bonding company.

(3) Credit sales are not made under circumstances other than stated in subparagraph (2) of this paragraph.

(b) For charter aircraft, sales are not authorized at bases where commercial fueling is available. At bases where commercial fueling is not available and aircraft are identified as charter in accordance with § 819a.4 (b) (1), (2), (3), and (c), the following apply:

(1) Cash sales are authorized.

(2) Credit sales are authorized if the operator presents AF Form 181, indicating an authorized supplier; or if the Air Force installation has been notified that the operator has posted bond secured with a commercial bonding company.

(3) Credit sales, except under the conditions stated in subparagraph (2) of this paragraph, are not authorized under any circumstance.

(c) For civil aircraft not under contract or charter:

(1) At Air Force installations, cash sales are authorized under the conditions stated in this subparagraph. Credit sales are also authorized under these conditions if the operator presents AF Form 181, indicating an authorized supplier; or if the Air Force installation has been notified that the operator has posted bond secured with a commercial bonding company.

(i) If civil operators have been granted permission to use the installation as a regular airport for scheduled flights and the agreement covering this use expressly authorizes the sale of aviation fuels and oil for such flights.

(ii) If civil operators have been granted permission to use an installation as a weather alternate airport in conjunction with scheduled flights and commercial aviation fuels and oils are not available. In such cases, based upon prevailing conditions, the installation commander determines whether fuel should be furnished in the quantity to reach the next destination or the nearest commercial airport where the grade required is available.

(iii) If private and company-operated aircraft carry private individuals and company executives to conduct official business related to Government activities.

(iv) If an emergency exists. The installation commander determines, based upon prevailing conditions, whether fuel should be furnished in the quantity to reach the next destination or the nearest commercial airport where the grade required is available.

(2) At an oversea installation not under Air Force jurisdiction, but where Air Force aviation fuel is available, credit sales may be made under circumstances stated in subparagraph (1) of this paragraph, if the oversea major commander has received authorization from the Directorate of Air Force Aerospace Fuels, SAAMA. Should an operator desire credit sales, he forwards an authorized supplier guarantee or a commercial security bond to the Directorate of Air Force Aerospace Fuels, SAAMA, which in turn, notifies the major commander of the validity and duration of the guarantee.

(3) Credit sales except under conditions stated in subparagraphs (1) and (2) of this paragraph are not made under any circumstances.

§ 819a.6 Prices.

(a) Contract aircraft (§ 819a.4 (a) and (c)) are charged the Air Force standard price. Federal excise taxes are added to the selling price on sales made in the continental United States, Alaska, and Hawaii, except as exempted in the note in this section.

(b) Charter aircraft (§ 819a.4 (b) and (c)) are charged the Air Force standard price, plus surcharges. Federal excise taxes are added to the selling price on sales made in the continental United States, Alaska, and Hawaii, except as exempted in the note in this section.

(c) Civil aircraft (§ 819a.4(d)) are charged the local prevailing fair market price or the Air Force standard price plus surcharges, whichever is higher. Federal excise taxes are added to the selling price on sales made in the continental United States, Alaska, and Hawaii, except as exempted in the note in this section.

NOTE: Under 26 U.S.C. 4221, international flights and flights to U.S. possessions originating in the continental United States, Alaska, and Hawaii, are exempt from Federal excise at airport of departure from these States. This exemption does not apply to flights between Alaska, Hawaii, and the continental United States. Where Federal excise taxes are to be collected, it is important that local prevailing fair market prices be determined exclusive of these taxes in order to avoid double assessment.

By order of the Secretary of the Air Force.

LUCIAN M. FERGUSON,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 67-9545; Filed, Aug. 15, 1967; 8:45 a.m.]

SUBCHAPTER C—PUBLIC RELATIONS

PART 838—GRANTING TEMPORARY USE OF REAL PROPERTY

Subchapter C of Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

A new Part 838 is added as follows:

Sec.
838.1 Purpose.
838.2 Definitions.
838.3 Policy on temporary use of real property.
838.4 Air Force authority.

AUTHORITY: The provisions of this Part 838 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

SOURCE: AFR 87-3, Sept. 28, 1960; Change 1, Mar. 27, 1967.

§ 838.1 Purpose.

This part fixes responsibility and establishes authority and policy, for granting temporary use of Air Force real property (hereinafter referred to as outgrant). It applies to all real property (except industrial property) and interests therein under the jurisdiction and control of the Department of the Air Force (hereafter referred to as Air Force real property).

§ 838.2 Definitions.

(a) *Real property.* Real property includes any right, title, or interest in land and buildings, fixed improvements, utilities, and other permanent type additions to land.

(b) *Lease.* A conveyance of an exclusive possessory interest in real property for a specified term, reserving to the owner rent or other consideration.

(c) *Easement.* A conveyance of an interest in real property for a specific purpose. It may be granted for a specified term or in perpetuity. The purposes for which the Air Force may grant easements affecting its property generally are limited by law. This limitation, plus the fact that the grantor is not excluded from such use of his real property as will not interfere with the grantee's use, distinguishes the easement from the lease.

(d) *License or permit.* A privilege, revocable at will, to use the property of the licensor for a specified purpose and period of time. Generally, a permit is the proper instrument when the use of real property by another Federal Government agency is involved; in other cases a license is used.

(e) *Outgrants.* Includes leases, licenses, permits, easements, and grants of a similar nature.

(f) *Outlease.* The instrument leasing Government-owned real property.

(g) *Sublease.* A grant by a lessee of all or a part of his leasehold to another by lease.

§ 838.3 Policy on temporary use of real property.

(a) *Retention.* Real property which the Air Force does not currently need but which is retained for future use (such use does not prevent its outleasing for certain purposes) will be made available for use either exclusively or concurrently with the Air Force by another military department, other Federal agencies, State or local governmental agencies, and private organizations or individuals. Law, security, public safety, and potential Air Force need will govern the extent of such use. This policy does not apply to Air Force-owned utility systems and facilities.

(b) *Preference.* Air Force real property made available for other than Air Force use will be outgranted (on a nonsegregated basis) in the following order:

(1) Other military departments.

(2) Other Federal agencies.

(3) State and local governmental agencies.

(4) Private organizations or individuals.

(c) *Competition.* The use of Air Force real property for private purposes will be granted only after reasonable efforts have been made to obtain competitive bidding through advertising for its use. Advertising may include circulating notices among former owners, owners of adjacent property, and others known to be interested, posting notices in public places, or publishing notices in newspapers and trade journals. Competitive bidding will give all qualified persons equal opportunity to bid for use of the property, obtain for the Government the benefits of such bidding, and prevent criticism that favoritism has been shown by officers or Government employees in making public property available for private use. Normally, the Corps of Engineers will handle this advertising. Waiver of competition is granted for the following actions:

(1) Leasing property to the former owners, or their lessees, at the discretion of the Secretary of the Air Force or a duly authorized representative. Former owners or their tenants will be given an opportunity to lease the land for grazing or agriculture only until a final land management plan for the Government's use of the land is established (see par. 13, AFR 90–1 (Pavements and Grounds)). Pending establishment of this plan, the outlease for grazing or agriculture may be granted by negotiation to each former owner or the tenants for a maximum of one 5-year term. After expiration of this original outlease, leases are granted by competitive bidding.

(2) Granting leases, easements, and licenses to State or local governments, and public utilities.

(3) Granting permits to other Federal agencies.

(4) Leasing cable pairs.

(5) Outleasing Air Force property to religious organizations.

(d) *Commercial advertising.* Posting notices or erecting billboards or signs for commercial purposes on Air Force property is prohibited.

(e) *Grants which may embarrass the Air Force.* Unless specifically authorized by law, the Air Force will not authorize occupancy of its property by license or lease where revocation of the license or lease might prove embarrassing to the Air Force.

(f) *Public safety.* Lands or buildings and improvements which are contaminated with explosives or toxic materials, or other innately or potentially harmful elements, will not be used for nonmilitary purposes when such action will endanger the lives of individuals or the public.

(g) *Subleasing.* Air Force outleased property will not be subleased without prior approval of the Air Force. This approval may be granted by the echelon of command approving the original lease. All outleases will contain a clause to provide for the enforcement of this policy.

(h) *Outleasing land for agricultural use.* Air Force real property will not be leased to grow price-supported crops in surplus supply unless:

(1) Leases were executed before July 21, 1956, and all renewal option periods have not yet expired.

(2) The acquisition of real property resulted in commitments which obligated the Air Force to make the property available for continued use by the former owners or tenants, and the preferential leasing arrangements have been continuous and are in effect. This exception will automatically cease when all renewal options expire. In those cases where leases expire before harvesting time for crops, the owner or tenant will be given a reasonable period of time for such harvesting.

(3) Requests for exceptions to the above will be submitted to Hq USAF (AFOCE–F) to obtain necessary approvals.

NOTE: Department of Agriculture designated price-supporting crops in surplus supply are corn, grain sorghums, rice, wheat, peanuts, dry edible beans, tobacco (kinds for which acreage allotments are in effect), and cotton (upland and extra long staple). Amendments to this list will be announced by the Department of Agriculture through the Assistant Secretary of Defense (Properties and Installations).

(i) *Making Air Force real property available for exploration and mining of minerals.* The Secretary of the Air Force may grant licenses to private interests permitting mineral exploration on Air Force land except public domain in accordance with his authority. Such exploration will be permitted when it is of direct benefit to the United States and does not interfere with the mission of the installation. Enabling legislation must be enacted to authorize the Secretary of the Air Force to permit the mining of minerals on Air Force land.

(j) *Fair market value.* It is Bureau of the Budget policy that fair market value should be realized from the sale or use of Federally owned real property. Therefore, in all outleasing actions, except where otherwise specifically authorized, the Air Force must receive adequate consideration, in either money or services, equal to the fair rental value of the real property outleased.

(k) *Land management.* After the agronomist or grounds maintenance supervisor has determined the land management program for an installation, maintenance may be accomplished through outleasing where value of use of the land exceeds value of services rendered. If value of services desired exceeds value of revenue to be derived from the land, then grounds maintenance should be accomplished under a competitive grounds maintenance contract (reference AFR 90–1). These values will be determined by the District Engineer, Corps of Engineers.

§ 838.4 Air Force authority.

The Secretary of Air Force has authority for granting temporary use of real property as follows:

(a) *Lease authority.* When it is considered advantageous to the United States to lease real or personal property which is not then required for public use and is not excess to the Air Force and on terms and conditions that will promote the national defense or will be in the public interest.

(1) *Term.* Each such lease shall be for not more than 5 years unless the Secretary of the Air Force determines that a longer period will promote the national defense or will be in the public interest.

(2) *Revocation.* Each such lease shall contain a provision permitting the Secretary of the Air Force to revoke the lease at any time, unless it is determined that the omission of such provision from the lease will promote the national defense or will be in the public interest. Each lease shall be revocable by the Secretary of the Air Force during a national emergency declared by the President.

(3) *Consideration.* Any such lease may provide for the maintenance, protection, repair, or restoration by the lessee of the property leased, or of the entire unit or installation where a substantial part thereof is leased, as a part or all of the consideration for the lease of such property. Consideration for leases will provide for fair market rental value.

(4) *Utilities and services.* If the lease specifies that the Air Force will furnish utilities or services, payments for the utilities or services may be deposited into the Treasury to the credit of the appropriations from which the costs of furnishing such utilities or services to the lessee were paid. Written agreements and rates to be charged for furnishing utility services to the lessee shall be in accordance with the provisions of AFR 91–5 (Utility Services).

(5) *Restriction against leasing for mineral purposes.* The authority granted in this section does not extend to leasing lands for exploiting oil, minerals, or phosphates. It does not prohibit leasing lands that may contain oil, minerals, or phosphates, provided that such substances are not used or removed.

(6) *Taxation.* The lessee's interest, made or created pursuant to the authority granted, shall be subject to State or

local taxation. Any such lease will provide that the lease will be renegotiated, if and to the extent that such property is made taxable by State and local governments by Act of Congress.

(7) *Capehart housing leases.* When the Secretary of the Air Force determines that it is necessary to lease any land held by the U.S. on or near a military installation to effectuate the purposes of this title, he may lease such land on such terms and conditions as will, in his opinion, best serve the national interest. This authority shall be in addition to and not in derogation of any other power or authority of the Secretary of the Air Force.

(b) *Easement*—(1) *Authority for rights-of-way.* (i) To grant easements for rights-of-way over, in, and on public lands permanently withdrawn or reserved for the use of that department, and other lands under his control, to a State, Territory, Commonwealth, possession, or political subdivision thereof, or to a citizen, association, partnership, or corporation of a State, Commonwealth, or possession, for:

(*a*) Railroad tracks.

(*b*) Oil pipelines.

(*c*) Substations for electric power transmission lines, telephone lines, and telegraph lines, and pumping stations for gas, water, sewer, and oil pipe lines.

(*d*) Canals.

(*e*) Ditches.

(*f*) Flumes.

(*g*) Tunnels.

(*h*) Dams and reservoirs in connection with fish and wildlife programs, fish hatcheries, and other improvements relating to fishculture.

(*i*) Roads and streets.

(*j*) Any other purpose that he considers advisable within statutory limitations.

(ii) No easement granted under this section may include more land than is necessary for the easement.

(iii) The Secretary of the military department concerned may terminate all or part of any easement granted under this section for:

(*a*) Failure to comply with the terms of the grant.

(*b*) Nonuse for a 2-year period.

(*c*) Abandonment.

(iv) Copies of instruments granting easements over public lands under this section shall be furnished to the Secretary of the Interior.

(2) *Gas, water, sewer, pipeline, and rights-of-way.* (i) The Secretary of the Air Force may grant, on such terms as he considers advisable, easements for rights-of-way over, in, and on public lands permanently withdrawn or reserved for the use of that department, and other lands under his control, for gas, water, and sewer pipelines, to a State, Commonwealth, possession, or political subdivision thereof, or to a citizen, association, partnership, or corporation of a State, Commonwealth, or possession.

(ii) No easement granted under this section may include more land than is necessary for the easement.

(iii) To grant easements for rights-of-way, for a period of not more than 50 years from the date of the issuance of the grant, over, across, and on the public lands and reservations of the U.S. for electrical poles and lines for the transmission and distribution of electrical power, poles and lines for communication purposes, and for radio, television, and other forms of communication transmitting, relay, and receiving structures and facilities to the extent of 200 feet on each side of the center line of such lines and poles, and not more than 400 feet by 400 feet for radio, television, and other forms of communication transmitting, relay, and receiving structures and facilities to any citizen, association, or corporation of the United States.

(iv) To grant authority to allow the landing of ferries and erection of bridges on, and the driving of livestock across military reservations.

(c) *License*—(1) *General authority for grants under administrative power.* The Secretary of the Air Force, by revocable license, may permit the use of real estate, provided that the property is not then required by the Air Force, the license conveys no interest therein, and the proposed use will be of direct benefit to the United States. This authority is not to be invoked if an express statutory authority grants the permission desired.

(2) *Express statutory authority*—(i) *American National Red Cross.* The Secretary of the Air Force is authorized to grant revocable licenses to the American National Red Cross to erect and maintain on military reservation buildings which are suitable for storing supplies to aid the civilian population in serious national disaster, or to occupy for that purpose buildings erected by the United States.

(ii) *Young Men's Christian Association.* The Secretary of the Air Force is authorized under conditions prescribed to issue a revocable license to the International Committee of Young Men's Christian Association of North America to erect and maintain on military reservations within the United States, its Commonwealths and possessions buildings needed by that organization to promote social, physical, intellectual, and moral welfare of Air Force personnel on those reservations.

(iii) *Post offices.* The Secretary of the Air Force shall assign suitable space for postal purposes at each air base where there is a post office.

(iv) *National Guard.* The Secretary of the Air Force is authorized to permit the National Guard to participate in encampments, maneuvers, and outdoor target practice for field or coast defense instruction. This includes authority to grant revocable licenses to States for the temporary use and occupancy of military reservations or portions thereof by the Air National Guard. The States may not assign or sublet the property, or use the property for other than National Guard purposes. A license may not be granted to erect a permanent National Guard Armory on military reservations without specific Congressional authority.

(v) *Civil Air Patrol.* The Secretary of the Air Force may grant licenses to the Civil Air Patrol to use Air Force facilities.

(d) *Permits to other Federal agencies*—(1) *Authority.* The Secretary of the Air Force, under administrative powers, may authorize other Federal Government agencies to use Air Force property by permit.

(2) *Consideration.* Consideration will not be reserved in instruments authorizing other Federal Government agencies to use Government-owned property under the control of the Air Force. The permittee may be required to reimburse the Air Force for utilities and services furnished by the Air Force, and, if required, reimburse the Air Force for its proportionate share of the rental paid by the Air Force. (See AFRs 91–5 and 172–3 (Utility Services and Host-Tenant Relationships, respectively).)

(e) *Grants requiring enabling legislation.* Except as indicated in this part, enabling legislation must be enacted to authorize the Secretary of the Air Force to grant an interest in real estate for the purpose of:

(1) Mining, except for uranium and similar minerals which are under the control of the Atomic Energy Commission.

(2) Drilling oil and gas wells, or selling oil or other minerals.

By order of the Secretary of the Air Force.

LUCIAN M. FERGUSON,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

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Title 39—POSTAL SERVICE

Chapter I—Post Office Department

SUBCHAPTER I—CODE OF ETHICAL CONDUCT

PART 742—CODE OF ETHICAL CONDUCT

Part 742 is republished to update the Department's regulations concerning ethical conduct of its employees and special Government employees pursuant to Executive Order 11222. These revised regulations under Part 742 are effective upon publication in the FEDERAL REGISTER, and read as follows:

Subpart A—Basic Philosophy

Subpart B—Basic Standards of Ethical Conduct

Subpart C—General Conduct Prejudicial to the Government

Sec.
742.735–31 Introduction.
742.735–32 General statutes applicable to postal employees.
742.735–33 Specific statutes applicable to postal employees.

Subpart D—Conduct of Special Government Employees

742.735–41 Introduction.
742.735–42 Use of Government employment.
742.735–43 Use of inside information.
742.735–44 Coercion.
742.735–45 Gifts, entertainment, and favors.
742.735–46 Statutory provisions.

Subpart E—Employees Required To Submit Statements

742.735–51 Form and content of statements.
742.735–52 Specific classes of employees.
742.735–53 Required forms for confidential statement of employment and financial interests.
742.735–54 Exclusions.

Subpart F—Specific Provisions for Special Government Employees

742.735–61 Special Government employees required to submit statements.
742.735–62 Exceptions.
742.735–63 Time for submission of statements.

Subpart G—Ethical Conduct Counseling and Reporting of Employment and Financial Interests Systems

742.735–71 Ethical Conduct Counselor and Deputy Ethical Conduct Counselors.
742.735–72 Reporting of employment and financial interests.
742.735–73 Availability of counseling services.
742.735–74 Advice concerning possible conflict of interest.
742.735–75 Disciplinary and other remedial action.
742.735–76 Establishment of review system.

Subpart H—Informing Employees and Special Government Employees of Code of Ethical Conduct

742.735–81 All employees and special Government employees.

AUTHORITY: The provisions of this Part 742 issued under 5 U.S.C. 301, 39 U.S.C. 501, Executive Order 11222 of May 8, 1965 (30 F.R. 6469, 3 CFR, 1965 Supp.) 5 CFR 735.104.

Subpart A—Basic Philosophy

§ 742.735–11 General.

Postal employees have, over the years, established a fine tradition of faithful service to the Nation, unsurpassed by any other group. Each employee should take great pride in this tradition of dedicated service. Each of us must strive to make his contribution worthwhile in the continued movement of the Postal Service toward future progress in the public interest.

§ 742.735–12 Purpose.

This statement of ethical conduct is provided to instruct and to guide those employees entering the Service for the first time, and also as a reminder to all employees of the conduct required and expected of them in carrying out their official duties.

§ 742.735–13 Applicability.

All postal personnel must act with unwavering integrity and complete devotion to the public interest. Postal personnel are expected to maintain the highest moral principles, and to uphold the laws of the United States and the regulations and policies of the Post Office Department. Not only is ethical conduct required, but officials and employees must be alert to avoid actions which would appear to prevent fulfillment of postal obligations. Assigned duties must be discharged conscientiously and effectively. The Postal Service has the unique privilege of having daily contact with the majority of the citizens of the Nation, and is in many instances their most direct contact with the Federal Government. Thus, there is an especial opportunity and responsibility for each postal employee to act with honor and integrity worthy of the public trust, thereby reflecting credit and distinction on the Postal Service, and on the entire Federal Government.

Subpart B—Basic Standards of Ethical Conduct

§ 742.735–21 Introduction.

This part governs the ethical conduct of all postal employees.

§ 742.735–22 Code of ethics.

The Congress has expressed the standards of conduct expected of all Government employees in a Code of Ethics as follows: (H. Con. Res. 175, 85th Cong., 2d sess., 72 Stat. B12).

1. Put loyalty to the highest moral principles and to country above loyalty to persons, party, or Government department.
2. Uphold the Constitution, laws, and legal regulations of the United States and of all governments therein and never be a party to their evasion.
3. Give a full day's labor for a full day's pay; giving to the performance of his duties his earnest effort and best thought.
4. Seek to find and employ more efficient and economical ways of getting tasks accomplished.
5. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept, for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.
6. Make no private promises of any kind binding upon the duties of office, since a Government employee has no private word which can be binding on public duty.
7. Engage in no business with the Government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties.
8. Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.
9. Expose corruption wherever discovered.
10. Uphold these principles, ever conscious that public office is a public trust.

§ 742.735–23 Standards of conduct.

The President has also prescribed standards of conduct for all Government employees in Executive Order 11222 of May 8, 1965, 30 F.R. 6469. Pursuant to that Executive order and Civil Service Commission regulations thereunder, 32 F.R. 8281, June 9, 1967, the Postmaster General has issued the regulations in this part to govern the conduct of all employees of the Department, including special Government employees.

§ 742.735–24 Definitions, and applicability to members of the uniformed services and other Government employees on detail to the Department.

(a) Following are definitions as used in this part:

(1) *Department.* Headquarters and all postal installations and facilities (unless otherwise indicated).

(2) *Employee.* An officer or employee of the Department. This does not include a special Government employee (other than a substitute or temporary appointee in the Postal Field Service) or a member of the Uniformed Services.

(3) *Executive order.* Executive Order 11222 of May 8, 1965.

(4) *Ethical Conduct Counselor.* The person designated by the Postmaster General to carry out the responsibilities of Ethical Conduct Counselor as required by the Executive order, and implementing regulations thereto, issued by the Civil Service Commission.

(5) *Deputy Ethical Conduct Counselor.* Those persons designated by the Postmaster General to assist the Ethical Conduct Counselor.

(6) *Person.* An individual, a corporation, a company, an association, a firm, a partnership, a society, a joint stock company, or any other organization or institution.

(7) *Special Government employee.* An officer or employee or a member of any committee appointed by the Postmaster General who is retained, designated, appointed, or employed to perform temporary duties either on a full-time or intermittent basis, with or without compensation, for not to exceed 130 days during any period of 365 consecutive days.

(8) *Official responsibility.* Direct administrative or operating authority, whether intermediate or final and either exercisable alone or with others, and either personally or through subordinates, to approve, disapprove, or otherwise direct Government action.

(9) *Substantial or substantially.* Used in the regulations in this section in the same sense as in 18 U.S.C. 208(b). This interest is incapable of absolute definition; determination as to such interest will be made on an individual case basis in light of the facts and circumstances in each individual case.

(b) The regulations in this part are not applicable to Members of the Uniformed Services and other Government employees on detail to the Department even though they are assigned to the Department for duty. They are, however, required to furnish a statement of employment and financial interest if they are performing duties of a position specified in § 742.735–52. However, a member of

the Uniformed Services or other Government employee on detail to the Department is not relieved of his responsibilities under regulations or code of ethics prescribed by his respective department.

§ 742.735–25 Gifts, entertainment, favors and proscribed actions.

(a) Except as provided in paragraph (b) of this section, an employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from a person who:

(1) Has or is seeking to obtain, contractual or other business or financial relations with the Department;

(2) Conducts operations or activities that are regulated by the Department; or

(3) Has interests that may be substantially affected by the performance or nonperformance of his official duty.

(b) Paragraph (a) of this section does not:

(1) Govern obvious family or personal relationships (such as those between the parents, children, or spouse of the employee, and the employee) when the circumstances make it clear that it is those relationships rather than the business of the persons concerned which are the motivating factors;

(2) Prohibit acceptance of food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meeting or on an inspection tour when an employee may properly be in attendance;

(3) Prohibit acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as home mortgage loans;

(4) Prohibit acceptance of unsolicited advertising or promotional material such as pens, pencils, note pads, calendars, and other items of nominal intrinsic value.

(5) Prohibit an employee from receipt of bona fide reimbursement, unless prohibited by law, for expenses for travel and such other necessary subsistence as is compatible with this part for which no Government payment or reimbursement is made. However, an employee may not be reimbursed, or payment may not be made on his behalf, for excessive personal living expenses, gifts, entertainment or other personal benefits, nor may an employee be reimbursed by a person for travel on official business under Department orders when reimbursement is proscribed. When an employee travels on official business he should use commercial transportation at Government expense and he should not accept free transportation from a private party. In the event there is no commercial transportation which will enable him to arrive at destination in time for the performance of his duties, he may accept private transportation provided the private party is reimbursed therefor at the standard commercial rate. This subparagraph also applies to § 742.735–27(b)(1).

(6) Prohibit acceptance of invitations for inaugural flights (air, surface, or water) providing the invitation is addressed to the Department and the employee first obtains authorization from the Ethical Conduct Counselor. The request for authorization shall describe the nature of the trip, the length and time duration. The employee should also advise whether the invitation includes parties, gifts or other considerations.

(7) Prohibit the acceptance and use of courtesy discount cards from department stores or other organizations if such discount cards are offered to all employees at the postal facility concerned.

(c) An employee shall avoid any action, whether or not specifically prohibited by this Part 742 which might result in, or create the appearance of:

(1) Using public office for private gain;

(2) Giving preferential treatment to any person;

(3) Impeding Government efficiency or economy;

(4) Losing complete independence or impartiality;

(5) Making a Government decision outside official channels; or

(6) Affecting adversely the confidence of the public in the integrity of the Government.

(d) An employee shall not solicit contributions from another employee for a gift to an employee in a superior official position, make a donation as a gift to an official superior, or accept a gift from an employee receiving less pay than himself (5 U.S.C. 7351). However, this section does not prohibit a voluntary gift of nominal value or donation in a nominal amount made on a special occasion such as marriage, illness, or retirement.

(e) An employee shall not accept a gift, present, decoration, or anything from a foreign government unless authorized in accordance with the Foreign Gifts and Decorations Act of 1966 (P.L. 89–673, 80 Stat. 952). However, an employee may accept a nominal gift from a visiting foreign dignitary if the gift is from the visiting dignitary in his personal capacity as distinguished from a gift from and on behalf of the foreign country.

(f) Employees shall not issue addresses, complimentary tickets, prints, publications, or any substitute therefor intended or calculated to induce the public to make them gifts or presents.

§ 742.735–26 Conflicts of interest.

(a) *Outside employment and other activities.* (1) Subject to the regulations in this part, employees may engage in private outside employment with or without compensation. An employee shall not engage in outside employment or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of his Government employment or otherwise prohibited by law. Incompatible activities include, but are not limited to:

(i) Acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, conflicts of interest; or

(ii) Outside employment which tends to impair his mental or physical capacity to perform his Government duties and responsibilities in an acceptable manner.

(2) An employee shall not receive any salary or anything of monetary value from a private source as compensation for his services to the Government (18 U.S.C. 209).

(3) Employees are prohibited from manufacturing or representing a manufacturer of any product, material or device manufactured or produced for exclusive use in the Department, or required by the Department for patrons of the Department. Employees shall not accept or continue in any outside business, vocation or activity, that will reflect discredit upon the Department, or in which their employent in the Department will give them an advantage over others not in the Department engaged in a similar business, vocation or activity. In determining whether such employment is inconsistent with a postal position, such factors as proper performance on the job, using information obtained in an official capacity for personal benefit or gain, opportunity for collusion between employees and contractors or postal patrons, shall be given due consideration. When a doubt exists as to whether a possible personal interest may be in conflict with postal activities, the situation should be discussed with the Ethical Conduct Counselor or Deputy Ethical Conduct Counselor, as appropriate by the bureau or installation head for determination as to whether or not the employee should function ir a given situation.

(4) An employee shall not engage in outside employment under a State or local government, except in accordance with paragraph (c)(1)(vii) of this section, and section 744.34 of the Postal Manual.

(5) Employees are encouraged to engage in teaching, lecturing, and writing that is not prohibited by law, the Executive order, or this part. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, or writing that is dependent on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when the Postmaster General gives written authorization for the use of nonpublic information on the basis that the use is in the public interest.

(6) If an employee takes sick leave and it is found that he did so to enable him to engage in outside work, such action is a violation of this Code of Ethics.

(7) Postal employees, including management officials, may not be employed as messengers, collectors, or agents for private business firms engaged in mail delivery service, if such employment requires them to conduct postal business with the unit or section of the post office where they work, such as delivery of bulk

mail to the weighers unit if their post office assignment is to that unit; transact business involving advance deposits, postage due, setting of meters, etc., if post office assignment is to the Main Office Window Service; or in any way to conduct postal business with postal employees occupying duty assignments identical to their own post office assignment. This does not prevent such employment with this type of firm if the business is conducted with a post office or within the delivery area of a post office other than the one where the postal employee works: *Provided:* No employee will allow such outside work to interfere in any manner whatsoever with his assigned work schedule or his efficiency as a postal employee; employee does not represent himself in any way as a postal employee while transacting private business to gain an advantage; and employee does not perform such private business while attired in an official postal uniform.

(8) Employees may not work for any person or entity with whom he has official dealings on behalf of the Department. For instance, postmasters should not be employed by banks in which postal funds of his office are deposited.

(9) Employees may not engage in tax work involving Federal taxes if such work extends beyond the mere preparation of the tax return or furnishing information to Internal Revenue Service obtained solely from the records of the taxpayer. An employee may not become involved in advocating the taxpayer's position.

(10) Neither an employee, who has an outside law practice, nor his partner nor firm is permitted to represent any client in a matter in which the United States is a party or has a direct and substantial interest, except as may otherwise be authorized by law or regulation.

(11) Generally, vehicle maintenance contracts will not be had with postal employees or members of their immediate household, which would service the office where they are employed. However, if there are no other commercial facilities available within a reasonable proximity to the postal facility, the contracting officer may solicit bids or quotations for such service from those employees or members of their immediate household with the prior approval of the Ethical Conduct Counselor.

(12) Employees may not enter into lease agreements or contracts giving the Department an option to purchase real-property except as provided in this subparagraph:

(i) Site options: Regional contracting officers will not accept assignable options from postal employees for the control or purchase of land to be used for construction of a postal facility when the net interior square footage of the building will exceed 3,000 square feet. If, however, it is the opinion of the Regional contracting officer that acceptance would be in the best interest of the Government the agreement together with recommendation, should be submitted to Headquarters for consideration. The recommendation must contain information regarding the length of time the postal employee controlled the site, the type of interest and the cost of the site to the employee and any reason why the particular site should be used.

(ii) New construction agreements: Regional contracting officers will not enter into a new lease or rental contract with any postal employee to provide for a building and related facilities to be occupied as a first or second-class office, including any sub-location thereof, except for improvements and/or modifications directed by the Department to buildings under lease or rent from postal employees at the time the improvements and/or modifications are directed. Regional contracting officers will not enter into a new lease or rental contract with any postal employee to provide for a building and related facilities to be occupied as a third-class office where the net interior square footage of the building exceeds 3,000 square feet.

(iii) Any proposed renewal or extension of an expiring occupancy contract, regardless of class of office, where the lessor is a postal employee and the net interior square footage of the building exceeds 3,000 square feet must be forwarded to the Director, Realty Division, Bureau of Facilities, for prior approval. The Chief, Real Estate Branch, shall forward the project file, properly documented to show that continued occupancy of the existing facility is in the best interest of the Government with his comments as to any known possible conflicts of interest that may exist and his recommendation with regard to continued occupancy. The file shall be forwarded a minimum of thirty (30) calendar days prior to the date the renewal option must be exercised or the date the lease extension agreement would be effective providing acceptance is in order.

(13) Postal employees and members of their immediate household, as defined in § 742.735–28(a), are prohibited from engaging in any business enterprise which involves the sale of U.S. postage stamps in vending machines or otherwise, when the cost of such stamps to the purchaser exceeds the face value of the stamps for any reason whatsoever. See section 1721 of Title 18, United States Code. However, postal employees are not barred from bona fide philatelic transactions provided that they have not obtained any advantage by virtue of their postal employment over others not so employed.

(14) Employees may not act as consultant to any contractor who presently has or intends to obtain a contract with this Department.

(15) Postmasters may not serve in any capacity whatsoever with a bank in which postal funds of his office are deposited. A postmaster may hold stock in such a bank if his holdings are de minimus, that is to say, that the amount of his stock holdings in such bank would not create a conflict or appearance of conflict with his official position.

(b) *Employment after separation.* (1) A former employee is permanently prohibited from acting as agent or attorney for anyone other than the United States in any particular matter, involving a specific party or parties, in which the United States is a party or has a direct and substantial interest, if he participated personally and substantially in the handling of such matter during his postal employment.

(2) A former employee is barred for 1 year after his employment has ceased from appearing personally as agent or attorney for anyone other than the United States in connection with any particular matter involving a specific party or parties, in which the United States is a party or has a direct and substantial interest if such matter was within his official responsibility within a period of 1 year prior to the termination of such responsibility.

(3) Subparagraphs (1) and (2) of this paragraph do not preclude a former employee from pursuing a private, personal claim against the Government for damages to his private property resulting from Government action or failure to act; moneys owned as a result of his employment or service performed, or other matters of a similar nature.

(4) Unless otherwise prohibited by subparagraphs (1) and (2) of this paragraph, a former employee may act as counsel or as a representative of an employee member in grievance or adverse action cases before the Department or the Civil Service Commission.

(5) Notwithstanding subparagraphs (1) and (2) of this paragraph, when a particular matter involved is in a scientific or technical field and if the Postmaster General certifies in writing that it is in the national interest and the certification is published in the FEDERAL REGISTER, a former officer or employee, including a former special Government employee, with outstanding scientific or technical qualifications may act as attorney or agent or appear personally.

(c) *Political activity.* Postal employees are governed by the proscriptions against political activity in Subchapter III of Chapter 73 of Title 5, United States Code, as amended; by the Federal Corrupt Practices Act of February 28, 1925, as amended; and by U.S. Civil Service Commission rules.

(1) *Permitted political activities*—(i) *Voting.* All officials and employees are encouraged to register and to vote as they may choose in all local, State and national elections. (See 721 of the Postal Manual on leave for voting.)

(ii) *Expression of opinions.* The right to express political opinions is reserved to all postal officials and employees except as stated in subparagraph (2) of this paragraph.

(iii) *Political contributions.* It is lawful for officials and employees to make voluntary contributions not in excess of $5,000 in the aggregate during any calendar year, to regularly constituted political organizations, provided such contributions are not made in a Federal building. However, officials and employees of the United States shall not, directly or indirectly, solicit, receive, or in any manner be concerned in soliciting or receiving, any assessment, subscription or contribution for any political purpose whatever, from any other such officer, employee or person; nor shall any

officer or employee discharge, promote, or degrade, or in any manner change the official rank or compensation of any other officer or employee, or promise or threaten to do so, for giving or withholding or neglecting to make any contribution of money or other valuable thing for any political purpose.

(iv) *Attendance at public and political meetings.* Employees may join a political club or party. (See 837.1 of the Postal Manual for list of organizations in which membership is not considered consistent with the interest of the national security.) They may attend political and public gatherings and listen to political speeches. However, they may not serve as officers of, or organizers of, or preside over such gatherings.

(v) *Political pictures.* Any employee may display a political picture in his home, if he so desires. He may also display personally autographed pictures in his office providing it bears no language in the nature of campaigning.

(vi) *Badges, buttons, and stickers.* Employees may wear a political badge or button when not in uniform, not on duty, and during the time his duties do not require him to deal with the public or be in public view. Except when an employee's private vehicle is being used for official postal purposes (including lunch time) and it is not forbidden by local ordinance, he may display political stickers thereon.

(vii) *Holding of state or local office.* Employees are generally prohibited from accepting or holding any office, whether appointive or elective, under any State or local government or under the charter or ordinance of any municipal corporation. However, Part 734 of the Civil Service Regulations (5 CFR Part 734) allows employees to hold such offices under certain conditions if the prior approval of the Department is obtained. Use Form 1701, "Request to Hold State or Local Office" and Form 1702 "Reply to Request to Hold State or Local Office." See § 742.735–26 (a)(4) and section 744.34 of the Postal Manual.

(2) *Campaigning forbidden.* Employees may not take any active part in political management or in political campaigns. Expression of opinion on political subjects is permitted so long as it does not take the form of active participation in a campaign or party management. Employees may participate in nonpartisan local campaigns in which party designation, nomination and sponsorship are completely absent. Certain presidential appointees, including heads and assistant heads of departments and those appointed with Senate confirmation who determine national policy, are exempt from the political activity restrictions prohibiting active participation in political management or in political campaigns (see 5 U.S.C. 7324(d)).

(3) *Political interference.* Officials and employees serving in administrative positions in the Federal service are prohibited by law from use of official authority for the purpose of interfering with, or affecting the nomination or election of any candidate for the Office of President, Vice President, Presidential elector, Member of the Senate or House of Representatives, or Delegate or Resident Commissioner from any Territory or Possession (18 U.S.C. 595).

§ 742.735–27 Dealings with public.

(a) *Giving endorsements.* (1) An employee shall not, for or without compensation, give an endorsement to any business, enterprise, or product which may give rise to any inference or indication that such business, enterprise, or product is officially endorsed by this Department or the United States, without special permission from the Postmaster General.

(2) An employee shall not permit his postal title to be used on any letterhead, advertisement, etc. by any entity unless specifically authorized by the Ethical Conduct Counselor.

(b) *Permitted activities.* Employees are not precluded from:

(1) Receipt of bona fide reimbursement, unless prohibited by law, for expenses for travel and such other necessary subsistence as is compatible with this part for which no Government payment or reimbursement is made. However, an employee may not be reimbursed, or payment may not be made on his behalf, for excessive personal living expenses, gifts, entertainment or other personal benefits, nor may an employee be reimbursed by a person for travel on official business under Department orders when reimbursement is proscribed. When an employee travels on official business he should use commercial transportation at Government expense and he should not accept free transportation from a private party. In the event there is no commercial transportation which will enable him to arrive at destination in time for the performance of his duties, he may accept private transportation provided the private party is reimbursed therefor at the standard commercial rate.

(2) Participation in the activities of national or State political parties not proscribed by law. See § 742.735–26(c).

(3) Obtaining a patent for an invention providing he complies with Part 779, Postal Manual.

(4) Participation in the affairs of or acceptance of an award for a meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, non-profit educational and recreational, public service, or civil organization, excluding participation in lotteries.

(5) Soliciting for fund raising drives for civic, religious, fraternal auxiliaries, clubs and kindred organizations so long as they do not solicit while on duty, or solicit while wearing their uniform or any insignia or badge or in any way identify themselves as postal employees, or solicit from patrons with whom they have recurring official contact, or use their postal position to influence collections. See section 741.73 of the Postal Manual and § 742.735–29(e) and (f).

§ 742.735–28 Employee organizations—convention budgets.

(a) An employee organization whose funds for a meeting or convention are raised within the organization, plus voluntary unsolicited contributions, need not report their convention budget.

(b) Where national, State, or large sectional conventions or meetings are held, the organization may raise funds outside the organization under the following procedures:

(1) *Preparing budget.* A representative or representatives of the employee organization involved shall prepare a proposed budget and shall:

(i) List proposed expenditures;

(ii) Show estimated revenue and the manner in which estimated revenue is to be raised;

(iii) If solicitation is to be made by a contract solicitor (see subparagraph (4)(iii) of this paragraph), the proposed budget shall have attached a copy of the contract between the employee organization involved and the solicitor.

(2) *Submitting budget*—(i) *National level.* The organization holding a national convention shall present a copy of the proposed budget for raising funds to the Assistant Postmaster General, Bureau of Personnel, who may discuss the proposed budget with a representative of the employee organization involved.

(ii) *State or sectional level*—(a) *Postmaster organizations.* The organization holding the State or sectional convention shall present a copy of the proposed budget for raising funds to the Regional Director, who may discuss the proposed budget with a representative of the organization involved.

(b) *Other organizations.* An employee organization holding a State or sectional convention or meeting shall submit the budget to a committee composed of the postmaster at the city where the meeting or convention will be held, a representative of the local civic group, if any, interested in securing the meeting or convention and a member selected by the employee organization sponsoring the meeting.

(3) *Duties of committee members.* This Committee shall:

(i) Examine the proposed budget and the manner in which the contemplated revenue is to be raised;

(ii) In the event the employee organization employs a contract solicitor (see subparagraph (4)(iii) of this paragraph), to raise funds, review the contract between the employee organization involved and the contract solicitor to insure compliance with subparagraph (4)(iii) of this paragraph.

(iii) If all terms of subparagraph (4)(iii) of this paragraph have been complied with, each member shall sign the proposed budget.

(iv) If a contract solicitor is used, the postmaster shall send a copy of the approved budget to the Regional Director who may discuss with the regional representative of the particular organization the terms of the budget or contract.

(4) *Duties of sponsoring employee organization*—(i) *National level.* Within sixty (60) days after the close of the national convention, the national organization shall submit to the Assistant Postmaster General, Bureau of Personnel, a report of funds raised by the contract solicitation and how it was expended, including commissions paid to the solicitor.

(ii) *State or sectional level*—(a) *Postmaster organizations.* Within sixty (60) days after the close of the State or sectional convention, the organization shall submit to the Regional Director a report of the funds raised by the contract solicitation and how it was expended, including commissions paid to the solicitor.

(b) *Other organization.* Within sixty (60) days after the close of the convention or meeting a sponsoring employee organization at a State or sectional level shall prepare a statement in quadruplicate showing the amount of money raised by the contract solicitor, how the money was expended and the amount of commission paid such solicitor. The original of this statement shall be made a part of the records of the post office in the city where the convention or meeting was held; a copy shall be sent to the civic organization, if any, a copy shall be sent to the Regional Director, and a copy shall be retained by the employee organization involved.

(c) *Contract solicitors.* (1) If contract solicitors are used, they must be employed by or represent a reputable firm.

(2) Before any solicitations may be made, a contract with the appropriate national, State, sectional, or local organization shall be signed specifying the amount of the commission, the maximum amount to be solicited, the number and names of the solicitors, the geographical area in which the solicitations will be made, a starting date and a termination date of the solicitation. The contract signed with and by a company employing, or represented by a solicitor must contain a provision that the files, records, and accounts relating to the solicitations and expenditures be made available for examination by an authorized post office official and/or the employee organization representative involved on demand. Either the postal officials or the employee organization representative shall notify the other of a proposed examination.

(3) A copy of the contract shall be filed with the postmaster in the city in which the convention or meeting is to be held.

(4) Contract solicitors shall be required to carry identification and shall show such identification when soliciting to indicate that they are duly authorized to solicit funds for the specific organization and to accept such funds. The authorization shall also include a definite statement that the contract solicitor is not acting as a postal employee, or a member of the specific employee organization, but is employed by the firm holding a contract with the specific employee organization.

§ 742.735–29 Other conduct by employee.

(a) *Financial interests.* (1) An employee shall not: (i) Have a direct or indirect financial interest that conflicts substantially with his Government duties and responsibilities; or appears to conflict substantially with his Government duties and responsibilities.

(ii) Engage, directly or indirectly, in a financial transaction as a result of, or primarily relying on, information obtained through his Government employment.

(2) This paragraph does not preclude an employee from having a financial interest or engaging in financial transactions to the same extent as a private citizen not employed by the Government so long as it is not prohibited by law, the Executive order or this part.

(3) An employee may not participate personally and substantially in his official capacity in any particular matter in which his immediate family, partner, or organization with which he is connected by a present or prospective employment service has a financial interest unless he advises his installation head of all its aspects, makes full disclosure, and receives, in advance, a written determination of the installation head concurred in by the Ethical Conduct Counselor or Deputy Ethical Conduct Counselor, as appropriate, or unless there is specific exemption established by general rule or regulation published in the FEDERAL REGISTER, and in either case the financial interest is remote or inconsequential. The advance written determination when granted and the exception by general rule or regulation constitute exceptions to 18 U.S.C. 208(a). However, with the approval of the installation head, he may act as agent or attorney for his immediate family, or organization he is serving as personal fiduciary provided he has not participated personally and substantially in the matters involved and such matters are not subject to his official responsibility.

(4) The Postmaster General; the Deputy Postmaster General; the General Counsel; the Deputy General Counsel; the Assistant Postmaster General, Deputy Assistant Postmaster General, Division Directors, Deputy Division Directors and Assistant Directors of the Bureau of Transportation and International Services; Regional Directors; Deputy Regional Directors; employees in the Office of the Director of Transportation (Regional) who have authority to recommend or determine routing of mail, service changes, mode of transportation to be utilized, or contracting authority in the transportation of mail; and Postal Service Officers are prohibited from having any financial interest or being employed by any entity which carries or may carry mail (i.e., airline, railroad, bus and surface transportation). Divestment of financial interest must be accomplished within 90 days. Resignation or termination of employment with such entities must be accomplished within 30 days. The time to accomplish such divestment or resignation begins to run upon the effective date of this regulation or from the date of the notification letter directing divestment or resignation.

(5) The Postmaster General; the Deputy Postmaster General; the General Counsel; the Deputy General Counsel; the Assistant Postmaster General and Deputy Assistant Postmaster General, Bureau of Facilities; and employees in the Realty Division of the Bureau of Facilities, Regional Directors and Deputy Regional Directors and employees in the Real Estate Branches in Regional Offices, and engineers in the Engineering and Facilities Division of Regional Offices are prohibited from:

(i) Having any financial interest in any business entity which deals primarily in real estate of a nature in which the Department may have a known present or future interest.

(ii) Holding any position or office in a business as described in subdivision (i) of this subparagraph.

(iii) Self-employment in a business as described in subdivision (i) of this subparagraph.

(iv) Being a broker or acting as an agent for a business as described in subdivision (i) of this subparagraph. No postal employee shall participate on behalf of the Department in any real estate transaction in which this Department has an interest, in any manner whatsoever, unless such matter is within his official responsibility and specifically assigned to him by competent authority.

Notwithstanding this subparagraph, postal employees may own or participate in a real estate business which involves farmland, timberland, mineral rights, residential (including individual or multiple dwelling units), and vacation sites. However, if in the future, for whatever reason whatsoever, the Department expresses an interest in such property, the employee must disqualify himself from participating therein and so advise his Deputy Ethical Conduct Counselor.

(6) For purposes of this section, immediate family means spouse, minor child and other persons related to the employee by blood who are regular members of the employee's household.

(b) *Use of Government property.* An employee shall not directly or indirectly use, or allow the use of Government property of any kind, including property leased to the Government, for other than officially approved activities. An employee has a positive duty to protect and conserve Government property, including equipment, supplies, and other property entrusted or issued to him.

(c) *Misuse of information.* For the purpose of furthering a private interest, an employee shall not, except as provided in § 742.735–26(a)(5), directly or indirectly use, or allow the use of, official information obtained through or in connection with his Government employment which has not been made available to the general public.

(d) *Indebtedness.* (1) An employee shall pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State, or local taxes. For the purpose

of this section, a "just financial obligation" means one acknowledged by the employee or reduced to final judgment by a court, and "in a proper and timely manner" means in a manner which the Department determines does not, under the circumstances, reflect adversely on the Government as his employer. In the event of dispute between an employee and an alleged creditor, this section does not require the Department to determine the validity or amount of the disputed debt or to institute disciplinary proceedings.

(2) Employees shall not borrow money or contract debts which they have no reasonable prospect of being able to pay. They are expected to conduct themselves honorably, deal honestly with others, and meet their obligations promptly so that there will be no cause for embarrassment or criticism. The fact that the wages or salary of Government employees cannot be trusteed or garnisheed by legal process shall not be used by employees to avoid the payment of their just debts.

(3) The Internal Revenue Code of 1954 permits collection of delinquent income taxes from Federal employees by taking the amount owed from pay checks and by seizure of personal property. All employees are expected to cooperate fully with the representatives of the Internal Revenue Service seeking to effect collection of adjudicated or acknowledged income taxes from postal personnel.

(4) Payments made by the Post Office Department that are either erroneous at the time made or develop into overpayments (overdrawn leave) may be setoff from current salary of employees whether or not a charge has been raised against the accountable officer involved.

(5) Requests from other Federal agencies to which employees are indebted shall be forwarded to the regional controller. He, in consultation with the employee's installation head, shall attempt to work out an arrangement with the employee to make voluntary payment to the creditor-agency. When the employee does not agree that the alleged debt is just, the employee shall make his protest in writing over his signature. The written protest shall be sent to the Regional Director through the head of the employee's installation who will review the employee's letter of protest with the special assistant for employee relations, or other official designated by the Regional Director. After his review, the protest shall be sent to the creditor-agency for review and certification as to the validity of the debt before further action is taken. If confirmed and the employee fails to make satisfactory arrangements for restitution, the following procedure is required:

(i) If the debt is one for which a charge has been raised by the General Accounting Office against the Officer who certified the payment, a setoff shall be made against the employee's current salary.

(ii) If the debt is a claim by the Veterans Administration for payment of a loan, the placing of any stoppage on the retirement pay or the offsetting from any payments due a veteran or widow of a veteran is prohibited (Public Law 89-358, sec. 1826(b)), unless:

(*a*) Consent from the veteran or the widow of a veteran is received in writing; or

(*b*) Such liability and the amount thereof was determined by a court of competent jurisdiction in a proceeding to which such a veteran or widow was a party.

(iii) If a request for assistance is received from the General Accounting Office or the Veterans Administration to collect an amount of this kind, do not attempt to secure payment direct from the employee. Forward the request to the appropriate regional controller who will take the necessary action.

(iv) In all other cases of employee's indebted to the United States, setoff cannot be made against the employee's current salary. Pay records shall be "flagged" for future consideration; i.e., setoff against the employee's final salary, his Civil Service retirement acount or, other amount due from the United States at the time of his separation from the Department.

(6) This Department is not expected to act as a collection agent, except as indicated in subparagraphs (3) and (5) (i) and (ii) of this paragraph. If an employee is being harassed by a creditor whose claim he believes to be unjust, he may notify his superior, in writing, so that the case may be made a matter of record in the installation.

(7) Failure to pay just financial obligations will be regarded as cause for disciplinary action. See Part 745 of the Postal Manual, Disciplinary Actions.

(e) *Gambling, betting, and lotteries.* (1) An employee shall not participate while on Government-owned or leased property or while on duty, in any gambling activity including, but not limited to, the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket. In addition, employees are prohibited from participation in the sale, directly or indirectly, of lottery tickets or tickets for other games of chance, whether on or off duty and whether on or off Government-owned or leased property. However, employees may purchase such tickets when off duty and off Government owned or leased property if the purchase is a bona fide purchase for the employee's personal use and there is no intention of resale or transfer, and is not in violation of State or local law. See section 1303 of Title 18, U.S. Code.

(2) This section, however, shall not preclude the activities names in subparagraph (1) of this paragraph if it is necessitated by an employee's law enforcement duties.

(f) *Soliciting or canvassing.* (1) Rural Carriers whether on or off duty shall not engage in any business that interferes with their official duties or that involves soliciting or canvassing. Neither shall they engage in businesses that, by reason of their official employment, will give them advantage over others not in the Postal Service who are engaged in a similar business (39 U.S. Code 3114).

(2) An employee may not engage in any sales activity, not related to his postal duties, while on duty, or while in uniform, or in the office where employed.

(g) *Prohibition against instructing candidates for civil service examination.* No employee of the Department shall, with or without compensation, directly or indirectly, instruct or be involved in any manner in the instruction of any person or class of persons in special preparation for examinations of the Civil Service Commission, and examinations for the Foreign Service of the Department of State, except as authorized by the Department. Such an act will be considered sufficient cause for removal from the service. See section 713.5 of the Postal Manual.

(h) *Personal relations.* (1) Employees having authority to appoint or designate the appointment of persons to positions within the Department, or to cause directly or indirectly a personnel action change, shall disqualify themselves in cases affecting members of their immediate families, person living in the same household on a regular basis, or any blood relative or relatives by marriage. These restrictions shall apply to all categories of employment whether career or noncareer, permanent or temporary.

(2) In such instances where the persons affected might otherwise be considered for the personnel action involved, a recommendation shall be forwarded to the next higher appointing or approving authority for decision, with a full disclosure of the relationship.

(i) *Personal*—(1) *Use of intoxicating liquor.* Employees shall not drink beer, wine, or other intoxicating liquor while on duty and shall at no time use intoxicants to excess. Employees must not drink intoxicating liquor in public places while in uniform. Any employee who becomes intoxicated while on duty or who is addicted to intemperance may be removed from the service.

(2) *Use of narcotics.* Addiction to narcotics is grounds for removal from the service.

Subpart C—General Conduct Prejudicial to the Government

§ 742.735-31 Introduction.

An employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government.

§ 742.735-32 General statutes applicable to postal employees.

Each employee shall acquaint himself with each statute that relates to his ethical and other conduct as an employee of the Department and of the Government. These include the general miscellaneous statutes cited herein. Copy of these statutes is available from, or through, the head of each postal installation or activity.

(a) House Concurrent Resolution 175, 85th Congress, 2d session, 72 Stat. B12, "Code of Ethics for Government Service."

(b) Chapter 11 of Title 18, United States Code, relating to bribery, graft, and conflicts of interest, as appropriate to employees concerned.

(c) Prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(d) Prohibitions against disloyalty and striking (5 U.S.C. 7311; 18 U.S.C. 1918).

(e) Prohibition against the employment of a member of a Communist organization (50 U.S.C. 784).

(f) Prohibitions against (1) disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); and (2) disclosure of confidential information (18 U.S.C. 1095).

(g) Provision relating to the habitual use of intoxicants to excess (5 U.S.C. 7352).

(h) Prohibition against the misuse of a Government vehicle (31 U.S.C. 638a(c)).

(i) Prohibition against misuse of the franking privilege (18 U.S.C. 1719).

(j) Prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

(k) Prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(l) Prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(m) Prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(n) Prohibitions against (1) embezzlement of Government money or property (18 U.S.C. 641); (2) failing to account for public money (18 U.S.C. 643); and (3) embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(o) Prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(p) Prohibition against proscribed political activities in subchapter III of chapter 73 of Title 5, U.S. Code and 18 U.S.C. 602, 603, 607, and 608.

(q) Prohibition against gifts to superiors (5 U.S.C. 7351).

(r) Prohibition against an employee acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

(s) Prohibition against accepting foreign gifts and decorations (80 Stat. 952).

§ 742.735–33 Specific statutes applicable to postal employees.

(a) Subject:

	18 U.S.C.
Carriage of Mail	1693
Desertion of Mail	1700
Delay or Destruction of Mail	1703
Theft of Mail	1709
Theft of Newspapers	1710
Misappropriation of Postal Funds	1711
Falsification of Postal Returns	1712
Improper Issuance of Money Orders	1713
Sale or Pledge of Stamps	1721
Postage Collected Unlawfully	1726
Postage Accounting	1727
Approval of Bond and Sureties	1732

(b) Prohibition against participation in lottery enterprises, 18 U.S.C. 1303.

(c) Prohibition against rural carriers' outside employment, 39 U.S.C. 3114.

(d) Prohibition against opening first-class mail, 39 U.S.C. 4057.

(e) Prohibition against postal employee contracting for mail contracts, 18 U.S.C. 440 and 39 U.S.C. 6420(b), except as permitted by 39 U.S.C. 2008, 6007(b), 6403 (b) and (c).

(f) Employees not to receive fees, 39 U.S.C. 3104.

(g) Oath of office required for all postal employees, 39 U.S.C. 3103.

Subpart D—Conduct of Special Government Employees

§ 742.735–41 Introduction.

The regulations in this subpart cover the standards of and govern the ethical and other conduct of special Government employees of the Department. In addition, special Government employees shall adhere to the standards of ethical and other conduct made applicable to employees by this Part 742.

§ 742.735–42 Use of Government employment.

A special Government employee shall not use his Government employment for a purpose that is, or given the appearance of being, motivated by the desire for private gain for himself or another person, particularly one with whom he has family, business, or financial ties. He may not participate in his governmental capacity in any matter in which he, or his immediate family, outside business associate, or prospective employer has financial interest.

§ 742.735–43 Use of inside information.

A special Government employee shall not use inside information obtained as a result of his Government employment for private gain for himself or another person either by direct action on his part or by counsel, recommendation, or suggestion to another person, particularly one with whom he has family, business, or financial ties. For the purpose of this section, "inside information" means information obtained under Government authority which has not become part of the body of public information. However, a special Government employee may teach, lecture, and write in a manner not inconsistent with § 742.735–26(a)(5) concerning employees.

§ 742.735–44 Coercion.

A special Government employee shall not use his Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or another person, particularly one with whom he has family, business, or financial ties.

§ 742.735–45 Gifts, entertainment, and favors.

(a) A special Government employee, while so employed or in connection with his employment shall not receive or solicit from a person having business with this Department anything of value as a gift, gratuity, loan, entertainment, or favor for himself or another person, particularly one with whom he has family, business, or financial ties. However, the exceptions set forth in § 742.735–25 (b) are applicable to special Government employees.

(b) A special Government employee, except in the discharge of his official duties, may not (1) represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest and in which he has at any time participated personally and substantially for the Government and (2) unless he has served no more than 60 days during the past 365 days, represent anyone else in a matter pending before the Department. He may not participate in his governmental capacity in any matter in which he, his immediate family, outside business associate, or prospective employer has financial interests. He is permanently prohibited, after his Government employment has ended, from representing anyone other than the United States in connection with a matter in which the United States is a party or has an interest and in which he participated personally and substantially for the Government and he is barred for 1 year from doing so if the matter was within his official responsibility within 1 year preceding the termination of his Government employment.

(c) A special Government employee serving with or without compensation may receive salary, or other compensation from a private source provided such other salary or compensation is entirely unrelated to his duties or work with this Department.

§ 742.735–46 Statutory provisions.

(a) Each special Government employee shall acquaint himself with each statute that relates to his ethical and other conduct as a special Government employee of this Department and of the Government. See §§ 742.735–32 and 742.735–33.

Subpart E—Employees Required To Submit Statements

§ 742.735–51 Form and content of statements.

The statement of employment and financial interests required under this section for use by employees and special Government employees is the form entitled "Confidential Statement of Employment and Financial Interests" (For use by Government Employees Form 2417) or (For use by Special Government Employees Form 2418). See § 742.735–53.

§ 742.735–52 Specific classes of employees.

Except as provided in § 742.735–54, the following employees shall file statements of employment and financial interests:

(a) Employees paid at a level of the Executive Schedule in Subchapter II of Chapter 53 of Title 5 U.S. Code.

(b) The Hearing Examiners of this Department.

(c) All division Directors within Bureaus, Offices, and postal field installations, not specifically listed in paragraph

(d) of this section, whose positions are classified at GS–13 or above or PFS–15 or above.

(d) In addition to the employees listed in paragraphs (a) through (c) of this section, employees occupying the positions listed below in the Bureaus, Offices and postal installations designated therein which are classified at GS–13 or above or PFS–15 or above.

(1) Office of the Postmaster General

Executive Assistant to the Postmaster General.
Deputy Executive Assistant to the Postmaster General.
Assistant to the Executive Assistant to the Postmaster General.
Special Assistant to the Postmaster General for Public Information.
Deputy Special Assistant to the Postmaster General for Public Information.
Assistant Special Assistant to the Postmaster General for Public Information.
Special Assistant to the Postmaster General for Policy and Projects.
Special Assistant to the Postmaster General for International Postal Affairs.
Deputy Special Assistant to the Postmaster General for International Postal Affairs.
Special Assistant to the Postmaster General.
Director, Special Projects.
Chief Philatelic Staff.
Judicial Officer.
Director of Regional Administration.
Deputy Director of Regional Administration.
Management Appraisal Officer.
Deputy Contracts Compliance Officer.

(2) Office of the Deputy Postmaster General

Executive Assistant to the Deputy Postmaster General.
Director, Office of Headquarters Services.
Chief, Operating Services Branch, Office of Headquarters Services.

(3) Bureau of Operations

Special Assistant to the Assistant Postmaster General.
Staff Assistant to the Deputy Assistant Postmaster General Field Services.
Director, Vehicle Utilization Branch.
Director, Mechanization Coordinating Branch.
Director, Space Requirements Branch.
Director, Mail Classification Branch.
Director, Public Cooperation Branch.

(4) Bureau of Transportation and International Services

Special and Confidential Assistant to the Assistant Postmaster General.
Executive Assistant to the Assistant Postmaster General.
Assistant Director, Economics and Development Division.
Assistant Director, Domestic Transportation Division.
Director, Highway Transportation Branch.

(5) Bureau of Finance and Administration

Special Assistant to the Assistant Postmaster General.
Director, Automatic Data Processing Center.
Staff Accountant.

(6) Bureau of Facilities

Field Liaison Officer.
Chief, Operating Equipment Branch.
Chief, Vehicles Branch.
Chief, Buildings Branch.
Chief, Plans and Projects Staff Branch.
Chief, Property Control Branch.
Equipment Specialist, Maintenance Division.
Buildings Management Officer, Maintenance Division.
Mechanical Engineer, Maintenance Division.
Mechanical Engineer (Automotive).
Maintenance Management Officer, Maintenance Division.
Vehicle Maintenance Management Officer, Maintenance Division.
Staff Accountant to the Director of Procurement.
Chief, Supply Branch.
Chief, Contract Branch.
Assistant Chief, Contract Branch.
Chief, Mail Bag Equipment Branch.
Quality Control Director.
General Commodities Inspection Specialist.
Equipment Production Specialist.
Supervisory General Supply Officer.
Traffic Manager.
Contract Specialist.
Contract Administrator.
Quality Assurance Superintendent.
Senior Envelope Inspection Clerk.
Assistant Director for Realty Management.
Special Assistant to Director, Realty Division.
Chief, Realty Review Branch.
Assistant Chief, Realty Review Branch.
Realty Officers within the Realty Review Branch.
Chief, Leasing Operations Branch.
Realty Cost Officer within the Leasing Operations Branch.
Real Estate Appraiser and Negotiator.

(7) Bureau of Personnel

Special Assistant to the Assistant Postmaster General.
Director, Departmental Personnel Office.
Chairman, Board of Appeals and Review.
Member, Board of Appeals and Review.

(8) Office of General Counsel

Assistant General Counsels.
The second in command in each Division.
Attorneys in the Opinions and Real Property Divisions.
Special Associate and Special Assistant General Counsel.

(9) Bureau of the Chief Postal Inspector

Deputy Director, Internal Audit Division.
Deputy Inspectors-in-Charge.
Assistant Inspectors-in-Charge.
Assistant Division Directors.
Assistant to the Chief Inspector.
Staff Assistant.
Assistant Director, Bureau Identification Laboratory.
Administrative Officer.
Administrative Services Officer.

(10) Bureau of Research and Engineering

Planning Staff Specialists.
Director, Advanced Planning Staff.
International Technology Liaison Officer and Executive Secretary.
Director of Operations.
Special Assistant to the Assistant Postmaster General.
Executive Assistant to the Assistant Postmaster General.
Program Officer, Contract Program Division.
Administrative Officer, Processing Systems Branch.
Administrative Officer, Postal Services Branch.
Contract Specialist, Specialized Contracts Branch.
Assistant to the Director, Office of Research and Development.
Chief, Postal Laboratory.
General Engineer, Postal Laboratory.
The Assistant Director, Office of General Research.
Chief, Processing Equipment Division.
Supervisory General Engineer, Contract Branch.
Electrical Engineer, Contract Branch.
Mechanical Engineer, Contract Branch.
Electronic Engineer, Contract Branch.
Supervisory General Engineer, In-House Branch.
Chief, Advanced Techniques Division.
Supervisory General Engineer, Operations Research Branch.
Chief, Auxiliary Equipment Division.
Supervisory Mechanical Engineer, In-House Branch.
The Assistant Director, Engineering.
Chief, Automotive Division.
Chief, Equipment Development Division.
Chief, Reliability and Value Engineering Division.
Chief, Industrial Engineering Staff.
The Director, Construction Engineering.
Associate Director, Construction Engineering.
Assistant to the Director, Construction Engineering.
Architect—GS–15, Office of Construction Research.
Assistant Director, Project Design.
Chief, Architectural Division.
Chief, Process Machinery Division.
Chief, Utilities Division.
Supervisory Mechanical Engineer, Space Conditioning Branch.
Assistant Director, Project Planning.
Chief, Planning Requirements Division.
Chief, Installations Liaison Division.
Chief, Engineering Evaluation Division.
Assistant Director, Project Construction.
Chief, Building Construction Division.
Supervisory Civil Engineer, Estimates Branch.
Chief, Process Machinery Installations Division.

(11) Regional Positions

Assistant to the Regional Directors.
Regional Director.
Deputy Regional Director.
Regional Counsel.
Administrative Assistant to the Regional Director.
Special Assistant to Regional Director for Employee Relations.
Contracts Compliance Examiner.
Director, Postal Service Officers.
Postal Service Officers.
Regional Controller.
Regional Accounting Programs Officer.
Regional Financial Control Officer.
Assistant Financial Control Officer.
Director, Personnel Division.
Chief, Employment and Placement Branch.
Employment and Placement Officers.
Director, Postal Systems Division.
Director, Local Services Division.
Chief, Delivery Services Branch.
Chief, Vehicle Services Branch.
Vehicle Services Officer.
Director, Transportation Division.
Air Transportation Officer.
Chief, Transportation Planning Branch.
Chief, Schemes and Routing Branch.
Chief, Railway Transportation Branch.
Chief, Highway Transportation Branch.
Director, Engineering and Facilities Division.
Chief, Procurement and Supply Branch.
Chief, Engineering Branch.
Engineer.
Chief, Real Estate Branch.
Assistant Chief, Real Estate Branch.
Real Estate Officer.
Real Estate Specialist.
Chief, Plant Maintenance Branch.
Plant Maintenance Officer.
Chief, Vehicle Maintenance Branch.
Vehicle Maintenance Officer.
Chief, Space Requirements Branch.
Space Requirements Specialist.
Director, Postal Data Center.
Administrative Assistant to Director.
Director, Processing and Control Division.
Disbursing Officer.
Assistant Disbursing Officers.
Chief, Accounts Payable Branch.
Director, Systems and Planning Division.

(12) PART I, WMS OFFICES, AND THE NORTH AND SOUTH SUBURBAN FACILITIES, CHICAGO, ILL.

Postmasters.
Assistant Postmasters.
Director of Operations Division.
Director of Installation Services.
Operations Manager.

(e) All employees and special Government employees performing the duties of any of the positions listed in this section for more than 90 days.

(f) Additions to, deletions from, and other amendments of the list of positions in this section may be authorized by the Ethical Conduct Counselor. When an additional position is so included, the incumbent thereof must be given actual written notice by the Deputy Ethical Conduct Counselor. When a position is deleted therefrom, the Deputy Ethical Conduct Counselor should advise the incumbent that he is no longer required to file a Confidential Statement of Employment and Financial Interests (Form 2417 or 2418). Statements previously filed by these employees will be treated in accordance with § 742.735–72(c). Amendments to this section shall be periodically published in the FEDERAL REGISTER.

(g) Employees occupying positions classified below GS–13 or below PFS–15 may not be required to file a Confidential Statement of Employment and Financial Interests without the specific prior approval of the Civil Service Commission and the Ethical Conduct Counselor. Deputy Ethical Conduct Counselors who believe that employees occupying positions below GS–13 or PFS–15 should be required to file a Confidential Statement of Employment and Financial Interests to protect the integrity of the Government and to avoid employee involvement in a possible conflict of interest situation shall initiate such request to the Ethical Conduct Counselor, including therein a full justification to support the recommendation to include such employee.

(h) An employee who believes his position has been improperly included under this Subpart E as one requiring the submission of a Confidential Statement of Employment and Financial Interests may seek review thereof under the Grievance Procedures in Part 746 of the Postal Manual.

§ 742.735–53 Required forms for confidential statement of employment and financial interests.

(a) For Government employees, Form 2417.

(b) For special Government employees, Form 2418.

§ 742.735–54 Exclusions.

(a) Employees in positions listed in § 742.735–52 (c) and (d) may be excluded from the reporting requirement when the Postmaster General determines that:

(1) The duties of a position are such that the likelihood of the incumbent's involvement in a conflict of interest situation is remote;

(2) The duties of a position are at such a level of responsibility that the submission of a statement of employment and financial interests is not necessary because of the degree of supervision and review over the incumbent or the inconsequential effect on the integrity of the Government.

(b) A statement of employment and financial interests is not required by this subpart from the Postmaster General. He is subject to separate reporting requirements under section 401 of Executive Order 11222.

Subpart F—Specific Provisions for Special Government Employees

§ 742.735–61 Special Government employees required to submit statements.

Except as provided in § 742.735–62, each special Government employee shall submit a statement of employment and financial interest which reports:

(a) All other employment; and

(b) The financial interests of the special Government employee which the Postmaster General determines are relevant in the light of the duties he is to perform.

§ 742.735–62 Exceptions.

The Postmaster General may waive the requirement in § 742.735–61 for the submission of a statement of employment and financial interests in the case of a special Government employee who is not a consultant or an expert when he finds that the duties of the position held by that special Government employee are of a nature and at such a level of responsibility that the submission of the statement by the incumbent is not necessary to protect the integrity of the Government. For the purpose of this section consultant and expert have the meanings given those terms by Chapter 304 of the Federal Personnel Manual, but do not include a physician, dentist, or allied medical specialist whose services are procured to provide care and service to patients.

§ 742.735–63 Time for submission of statements.

A statement of employment and financial interest required to be submitted under this section shall be submitted not later than the time of employment of the special Government employee. Each special Government employee shall keep his statement current throughout his employment with the Department by the submission of supplementary statements at such intervals as the Postmaster General may direct, but not less frequent intervals than those prescribed for employees.

Subpart G—Ethical Conduct Counseling and Reporting of Employment and Financial Interests Systems

§ 742.735–71 Ethical Conduct Counselor and Deputy Ethical Conduct Counselors.

(a) The Ethical Conduct Counselor is responsible for the administration of the Department's counseling and advisory services, and for assuring that counseling and interpretations of questions on conflicts of interest and other matters covered by this part are available to Deputy Ethical Conduct Counselors. The Ethical Conduct Counselor may require any Deputy Ethical Conduct Counselor to assist him in the administration of this program. The Ethical Conduct Counselor, or his designee has exclusive jurisdiction to counsel and advise (1) all employees paid at a level of the Executive Schedule in subchapter II of chapter 53 of Title 5 U.S. Code; (2) Deputy Ethical Conduct Counselors at Headquarters, except the Deputy Ethical Conduct Counselor for Office of the Postmaster General and Office of the Deputy Postmaster General; and (3) employees within his own organization.

(b) The Deputy Postmaster General is the Deputy Ethical Conduct Counselor for all employees under the direct supervision of or within, the Office of the Postmaster General and the Office of the Deputy Postmaster General.

(c) At Headquarters, Bureau and Office heads are Deputy Ethical Conduct Counselors for all employees within their respective Bureaus and Offices. The Chief Postal Inspector is also the Deputy Ethical Conduct Counselor for all inspectors-in-charge, deputy inspectors-in-charge and assistant inspectors-in-charge, audit area managers and deputy audit area managers. The inspectors-in-charge are Deputy Ethical Conduct Counselors for all other Inspection Service employees within their respective geographical jurisdiction. The audit area managers are the Deputy Ethical Conduct Counselors for all other area employees within their respective geographical jurisdiction. The Director, Procurement Division, Bureau of Facilities, is the Deputy Ethical Conduct Counselor for all field organizations under the jurisdiction of the Bureau of Facilities. The Director of Regional Administration is the Deputy Ethical Conduct Counselor for Regional Directors, Deputy Regional Directors, and Directors, Postal Data Centers.

(d) The Director, Postal Data Center, is the Deputy Ethical Conduct Counselor for employees of his data center, the Regional Director is the Deputy Ethical Conduct Counselor for his region, for all employees whose headquarters are within the geographical boundaries of his region, except for those employees who are under the jurisdiction of other Deputy Ethical Conduct Counselors. Postmasters of Part I WMS offices and installation heads of the North and South Suburban Facilities, Chicago, Ill., are Deputy Ethical Conduct Counselors for all employees under their respective jurisdiction.

(e) The Ethical Conduct Counselor may designate other suitable employees to assist him. A Deputy Ethical Conduct Counselor may, with the prior approval of the Ethical Conduct Counselor, designate other suitable employees to assist or act for him. The designees should have appropriate experience, preferably legal, personnel or employee relations, and be persons in whom the Ethical Conduct Counselor or Deputy Ethical Conduct Counselor has complete personal confidence.

§ 742.735–72 Reporting of employment and financial interests.

(a) The Ethical Conduct Counselor and the Deputy Postmaster General will file their statements of employment and financial interests with the Postmaster General.

(b) Each statement of employment and financial interests and each supplementary statement shall be held in confidence and may not be disclosed without prior written approval of the Civil Service Commission or the Ethical Conduct Counselor. Such disclosure may only be approved for good cause. The Ethical Conduct Counselor and Deputy Ethical Conduct Counselors are responsible for the security and maintenance of the statements filed with each of them. Only the Postmaster General, Deputy Postmaster General, Ethical Conduct Counselor, Deputy Ethical Conduct Counselors or their respective designees are authorized to review and retain the statements. The Ethical Conduct Counselor may allow access to, or allow information to be disclosed from a statement of employment and financial interests only to carry out the purpose of this Part 742. Reports of any statements of employment and financial interests which may have to be transmitted from the person who is responsible for safeguarding this material to another who is authorized to receive it shall be enclosed in an opaque inner and outer envelope. The inner envelope shall be sealed and plainly marked "Confidential Statement of Employment and Financial Interests" and shall be addressed to the addressee. The outer envelope shall also be sealed and addressed but with no indication on the envelope of what the contents may be. Employees, when transmitting their statements, are authorized to utilize this double envelope procedure.

(c) (1) The statements of employment and financial interests and any supplements thereto shall be destroyed 2 years after an employee or special Government employee is separated from the position which requires submission of the statement, or 2 years after the employee or special Government employee leaves the Department, whichever is earlier.

(2) Also, the statement of an employee whose position is removed from the list of positions, the incumbents of which are required to file statements, shall be returned to the employee 2 years after such position is removed from the list.

(d) An employee required to submit a statement of employment and financial interests under Subpart E of this Part 742 shall submit the statement to his Ethical Conduct Counselor or Deputy Ethical Conduct Counselor, not later than 90 days after the effective date of this Part 742, if employed on or before that effective date. A new employee and a new special Government employee who is required to file a statement shall file it at the time of appointment. He should retain a copy for his own file. Changes in, or additions to, the information contained in an employee's Confidential Statement of Employment and Financial Interests shall be reported in a supplementary statement as of June 30 each year. Such statements shall be submitted by not later than July 15 following the preceding June 30 except that the time may be extended by the Ethical Conduct Counselor or Deputy Ethical Conduct Counselor, as appropriate, for good cause, such as annual or sick leave or because the employee or special Government employee is awaiting information from other sources. Although no changes or additions occur, a negative report is required. Notwithstanding the filing of the annual report required by this section, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a violation of the conflicts of interest provisions of section 208 of Title 18, U.S. Code or this Part 742.

(e) The interest of a spouse, minor child (including a stepchild), or other member of an employee's immediate household is considered to be an interest of the employee. For the purpose of this section, member of an employee's immediate household means those blood relations who are regular residents of the employee's household. See also § 742.735–28(a)(7). However, no member of an employee's immediate household is required to file a Confidential Statement of Employment and Financial Interests.

(f) If any information required to be included on a statement of employment and financial interests or supplementary statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit information in his behalf. This section does not require an employee to submit on a statement of employment and financial interests or supplementary statement any information relating to the employee's connection with, or interest in, a professional society, or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or a similar organization not conducted as a business enterprise. For the purpose of this section, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed business enterprises and are required to be included in an employee's statement of employment and financial interests. Saving accounts in credit unions or loan associations are not deemed interests in business enterprises.

(g) The statements of employment and financial interests and supplementary statements required of employees are in addition to, and not in substitution for, or in derogation of, any similar requirements imposed by other law or other order. The submission of a statement or supplementary statement does not permit an employee, or any other person, to participate in a matter in which his or the other person's participation is prohibited by law or other order.

(h) The statements of employment and financial interests will not be placed in personnel files and will not be transferred to any other agency in the event an employee transfers, or be disclosed to any person other than those specified in paragraph (b) of this section.

§ 742.735–73 Availability of counseling services.

(a) All employees and special Government employees shall be notified of the availability of counseling services; how, where, when, and with whom they may consult and receive guidance.

(b) All personal information revealed in the course of guidance and counseling, including statements of employment and financial interests, and any supplements thereto, shall be given the maximum protection against disclosure to any person other than a person who is required or authorized by law, Executive order, or regulation to have access thereto.

§ 742.735–74 Advice concerning possible conflict of interest.

(a) Whenever a possible conflict of interest of an employee or special Government employee comes to the attention of the Ethical Conduct Counselor or the cognizant Deputy Ethical Conduct Counselor, he shall make inquiries sufficient to ascertain whether such conflict exists. He shall advise the person of his conclusion and his proposal for elimination of any conflict and offer him an opportunity to explain the conflict or appearance of conflict. The proposal may consist of divestment of the conflicting interest or with the consent of the Bureau, Office or installation head either a change in assigned duties or a disqualification for a particular assignment. In appropriate cases he may recommend disciplinary action. If the Deputy Ethical Conduct Counselor cannot resolve the conflict or is in doubt as to the proper resolution thereof, he shall refer the matter to the Ethical Conduct Counselor.

(b) If the matter cannot be resolved by the Ethical Conduct Counselor then he shall report the matter to the Postmaster General.

(c) If the initial decision is made by the Ethical Conduct Counselor in cases involving employees listed in § 742.735–71(a) and the matter cannot be satisfactorily resolved by him after discussion with the employee concerned, he will submit the matter to the Postmaster General.

(d) In the event the initial decision is made by the Ethical Conduct Counselor's designee or the Deputy Ethical Conduct Counselor's designee, it shall not be deemed conclusive until such determination is affirmed, reversed or modified by the Ethical Conduct Counselor or the Deputy Ethical Conduct Counselor.

§ 742.735–75 Disciplinary and other remedial action.

(a) When after consideration of the explanation of the employee or special Government employee, it is decided that remedial action is required, immediate action shall be taken to end the conflicts or appearance of conflict of interest. Remedial action may include, but is not limited to:

(1) Changes in assigned duties;
(2) Divestment by the employee or special Government employee of his conflicting interests;
(3) Disciplinary action; or
(4) Disqualification for a particular assignment.

(b) Remedial action, whether disciplinary or otherwise, shall be effected in accordance with any applicable laws, Executive orders, and regulations. However, neither the remedial action, nor disciplinary action nor other action taken under paragraph (a) of this section is subject to the grievance procedures under section 746.1 and 746.2 of the Postal Manual since the employee or special Government employee is afforded the opportunity to present his case as provided in § 742.735–72 (a) through (d).

(c) The Ethical Conduct Counselor shall issue appropriate instructions from time to time to the Deputy Ethical Conduct Counselors to assure that the regulations, counseling and interpretations of matters covered by this part are consistent with laws, regulations and pertinent Executive orders and to insure uniformity of application throughout the Department.

§ 742.735–76 Establishment of review system.

There is hereby established a system of review which is designed to disclose conflicts of interest or apparent conflicts of interest on the part of employees and special Government employees. The Ethical Conduct Counselor, Deputy Ethical Conduct Counselors or their designees, immediately upon receipt of the statements of employment and financial interests from employees and special Government employees, shall examine such statements to assure that all information and disclosures required by the respective Confidential Statement of Employment and Financial Interests have been made and to determine whether potential conflicts of interest exist. The Confidential Statement of Employment and Financial Interests forms shall be furnished by the appropriate Personnel Office.

Subpart H—Informing Employees and Special Government Employees of Code of Ethical Conduct

§ 742.735–81 All employees and special Government employees.

(a) The Code of Ethical Conduct contained in this part and related parts of the Postal Manual containing instructions and guidance on the conduct of employees and special Government employees, shall be brought to their attention not less frequently than twice a year.

(b) New employees and new special Government employees: All employees and special Government employees new to the Department must be informed of this Part 742, Code of Ethical Conduct, at the time of their employment.

This Part 742 was approved by the Civil Service Commission on August 8, 1967.

NOTE: The corresponding Postal Manual section is Part 742.

TIMOTHY J. MAY,
General Counsel.

AUGUST 9, 1967.

[F.R. Doc. 67–9564; Filed, Aug. 15, 1967; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 11—Coast Guard, Department of Transportation

[CGFR 67–12]

PART 11–3—PROCUREMENT BY NEGOTIATION

Subpart 11–3.6—Small Purchases

FAST PAYMENT PROCEDURE

Correction

In F.R. Doc. 67–9276, appearing in the issue for Wednesday, August 9, 1967, at page 11470, make the following change: In § 11–3.652–3(a), line 2, the word "Suppliers" should read "Supplies".

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 67–947]

PART 73—RADIO BROADCAST SERVICES

Use of Auxiliary Transmitters for Transmission of Regular Programs Under Presunrise Service Authority

Order. 1. On June 28, 1967, the Commission adopted a report and order in docket No. 14419 (FCC 67–767) the "presunrise" proceeding, which amended its rules to provide for the issuance of "Presunrise Service Authority" (PSA) to certain standard broadcast permittees and licensees. The holder of such authority is permitted to operate his station with daytime antenna facilities prior to local sunrise during periods specified therein. However, such operation is restricted to a power of 500 watts or less.

2. Many stations eligible for PSA's have authorized powers much greater than the operating power permitted under a PSA. The main transmitters of such stations have not, in most cases, been type accepted for operation at output power levels approaching those specified in PSA's, and, in such cases, it will usually be found either necessary or desirable to operate pursuant to the PSA with a separate transmitter of lower power.

3. Section 73.63 of the rules permits the transmission of regular programs with an auxiliary transmitter only upon the failure of the main transmitter, or during periods of maintenance or modification work on the main transmitter. However, paragraph (g) presently allows the operating power of the auxiliary transmitter to be lower than the authorized power of a station.

4. It is the purpose of this order to amend § 73.63 by the addition of a new paragraph (c)(5), which permits the use of an auxiliary transmitter during periods of operation pursuant to a PSA.

5. Section 73.13 defines an auxiliary transmitter in terms which are inconsistent with both the present and the proposed provisions of § 73.63. Since, in any case, the definition appears redundant, it is being deleted.

6. Since these amendments are for the purpose of implementing decisions already reached in Docket No. 14419, would relax the restrictions in § 73.63 and would not adversely affect any party, the prior notice provisions of section 4 of the Administrative Procedure Act do not apply.

7. Accordingly, pursuant to the authority contained in sections 4(i) and 303(e) of the Communications Act of 1934, as amended: *It is ordered*, That effective August 18, 1967, § 73.13 is deleted and § 73.63 is amended as indicated below.

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

Adopted: August 9, 1967.

Released: August 11, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

§ 73.13 [Deleted]

1. Section 73.13 is deleted.

2. In § 73.63(c) subparagraph (5) is added to read as follows:

§ 73.63 Auxiliary transmitter.

* * * * *

(c) * * *

(5) An auxiliary transmitter may be used for the regular transmission of programs during periods of operation included in a Presunrise Service Authority (PSA).

* * * * *

[F.R. Doc. 67–9610; Filed, Aug. 15, 1967; 8:50 a.m.]

[FCC 67–952]

PART 73—RADIO BROADCAST SERVICES

Remote Control Authorizations for Standard and FM Broadcast Stations

Order. 1. This order amends the rules and regulations pertaining to Standard and FM broadcast stations to clarify, modify, and conform the procedures required to effect a change in the location of a remote control point.

2. Section 73.66 of the Standard Broadcast Rules concerning authorizations for remote control, does not now specifically provide for changes in remote control points. Section 73.257(b)

[1] Commissioners Loevinger, Wadsworth, and Johnson absent.

(8) of the FM rules requires that all changes in remote control points be made pursuant to formal authorizations, as does § 73.557(b)(8) of the educational FM rules.

3. Section 73.66, and §§ 73.274 and 73.572 of the commercial and educational FM rules, are amended so as to prescribe uniform procedures to be followed in any of the various situations in which a change in a remote control point for a standard broadcast or FM station may be effected. Sections 73.257(b)(8) and 73.557(b)(8) are deleted, as inconsistent with new §§ 73.274 and 73.572 and as dealing with a matter more appropriately covered in the latter sections.

4. A licensee is required, of course, to exercise full control over all aspects of his station's operation, and the Commission is concerned with the establishment of remote control points at locations where the licensee's ability to discharge this obligation is adversely affected. Consequently, under the amended rules, specific Commission authority must be sought for a change in a remote control point to a location not patently under the licensee's control. This question does not arise when a remote control point is moved to the main studio, and it is unnecessary, and burdensome to both the licensee and the Commission to require that a formal application be filed for a change of this nature. The amended rules would not require it.

5. For the same reason, under the amended rules no authority is required to move a remote control point to a new main studio location within the community to which the station is assigned (the rules do not require that authority be obtained to move the main studio itself under such circumstances). If a licensee proposes to move its main studio outside its assigned community, formal authority must be requested, and, if a remote control point is concurrently to be moved to such a studio location, the amended rules provide that the request to move the remote control point may be incorporated in the application for authority to move the main studio.

6. When a change is made in a remote control point for which authority is not required, the licensee is required to notify the change promptly to the Commission and the engineer in charge of the radio district in which the station is located.

7. We believe that the amended rules will eliminate much of the confusion and many of the misunderstandings which have arisen in the past concerning changes in the remote control points, and measurably lessen the workload of the Commission, and of applicants desiring to effect such changes.

8. Since the amended rules are procedural, the prior notice provisions of section 4 of the Administrative Procedure Act do not apply. Authority for the promulgation of these amendments is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

9. *Accordingly, it is ordered*, Effective August 18, 1967, that Part 73 of the rules and regulations is amended as set forth below.

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

Adopted: August 9, 1967.

Released: August 11, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

1. Section 73.66 of the rules is amended to read as follows:

§ 73.66 Remote control authorization.

(a) An application to operate a station by remote control, to add a remote control point, or to change the location of a remote control point shall be made on FCC Form 301-A, except that:

(1) A request to operate a new station with nondirectional antenna by remote control may be included in the application (FCC Form 301) for construction permit or modification of construction permit.

(2) A request to change a remote control point to a new main studio location beyond the corporate limits of the community to which the station is assigned and at a point other than the authorized transmitter site may be included in the application (FCC Form 301) for authority to change the main studio location.

(3) No application need be filed to change a remote control point to an authorized main studio location within the corporate limits of the community to which the station is assigned or to its authorized transmitter site, or to delete a remote control point. However, any such change shall be reported promptly to the Commission, and to the engineer in charge of the radio district in which the station is located.

(b) An authorization for remote control will be issued only after a satisfactory showing has been made which includes the following:

(1) The location of remote control point(s).

(2) That the directional antenna system, if such is authorized, is in proper adjustment and is stable.

§ 73.257 [Amended]

2. Section 73.257(b) of the rules is amended by deleting subparagraph (8) thereof.

3. Section 73.274 of the rules is amended to read as follows:

§ 73.274 Remote control authorization.

(a) An application to operate a station by remote control, to add a remote control point, or to change the location of a remote control point shall be made on FCC Form 301-A, except that:

(1) A request to operate a new station by remote control may be included in the application (FCC Form 301) for construction permit or modification of construction permit.

(2) A request to change a remote control point to a new studio location beyond the corporate limits of the community to which the station is assigned and at a point other than the authorized transmitter site may be included in the application (FCC Form 301) for authority to change the main studio location.

(3) No application need be filed to change a remote control point to an authorized main studio location within the corporate limits of the community to which the station is assigned or to its authorized transmitter site, or to delete a remote control point. However, any such change shall be reported to the Commission and to the engineer in charge of the radio district in which the station is located.

(b) An authorization for remote control will be issued only after a satisfactory showing has been made, including, among other things, the location of the remote control point(s).

§ 73.557 [Amended]

4. Section 73.557(b) of the rules is amended by the deletion of subparagraph (8) thereof.

5. Section 73.572 of the rules is amended to read as follows:

§ 73.572 Remote control authorization.

(a) An application to operate a station by remote control, to add a remote control point, or to change the location of a remote control point shall be made on FCC Form 301-A, except that:

(1) A request to operate a new station by remote control may be included in the application (FCC Form 301) for construction permit or modification of construction permit.

(2) A request to change a remote control point to a new studio location beyond the corporate limits of the community to which the station is assigned and at a point other than the authorized transmitter site may be included in the application (FCC Form 301) for authority to change the main studio location.

(3) No application need be filed to change a remote control point to an authorized main studio location within the corporate limits of the community to which the station is assigned or to its authorized transmitter site, or to delete a remote control point. However, any such change shall be reported to the Commission and to the Engineer in Charge of the radio district in which the station is located.

(b) An authorization for remote control will be issued only after a satisfactory showing has been made, including, among other things, the location of the remote control point(s).

[F.R. Doc. 67-9611; Filed, Aug. 15, 1967; 8:50 a.m.]

[1] Commissioners Loevinger, Wadsworth, and Johnson absent.

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Erie National Wildlife Refuge, Pa.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

PENNSYLVANIA

ERIE NATIONAL WILDLIFE REFUGE

Public hunting or mourning doves on the Erie National Wildlife Refuge is permitted from September 1, 1967, through November 9, 1967, inclusive; and for common snipe from October 2, 1967, through November 20, 1967, inclusive and for American woodcock from October 14, 1967, through December 16, 1967, inclusive. Such hunting is permitted only on the designated Migratory Game Bird Hunting Areas. This area comprising 1,792 acres, is delineated on maps available at refuge headquarters, Guys Mills, Pa. 16327, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of mourning doves, common snipe, and American woodcock.

The provisions of this special regulation supplement the regulations governing hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 16, 1967.

EUGENE E. CRAWFORD,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 7, 1967.

[F.R. Doc. 67-9558; Filed, Aug. 15, 1967; 8:46 a.m.]

PART 32—HUNTING

National Wildlife Refuges in Kentucky and Tennessee

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

KENTUCKY

REELFOOT NATIONAL WILDLIFE REFUGE

Public hunting of raccoons on the Reelfoot National Wildlife Refuge, Ky., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,034 acres, is delineated on maps available at refuge headquarters, Samburg, Tenn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of raccoons subject to the following special conditions:

(1) Raccoons may be taken without limit on the refuge from September 18, through September 23, 1967, and October 2, through October 7, 1967.

(2) Hunting hours shall be from 7 p.m. to midnight.

(3) No axes, saws, or other cutting implements will be permitted.

(4) All hunters will be required to check in and check out at the designated check station, the location of which may be obtained by contacting the Refuge Manager, Reelfoot National Wildlife Refuge, Samburg, Tenn. 38254.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 7, 1967.

REELFOOT NATIONAL WILDLIFE REFUGE

Public hunting of squirrels on the Reelfoot National Wildlife Refuge, Ky., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,034 acres, is delineated on maps available at refuge headquarters, Samburg, Tenn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of squirrels subject to the following special conditions:

(1) Squirrels may be hunted on the refuge from September 11, through September 16, 1967, and from September 25, through September 30, 1967.

(2) The hunting of crows, woodchucks, and gray foxes, without limit, is permitted during the refuge squirrel hunt.

(3) Only shotguns incapable of holding more than three shells and .22 caliber rifles are permitted.

(4) Dogs are not permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 30, 1967.

TENNESSEE

REELFOOT NATIONAL WILDLIFE REFUGE

Public hunting of raccoons on the Reelfoot National Wildlife Refuge, Tenn., is permitted only on the area designated by signs as open to hunting. This open area, comprising 9,585 acres, is delineated on maps available at refuge headquarters, Samburg, Tenn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of raccoons subject to the following special conditions:

(1) Raccoons may be taken without limit on the Grassy Island area of the refuge on September 18, 20, and 22, 1967 and October 2, 4, and 6, 1967. Raccoon may be taken without limit on the North Unit of the refuge from September 18, through September 23, 1967, and October 2, through October 7, 1967.

(2) Hunting hours shall be from 7 p.m. to midnight.

(3) No axes, saws, or other cutting implements will be permitted.

(4) All hunters will be required to check in and check out at the designated check station, the location of which may be obtained by contacting the Refuge Manager, Reelfoot National Wildlife Refuge, Samburg, Tenn.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 7, 1967.

REELFOOT NATIONAL WILDLIFE REFUGE

Public hunting of squirrels on the Reelfoot National Wildlife Refuge, Tenn., is permitted only on the area designated by signs as open to hunting. This open area, comprising 9,585 acres, is delineated on maps available at refuge headquarters, Samburg, Tenn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of squirrels subject to the following special conditions:

(1) Squirrels may be hunted on the refuge from September 11, through September 16, 1967, and from September 25, through September 30, 1967.

(2) The hunting of crows, woodchucks, and gray foxes, without limit, is permitted during the refuge squirrel hunt.

(3) Only shotguns incapable of holding more than three shells and .22 caliber rifles are permitted.

(4) Dogs are not permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 30, 1967.

LAKE ISOM NATIONAL WILDLIFE REFUGE

Public hunting of squirrels on Lake Isom National Wildlife Refuge, Tenn., is permitted only on the areas designated by signs as open to hunting. This open area, comprising 1,350 acres, is delineated on maps available at refuge headquarters, Samburg, Tenn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of squirrels subject to the following special conditions:

(1) Squirrels may be hunted on the refuge from September 11, through September 16, 1967, and from September 25, through September 30, 1967.

(2) The hunting of crows, woodchucks, and gray foxes, without limit, is permitted during the refuge squirrel hunt.

(3) Only shotguns incapable of holding more than three shells and .22 caliber rifles are permitted.

(4) Dogs are not permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 30, 1967.

LAKE ISOM NATIONAL WILDLIFE REFUGE

Public hunting of raccoons on the Lake Isom National Wildlife Refuge, Tenn., is permitted only on the areas designated by signs as open to hunting. This open area, comprising 1,350 acres, is delineated on maps available at refuge headquarters, Samburg, Tenn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of raccoons, subject to the following special conditions:

(1) Raccoons may be taken without limit on the refuge on September 19, 21, and 23, 1967 and on October 3, 5, and 7, 1967.

(2) Hunting hours shall be from 7 p.m. to midnight.

(3) No axes, saws or other cutting implements will be permitted.

(4) All hunters will be required to check in and check out at the designated check station, the location of which may be obtained by contacting the Refuge Manager, Reelfoot National Wildlife refuge, Samburg, Tenn. 38254.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 7, 1967.

TENNESSEE NATIONAL WILDLIFE REFUGE

Public hunting of squirrels on the Tennessee National Wildlife Refuge, Tenn., is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 20,000 acres, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga., 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of squirrels subject to the following special conditions:

(1) The open season on the refuge extends from September 1, through September 10, 1967.

(2) Bobcats, gray foxes, woodchucks, and crows may be taken.

(3) The use of dogs will not be permitted.

(4) The method of hunting will be by shotguns only.

(5) Camping on the area is not permissible.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 10, 1967.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

TENNESSEE

TENNESSEE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Tennessee National Wildlife Refuge, Tenn., is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 1,700 acres bow hunting only, and 3,200 acres gun and bow hunting are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of deer subject to the following special conditions:

(1) The open season for archery hunting of deer on the refuge extends from September 30, through October 9, 1967.

(2) The open season for gun hunting of deer on the refuge extends from November 18, through November 22, 1967.

(3) The bag limit is one deer of either sex per hunter.

(4) Camping on the area is not permitted.

(5) Bobcats, gray foxes, woodchucks, and crows may be taken.

(6) Driving of deer is prohibited.

(7) Hunters may enter public hunting area at sunrise and must be out by one hour after sunset.

(8) A Federal permit is required for the gun hunt.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 22, 1967.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 9, 1967.

[F.R. Doc. 67-9624; Filed, Aug. 15, 1967; 8:51 a.m.]

PART 32—HUNTING

National Wildlife Refuges and Ranges in Alaska

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ALASKA

ALEUTIAN ISLANDS NATIONAL WILDLIFE REFUGE

Public hunting of big game on all lands within the Aleutian Islands National Wildlife Refuge, Alaska, is permitted in accordance with all applicable State regulations governing big game hunting, subject to the following special conditions:

(1) Species permitted to be taken: Caribou on the islands of Atka, Unimak, and Adak; brown bear on the island of Unimak.

(2) A Federal permit is required to take brown bear on Unimak Island. Permits may be obtained from the Refuge Manager, Aleutian Islands National Wildlife Refuge, Bureau of Sport Fisheries and Wildlife, Cold Bay, Alaska 99571, or from the Game Management Agent, Box 6088, Anchorage, Alaska 99501.

(3) Landing of aircraft on Unimak Island or taking aircraft off from Unimak Island, while transporting big game or big game hunters is restricted to the following areas:

Area No. 1. The airstrip situated at the village of False Pass.

Area No. 2. The airstrip situated at Cape Sarichef.

Area No. 3. The waters of all lakes, bays, and lagoons on or adjacent to Unimak Island.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1968.

ARCTIC NATIONAL WILDLIFE RANGE

Public hunting of big game on all lands within the Arctic National Wildlife Range, Alaska, is permitted in accordance with all applicable State regulations governing big game hunting. Information relative to hunting thereon may be obtained from the Refuge Supervisor, Bureau of Sport Fisheries and Wildlife, Post Office Box 500, Kenai, Alaska 99611.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1968.

BERING SEA NATIONAL WILDLIFE REFUGE

Public hunting of big game on all lands within the Bering Sea National Wildlife Refuge, Alaska, is permitted in accordance with all applicable State regulations governing big game hunting, subject to the following special conditions:

(1) A Federal permit is required to enter the Refuge. Permits may be obtained from the Refuge Supervisor, Bureau of Sport Fisheries and Wildlife, Post Office Box 500, Kenai, Alaska 99611.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1968.

IZEMBEK NATIONAL WILDLIFE RANGE

Public hunting of big game on all lands within the Izembek National Wildlife Range, Alaska, is permitted in accordance with all applicable State regulations governing big game hunting, subject to the following special condition: The landing of aircraft is prohibited except in the event of emergency. Information relative to hunting may be obtained from the Refuge Supervisor, Bureau of Sport Fisheries and Wildlife, Post Office Box 500, Kenai, Alaska 99611.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1968.

KENAI NATIONAL MOOSE RANGE

Public hunting of big game on all lands within the Kenai National Moose Range, Alaska, is permitted in accordance with all applicable State regulations governing big game hunting, subject to the following special conditions:

(1) Except in the event of an emergency, the landing of aircraft on that portion of the Kenai National Moose Range lying south of the Kenai River is restricted to the following areas:

Area No. 1. All lakes, streams, and other bodies of water except that aircraft may not be landed on any glacier.

Area No. 2. The airstrip situated near the south side of Upper Funny River at longitude 150°26'50'' W., latitude 60°12'-20'' N.

Area No. 3. The airstrip situated near the west side of Funny River at longitude 150°44'52'' W., latitude 60°20'12'' N.

Area No. 4. The airstrip situated near the north side of Fox River at longitude 150°44' W., latitude 59°58'30'' N.

All coordinates are approximate.

This area is delineated on maps available at Refuge Headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 3737, Portland, Oreg. 97208.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1968.

JOHN D. FINDLAY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 4, 1967.

[F.R. Doc. 67-9557; Filed, Aug. 15, 1967; 8:46 a.m.]

PART 32—HUNTING

Erie National Wildlife Refuge, Pa.

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

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

PENNSYLVANIA

ERIE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Erie National Wildlife Refuge, Pa., is permitted from September 30, through October 27, 1967, inclusive; November 27, through December 9, 1967, inclusive; December 11, 12, and 16, 1967 (the State may designate Dec. 18, 19, and 23, 1967, as alternate dates if weather prohibits adequate hunting on Dec. 11, 12, and 16); and December 26, 1967, through January 6, 1968, inclusive on the entire refuge. This area comprising 4,920 acres, is delineated on maps available at refuge headquarters, Guys Mills, Pa., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations governing hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 6, 1968.

EUGENE E. CRAWFORD,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 7, 1967.

[F.R. Doc. 67-9606; Filed, Aug. 15, 1967; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 32]

CERTAIN WILDLIFE REFUGES IN DELAWARE, SOUTH CAROLINA, AND VERMONT

Hunting

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the Endangered Species Preservation Act of October 15, 1966 (80 Stat. 926, 16 U.S.C. 668aa), it is proposed to amend 50 CFR 32.11, 32.21, and 32.31 by the addition of Prime Hook National Wildlife Refuge, Del., to the list of areas open to the hunting of migratory game birds, big game and upland game; Missisquoi National Wildlife Refuge, Vt., to the list of areas open to the hunting of upland game; and Cape Romain National Wildlife Refuge, S.C., to the list of areas open to the hunting of migratory game birds.

It has been determined that the regulated hunting of upland game, big game, and migratory game birds may be permitted as designated on Prime Hook, Missisquoi, and Cape Romain National Wildlife Refuges without detriment to the objectives for which the areas were established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule-making process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

1. Section 32.11 is amended by the following additions:

§ 32.11 List of open areas; migratory game birds.

* * * * *

DELAWARE

PRIME HOOK NATIONAL WILDLIFE REFUGE

* * * * *

SOUTH CAROLINA

CAPE ROMAIN NATIONAL WILDLIFE REFUGE

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2. Section 32.21 is amended by the following additions:

§ 32.21 List of open areas; upland game.

* * * * *

DELAWARE

PRIME HOOK NATIONAL WILDLIFE REFUGE

* * * * *

VERMONT

MISSISQUOI NATIONAL WILDLIFE REFUGE

* * * * *

3. Section 32.31 is amended by the following addition:

§ 32.31 List of open areas; big game.

* * * * *

DELAWARE

PRIME HOOK NATIONAL WILDLIFE REFUGE

* * * * *

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 10, 1967.

[F.R. Doc. 67-9559; Filed, Aug. 15, 1967; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 102]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS

Notice of Proposed Rule Making

Correction

In F.R. Doc. 67-5328, appearing in the issue for Friday, May 12, 1967, at page 7177, make the following change: In § 102.3(a)(5), the reference to "subparagraph (2) of this paragraph" should read "paragraph (b)(2) of this section".

Consumer and Marketing Service

[7 CFR Part 926]

[Docket No. AO-135-A6]

TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIF.

Decision and Referendum Order With Respect to Proposed Amendment of Amended Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held in Lodi, Calif., on June 1, 1967, after notice thereof published in the FEDERAL REGISTER (32 F.R. 7089), on proposed amendment of the marketing agreement, as amended, and Order No. 926, as amended (7 CFR Part 926), regulating the handling of Tokay grapes grown in San Joaquin County, Calif., to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

On the basis of the evidence adduced at the hearing and the record thereof, the Deputy Administrator, Consumer and Marketing Service, on July 19, 1967, filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 67-8512; 32 F.R. 10804).

Ruling on exception. An exception to the recommended decision was filed by the Mendelson-Zeller Co., Inc., San Francisco, Calif., a handler of Tokay grapes. The exception states that a limit should be placed on the assessment that can be fixed under the order. However, no maximum assessment rate was given and there is no evidence in the record on which to base such rate. Therefore, after careful and full consideration of record evidence and the recommended decision pertaining thereto, this exception is denied.

The material issues, findings and conclusions, and the general findings, of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 67-8512; 32 F.R. 10804) are hereby approved and adopted as the material issues, findings and conclusions, and the general findings of this decision as if set forth in full herein.

Amendment of the amended marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Tokay Grapes Grown in San Joaquin County, California" and "Order Amending the Order, as Amended, Regulating the Handling of Tokay Grapes Grown in San Joaquin County, California," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), it is hereby directed that a referendum be conducted among the producers who, during the period April 1, 1966, through March 31, 1967 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in San Joaquin County, Calif., in the production of Tokay grapes for market to ascertain whether such producers favor the issuance of the said annexed order amending Order No. 926, as amended (7 CFR Part 926), regulating the handling of Tokay grapes grown in San Joaquin County, Calif.

W. B. Blackburn and G. P. Muck, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, are hereby designated agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection With Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (30 F.R. 15414).

The ballots used in such referendum shall contain a summary describing the terms and conditions of the proposed amendment of the order.

Copies of the aforesaid annexed order and of the aforesaid referendum procedure may be examined in the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from any referendum agent or any appointee.

It is hereby ordered, That all of this decision and referendum order, except the annexed amended marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with those contained in the annexed order which will be published with this decision.

Dated: August 11, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] *Amended Order, as Amended, Regulating the Handling of Tokay Grapes Grown in San Joaquin County, Calif.*

§ 926.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held in Lodi, Calif., June 1, 1967, upon proposed amendment of the marketing agreement, as amended, and to Order No. 926, as amended (7 CFR Part 926), regulating the handling of Tokay grapes grown in San Joaquin County, Calif. Upon the basis of the evidence adduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of Tokay grapes grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) There are no differences in the production and marketing of Tokay grapes grown in the production area which make necessary different terms and provisions applicable to different parts of such area;

(4) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production areas would not effectively carry out the declared policy of the act; and

(5) All handling of Tokay grapes grown in the designated production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of Tokay grapes grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order as hereby amended as follows:

1. Add to § 926.17 a final sentence to read as follows:

§ 926.17 Premium quality grapes.

* * * The committee, with the approval of the Secretary, shall prescribe rules, regulations, and safeguards as it may deem necessary to assure that grapes marketed as Premium Quality grapes meet the prescribed requirements for such grapes.

2. Add to § 926.46 *Assessments* a final sentence to read as follows:

§ 926.46 Assessments.

* * * In order to provide funds for the administration of the provisions of this part during the first part of a fiscal period before sufficient operating income is available from assessments on the current season's shipments, the Industry Committee may borrow money for such purposes.

3. Amend § 926.47 *Handler accounts* to read as follows:

§ 926.47 Handler accounts.

(a) If at the end of a season, the assessments collected are in excess of expenses incurred, the Industry Committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided*, That funds already in the reserve do not exceed approximately one season's expenses. Such reserve funds may be used (1) to cover any expenses authorized by this part, and (2) to cover necessary expenses of liquidation in the event of termination of this part. If any such excess is not retained in a reserve, each handler entitled to a proportionate refund shall be credited with such refund against the operations of the following season or be paid such refund. Upon such termination, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) The Industry Committee may, subject to the approval of the Secretary, maintain a suit in its own name or in the names of its members for the collection of any handler's pro rata share of expenses.

4. Amend § 926.49 *Research* to read as follows:

§ 926.49 Research.

(a) The committee may, with the approval of the Secretary, establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of Tokay grapes. Such projects may provide for any form of marketing promotion, including paid advertising. The expenses of such projects shall be paid from funds collected pursuant to § 926.46.

(b) In recommending projects pursuant to this section, the committee shall give consideration to the following factors:

(1) The expected supply of grapes in relation to market requirements;

(2) The supply situation among competing areas and commodities; and

(3) The need for marketing research with respect to any marketing development activity and the need for a coordinated effort with USDA's Plentiful Foods Program.

(c) If the committee should conclude that a program of marketing research or development should be undertaken or continued pursuant to this section in any crop year, it shall submit the following for the approval of the Secretary:

(1) Its recommendations as to funds to be obtained pursuant to § 926.46;

(2) Its recommendations as to any marketing research projects; and

(3) Its recommendations as to promotion activity and paid advertising.

5. The provisions of § 926.50 are amended to read as follows:

§ 926.50 Recommendation of Industry Committee.

Whenever the Industry Committee deems it advisable (a) to limit the shipment of grapes to particular grades, sizes, packs, or containers, or any combination thereof, or (b) to prescribe the requirements in terms of grade, size, pack, or container, or any combination thereof, for premium quality grapes, and to re-

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

quire that grapes that are handled and designated as conforming to the requirements prescribed for premium quality grapes shall meet or exceed such requirements, it shall so recommend to the Secretary. At the time of submitting any such recommendation, the said committee shall submit to the Secretary the date and information upon which it acted in making such recommendation, including factors affecting the supply of, and the demand for, grapes by grades and sizes thereof, and such other information as the Secretary may request. The said committee shall promptly give adequate notice to the handlers and growers of any such recommendation submitted to the Secretary.

6. The provisions of § 926.51 are amended to read as follows:

§ 926.51 **Establishment of regulations.**

(a) Whenever the Secretary finds, from the recommendations and information submitted by the Industry Committee, or from other available information, that (1) to limit the shipment of grapes to particular grades, sizes, packs, or containers, or any combination thereof, or (2) to prescribe requirements in terms of grade, size, pack, or container, or any combination thereof, for premium quality grapes and to require that grapes that are handled and designated as conforming to the requirements prescribed for premium quality grapes shall meet or exceed such requirements, would tend to effectuate the declared policy of the act, he shall so limit the shipment as set forth in subparagraph (1) of this paragraph or require grapes to conform to such requirements as may be prescribed in accordance with subparagraph (2) of this paragraph during a specified period.

(b) The Secretary shall immediately notify the Industry Committee of the issuance of any such regulation, and the said committee shall promptly give adequate notice thereof to handlers and to growers.

[F.R. Doc. 67-9608; Filed, Aug. 15, 1967; 8:50 a.m.]

[7 CFR Part 948]

[Area 2]

IRISH POTATOES GROWN IN COLORADO

Expenses and Rate of Assessment

Consideration is being given to the approval of the expenses and rate of assessment, hereinafter set forth, which were recommended by the area committee for Area No. 2 established pursuant to Marketing Agreement No. 97, as amended, and Order No. 948, as amended (7 CFR Part 948). This marketing order program regulates the handling of Irish potatoes grown in the State of Colorado and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with these proposals shall file the same, in quadruplicate, with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 15th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

§ 948.255 **Expenses and rate of assessment.**

(a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 2, established pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended, to enable such committee to perform its functions pursuant to the provisions of the aforesaid amended agreement and order during the fiscal period ending June 30, 1968, will amount to $13,391.50.

(b) The rate of assessment to be paid by each handler in Area No. 2 pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended, shall be $0.0024 per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending June 30, 1968, may be carried over as a reserve.

(d) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

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

Dated: August 10, 1967.

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

[F.R. Doc. 67-9586; Filed, Aug. 15, 1967; 8:48 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 25]

EXPORTATION FROM CUSTOMS BONDED WAREHOUSE OF CERTAIN ALCOHOLIC BEVERAGES

Notice of Extension of Time for Submission of Written Views on Proposed Requirement of Foreign Landing Certificate

On June 22, 1967, there was published in the FEDERAL REGISTER (32 F.R. 8916) a proposed amendment of § 25.15 of the Customs Regulations that would require foreign landing certificates for certain goods exported otherwise than by common carrier or contract carrier.

Notice is hereby given that the closing date for submission of written views concerning the proposed amendment is extended until 60 days from the date of publication of this notice in the FEDERAL REGISTER.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: August 9, 1967.

MATTHEW J. MARKS,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 67-9627; Filed, Aug. 15, 1967; 8:51 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 67-WE-39]

FEDERAL AIRWAYS

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the segments of V–4, V–8 south alternate, V–148 and V–220 that form a complex associated with the Thurman, Colo., VOR. This navigational facility will be relocated to a site at approximately latitude 39°41'54" N., longitude 103°12'52" W., on November 9, 1967. It would not be necessary to alter V–169 as it is designated direct from Hugo, Colo., via Thurman to Akron, Colo., and would move automatically with the relocated VOR.

Concurrently with these actions it is proposed to realign V–19 from Kiowa, Colo., direct to Denver, Colo., and to revoke the Thurman transition area.

Alteration of the airway complex associated with the Thurman VOR and considered herein is necessary due to the proposal to relocate the VOR. The realignment of V–19 considered herein would enhance the movement of air traffic in the Denver area. The Thurman transition area is no longer necessary for air traffic control purposes.

If these actions are taken, the airways described below would be altered as follows:

1. V–4 from Denver, Colo., 1,200 feet AGL INT Denver 103° T (090° M) and Thurman, Colo., 275° T (263° M) radials; 1,200 feet AGL Thurman; 50 miles 6,500 feet MSL, 1,200 feet AGL Goodland, Kans.

2. V–8 from Denver, Colo., 1,200 feet AGL Akron, Colo., including a 1,200 feet AGL south alternate via INT Denver 103° T (090° M) and Akron 242° T (229° M) radials; 1,200 feet AGL Hayes Center, Nebr., including a 1,200 feet AGL south alternate via INT Akron 094° T (081° M) and Hayes Center 246° T (235° M) radials.

3. V–19 from Kiowa, Colo., 1,200 feet AGL Denver, Colo.

4. V–148 from Kiowa, Colo., 1,200 feet AGL Thurman, Colo.; 6,500 feet MSL INT Thurman 067° T (055° M) and Hayes Center, Nebr., 246° T (235° M) radials; 1,200 feet AGL Hayes Center.

5. V–220 from Akron, Colo., 1,200 feet AGL INT Akron 094° T (081° M) and McCook, Nebr., 264° T (253° M) radials; 1,200 feet AGL McCook.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 90007, Los Angeles, Calif. 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on August 4, 1967.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-9580; Filed, Aug. 15, 1967; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-SW-53]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a transition area at Paragould, Ark. The proposed transition area will provide airspace protection for aircraft executing approach/departure procedures proposed at Paragould Municipal Airport, Paragould, Ark.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

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

PARAGOULD, ARK.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Paragould Municipal Airport (latitude 36°03'52" N., longitude 90°30'45" W.), and within 2 miles each side of the 235° bearing (230° magnetic) from the Paragould RBN (latitude 36°03'52" N., longitude 90°30'45" W.), extending from the 7-mile radius area to 8 miles southwest of the RBN.

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

Issued in Fort Worth, Tex., on August 3, 1967.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 67-9581; Filed, Aug. 15, 1967; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-AL-3]

CONTROL AREA

Proposed Designation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would designate offshore control areas in the vicinity of the west coast of Alaska; the Alaskan Peninsula and the Aleutian Islands, Alaska, as follows:

1. Control 1234.

That airspace extending upward from 2,000 feet above the surface within an area bounded by a line beginning at: Latitude 58°19'00" N., longitude 160°00'00" W.; to latitude 53°-30'00" N., longitude 160°00'00" W.; to latitude 51°24'00" N., longitude 167°49'00" W.; to latitude 50°08'00" N., longitude 176°-34'00" W.; to latitude 51°05'00" N., longitude 173°44'00" E.; to latitude 51°30'00" N., longitude 170°00'00" E.; to latitude 54°40'40" N., longitude 170°00'00" E.; to latitude 54°-49'00" N., longitude 170°12'30" E.; to latitude 54°23'00" N., longitude 174°30'00" E.; to latitude 53°36'00" N., longitude 176°47'-00" W.; to latitude 54°33'00" N., longitude 169°58'00" W.; to latitude 56°39'00" N., longitude 164°25'00" W.; thence to point of beginning, excluding the portion that lies within Control 1401, and Control 1484.

2. Control 1235.

That airspace extending upward from 14,-500 feet MSL to FL 450 within the area bounded by a line beginning at latitude 53°-30'00" N., longitude 160°00'00" W.; to latitude 56°00'00" N., longitude 153°00'00" W.; to latitude 59°09'00" N., longitude 147°18'-00" W.; thence clockwise via the arc of a 172-mile radius centered on the Anchorage, Alaska, VORTAC to latitude 58°50'00" N., longitude 151°58'00" W.; thence clockwise via the arc of a 172-mile radius centered on the King Salmon, Alaska, VORTAC to longitude 160°00'00" W.; thence to the point of beginning, excluding the portion that lies within the Continental Control Area, Control 1217, Control 1218, Control 1484, Federal airways and the Kodiak, Alaska, transition area.

3. Control 1236.

That airspace extending upward from 14,500 feet MSL to FL 450 within the area bounded by a line beginning at: Latitude 60°00'00" N., longitude 170°00'00" W.; to latitude 61°00'00" N., longitude 165°00'00" W.; to latitude 60°00'00" N., longitude 164°00'00" W.; to latitude 60°00'00" N., longitude 160°00'00" W.; to latitude 57°-00'00" N., longitude 160°00'00" W.; to latitude 60°00'00" N., longitude 168°00'00" W.; thence to the point of beginning, excluding the portion that lies within the Continental Control Area, Control 1234, Control 1483, Control 1400, Control 1401, and Control 1484.

The designation of these control areas would provide the necessary controlled airspace to provide air traffic control service to civil and military aircraft desiring to operate within that airspace. Additionally, these control areas would permit a more efficient air traffic control handling of the increased amount of aircraft operating in these areas.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention of International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has

consulted with the Secretary of State and Secretary of Defense in accordance with the provisions of Executive Order 10854.

Air traffic operating within the proposed control areas has increased to great proportions. Application of domestic separation standards instead of the ICAO standards will be implemented for reasons of more efficient air traffic service. Accordingly, and because of the impelling practicable need for expeditious action, the comment period is being limited to 15 days.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received within 15 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the Office of the Regional Air Traffic Division Chief.

These amendments are proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510) and Executive Order 10854 (24 F.R. 9565).

Issued in Washington, D.C., on August 11, 1967.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-9604; Filed, Aug. 15, 1967; 8:50 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-SO-25]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would designate a control zone and transition area at Ponce, P.R.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA has completed a comprehensive review of the terminal airspace structure segments in the Ponce terminal area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29, and proposes the following airspace actions:

1. The proposed control zone would be designated as that airspace within a 5-mile radius of the Mercedita Airport, Ponce, P.R. (latitude 18°00'40" N., longitude 66°33'50" W.); within 2 miles each side of the Ponce VOR 111° True (118° M) radial, extending from the 5-mile radius zone to 8 miles southeast of the VOR. This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the FAA publication "International Notams."

2. The proposed transition area would be designated as that airspace extending upward from 700 feet above the surface within a 15-mile radius of Mercedita Airport (latitude 18°00'40" N., longitude 66°33'50" W.) north of latitude 18°00'-00" N., and within an 8-mile radius of the airport south of latitude 18°00'00" N.

The proposed control zone and transition area are required to protect prescribed instrument approach and departure procedures for the Mercedita Airport.

While, initially, the proposed control zone would be effective from 0700 to 2100 hours, local time, daily, there will be a need to vary the effective hours of the control zone to provide proper air traffic service for scheduled air carriers, and adjust to periods of peak air traffic activity which varies seasonally. The commissioning of a part-time control tower at the Mercedita Airport is planned during fiscal year 1968.

The proposed control zone and transition area would be contained within the San Juan, P.R., control area extension. Revocation of the San Juan control area extension will be accomplished at a later date as a part of the CAR Amendments 60-21/60-29 implementation program.

These amendments are proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510) and Executive Order 10854 (24 F.R. 9565).

Issued in Washington, D.C., on August 11, 1967.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-9605; Filed, Aug. 15, 1967; 8:50 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

AUGUST 8, 1967.

Notice of an application, Anchorage Serial No. AA-671, for withdrawal and reservation of lands was published as F.R. Doc. 67-8070 on page 10312 of the issue for July 13, 1967. The application has been canceled insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 2300, such lands will be at 10 a.m. on August 23, 1967, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

IN KODIAK TOWNSITE, ALASKA

Beginning at Corner No. 1 from which Corner No. 4, U.S. Survey 562 as accepted by the Commissioner of the General Land Office, September 11, 1941, bears west 425 feet, and S. 47°30' W., 228.57 feet; thence S. 0°16'-50" W., a distance of 463.93 feet to Corner No. 2; thence N. 55°16'20" E. a distance of 139.78 feet to Corner No. 3; thence N. 34°-43'40" W., a distance of 40 feet to Corner No. 4; thence N. 55°16'20" E., a distance of 350 feet to Corner No. 5; thence S. 34°43'40" E., a distance of 30 feet to Corner No. 6; thence N. 55°16'20" E., a distance of 119.37 feet to Corner No. 7; thence N. 34°43' W., a distance of 440.69 feet to Corner No. 8; thence S. 43°-38' W., a distance of 350.30 feet to Corner No. 1, the point of beginning.

The area described aggregates approximately 177,849 square feet or approximately 4.08 acres.

BURTON W. SILCOCK,
State Director.

[F.R. Doc. 67-9607; Filed, Aug. 15, 1967; 8:50 a.m.]

ALASKA

Notice of Filing of Plats of Survey

1. Plats of survey of the lands described below will be officially filed in the Anchorage Office, Anchorage, Alaska, effective at 10 a.m., August 15, 1967.

SEWARD MERIDIAN

T. 6 N., R. 11 W.,
Sec. 3, lots 1, 2, 3, 4, S½N½, S½;
Sec. 4, lots 1, 2, 3, 4, S½N½, S½;
Sec. 5, lots 1, 2, 3, 4, S½N½, S½;
Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, SE¼, E½SW¼;
Sec. 7, lots 1, 2, E½NW¼, NE¼;
Sec. 8, all;
Sec. 9, all;
Sec. 10, all;
Sec. 15, all;
Sec. 16, all;
Sec. 17, E½;
Sec. 20, E½;
Sec. 21, all;
Tract A.

Containing 9,527.40 acres.

2. A large percentage of the land in the southern portion of the survey is swamp, with scattered clumps of scrub spruce, willow brush, and tall grass, with numerous small ponds. The northern portion of the survey is covered with a dense stand of first and second growth spruce and cottonwood, with little or no undergrowth. The land in this portion is slightly higher and is well drained. The soil is a rich sandy loam, and is more than 2 feet deep.

3. The public lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, rules and regulations.

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

5. Inquiries concerning the lands should be addressed to the Manager, Anchorage Land Office, 555 Cordova Street, Anchorage, Alaska 99501.

T. G. BINGHAM,
Manager, Anchorage Land Office.

[F.R. Doc. 67-9561; Filed, Aug. 15, 1967; 8:46 a.m.]

[A 1195]

ARIZONA

Order Providing for Opening of Public Lands

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976), the following described lands have been reconveyed to the United States. The area reconveyed and serial numbers identifying the exchanges are as indicated:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 13 S., R. 29 E.,
Sec. 1, lot 3 and S½NW¼.
T. 13 S., R. 31 E.,
Sec. 18, lots 1 and 2.
AR 04563, 195.07 acres.
T. 12 S., R. 29 E.,
Sec. 17, SE¼.
AR 04396, 160.00 acres.
T. 13 S., R. 29 E.,
Sec. 1, lot 4.
AR 016292, 40.14 acres.
T. 10 S., R. 27 E.,
Sec. 1, lot 2, S½NE¼, and NW¼SE¼.
AR 04889, 159.20 acres.

The areas described above aggregate 554.41 acres.

2. The above described lands are located in Cochise County, north and east of Bowie, Ariz. Topography is moderately rolling to flat desert lands cut by numerous washes and small drainages. Soils are generally sandy loam with subsurface ranging from loam to clay loam. Vegetation consists of predominately creosote bush and burrow weed with some snake weed and a sparse understory of perennial and annual grasses.

3. The lands have value for watershed and grazing with limited wildlife and recreation which can best be managed under the provisions of the Classification and Multiple Use Act.

Subject to the Classification Order A 467, the above described lands are now open to location and entry under the mining and mineral laws to application, petition and selection for private and State exchanges and to State selections. All applications and petition-applications that are filed will be considered on their own merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. This order shall become effective at 10 a.m., on September 12, 1967.

5. Inquiries concerning these lands shall be addressed to U.S. Bureau of Land Management, Arizona Land Office, Room 3022, Federal Building, Phoenix, Ariz. 85025.

FRED J. WEILER,
State Director.

AUGUST 7, 1967.

[F.R. Doc. 67-9562; Filde, Aug. 15, 1967; 8:47 a.m.]

[OR 2187]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 9, 1967.

The Department of Agriculture, on behalf of the Forest Service, has filed application, OR 2187, for the withdrawal of the public lands described below, from all forms of appropriation under the mining laws (30 U.S.C. Ch. 2), but not from leasing under the mineral leasing laws.

The applicant desires to set aside the Imnaha and Lodgepole Administrative Sites for the protection and administration of the Rogue River National Forest.

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, 729 Northeast Oregon Street (Post Office Box 2965), Portland, Oreg. 97208.

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 negotiatons 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.

He 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 it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

ROGUE RIVER NATIONAL FOREST

WILLAMETTE MERIDIAN

Imnaha Administrative Site

T. 33 S., R. 4 E.,
Sec. 15, W½SW¼NW¼NE¼, W½NW¼SW¼NE¼, S½NE¼NW¼, N½SE¼NW¼, and N½SE¼SE¼NW¼.

Lodgepole Administrative Site

T. 33 S., R. 4 E.,
Sec. 32, W½NE¼SW¼, E½W½SW¼, and SE¼SW¼.

The areas described aggregate 155 acres.

ERLING A. OLSON,
Chief, Lands Adjudication Section.

[F.R. Doc. 67-9625; Filed, Aug. 15, 1967; 8:51 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

TEXAS

Designation of Areas for Emergency Loans

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

TEXAS

Archer.	Jones.
Bastrop.	Karnes.
Baylor.	Kent.
Bee.	King.
Bell.	Knox.
Bosque.	Lavaca.
Caldwell.	Lee.
Calhoun.	Limestone.
Coleman.	Live Oak.
Colorado.	McCulloch.
Concho.	McLennan.
Coryell.	Menard.
Cottle.	Milam.
De Witt.	Refugio.
Dickens.	Robertson.
Falls.	Runnels.
Fayette.	San Saba.
Fisher.	Scurry.
Foard.	Stonewall.
Goliad.	Tarrant.
Gonzales.	Throckmorton.
Hamilton.	Travis.
Hardeman.	Victoria.
Haskell.	Wichita.
Hays.	Wilbarger.
Jack.	Williamson.
Jackson.	Young.
Johnson.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 11th day of August 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-9588; Filed, Aug. 15, 1967; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[Case No. 295]

R. HAEUSLER & CO. ET AL.

Order Terminating Probation

In the matter of R. Haeusler & Co., K.G., Richard Haeusler, Samprod G.m.b.H., Graz, Austria, Case No. 295, Respondents.

By order dated July 14, 1961 (26 F.R. 7227), the above named respondents, who had been temporarily denied export privileges since November 25, 1960 (25 F.R. 12388 and 26 F.R. 239), were denied all U.S. export privileges for the duration of export controls with conditional restoration of export privileges after four months while they remained on probation.

The respondents have petitioned to have the probation terminated. The matter was referred to the Compliance Commissioner for his consideration. He has found that effective enforcement of the Export Control Act and Regulations does not require that these parties continue to be on probation, and he has recommended that an order be entered terminating the probation. I concur in the Compliance Commissioner's finding and adopt his recommendation.

Accordingly, it is ordered that the respondents' probation be and is hereby terminated and U.S. export privileges are unconditionally restored to them.

Dated: August 4, 1967.

SHERMAN R. ABRAHAMSON,
Acting Director,
Office of Export Control.

[F.R. Doc. 67-9539; Filed, Aug. 15, 1967; 8:45 a.m.]

[File No. 22(67)-2]

ATCROFT ENGINEERING CO., LTD., AND S. H. FARR

Order Denying Export Privileges for Indefinite Period

In the matter of Atcroft Engineering Co., Ltd., and S. H. Farr, la Burntwood Lane, Caterham, Surrey, England; and 2 Arundel Street, London, England; File No. 22(67)-2; Respondents.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above-named respondents all export privileges for an indefinite period because the said respondents failed to furnish answers to interrogatories and failed to furnish certain records and other writings specifically requested, without good cause being shown. This application was made pursuant to § 382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations).

In accordance with the usual practice, the application was reviewed by the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted. The report of the Compliance Commissioner and the evidence in support of the application have been considered.

The evidence presented shows that the respondent Atcroft Engineering Co., Ltd., is a United Kingdom firm located at la Burntwood Lane, Caterham, Surrey, England, with a Registered Office address at 2 Arundel Street, London, England; the respondent S. H. Farr is a director of said firm and an official responsible for conducting the affairs of the firm; the respondent firm deals in industrial instruments and also acts as consultants and agents with respect to such instruments. The said Investigations Division is conducting an investigation: Relating to the ordering and receiving by said respondent firm of U.S.-origin equipment; into the disposition of said equipment by said respondent; into the business relationship of said respondents with Denis H. Shepherd and Shepherd Export & Trading Co., Ltd., Croydon, Surrey, England, who are subject to an order of the Bureau of International Commerce denying U.S. export privileges; and into the dealings of said respondents with the said denied parties in U.S.-origin commodities.

It is impracticable to subpoena the respondents, and relevant and material written interrogatories and requests to

furnish certain specific documents relating to the matters under investigation were served on them pursuant to § 382.15 of the Export Regulations. The respondents have failed to furnish responsive answers to the interrogatories and have failed to furnish the documents requested, all as required by said section. They have not shown good cause for such failure. I find that an order denying export privileges to said respondents for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended.

Accordingly, it is hereby ordered:

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondents, their representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondents provide responsive answers, written information, and documents in response to the interrogatories heretofore served upon them or give adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with with the Export Regulations.

V. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents or any related party, or whereby the respondents or any related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion or any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondents.

VII. In accordance with the provisions of § 382.15 of the Export Regulations, the respondents may move at any time to vacate or modify this Indefinite Denial Order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

This order shall become effective on August 18, 1967.

Dated: August 4, 1967.

SHERMAN R. ABRAHAMSON,
Acting Director,
Office of Export Control.

[F.R. Doc. 67-9629; Filed, Aug. 15, 1967; 8:52 a.m.]

[Case No. 370]

DENIS H. SHEPHERD AND SHEPHERD EXPORT & TRADING CO., LTD.

Order Denying Export Privileges

In the matter of Denis H. Shepherd, Shepherd Export & Trading Co., Ltd., 6 Chichester Road, Croydon, Surrey, England; Case No. 370; Respondents.

By charging letter dated March 21, 1967, the above respondents were charged by the Director, Investigations Division, Office of Export Control, with violations of the Export Regulations and with violations of the terms of an indefinite denial order that had been entered against them. The charging letter was duly served on respondents and they replied by letter dated April 6, 1967.

The charging letter alleges in substance that on December 15, 1964, an indefinite denial order was entered against respondents for failure to furnish responsive answers to interrogatories; that the order was published in the FEDERAL REGISTER on December 24, 1964, 29 F.R. 18396; that the denial order prohibited respondents from participating in any manner or capacity in any transaction involving commodities exported or to be exported from the United States, including carrying on negotiations with respect to receiving, ordering, or buying such commodities, and in financing transactions involving such commodities; that during 1965–1966 the respondents without authorization from the Office of Export Control ordered and attempted to obtain U.S.-origin accessories for anesthesia equipment valued at $2,380, initially through a company in Madrid, Spain, and subsequently through a firm in New Orleans, La.; that to finance this transaction respondents opened a letter of credit drawn on a London bank in favor of the New Orleans firm. It is also alleged that the respondent Shepherd during 1965–1966, using the names of two firms in the United Kingdom attempted to obtain U.S.-origin merchandise from the New Orleans firm. It is charged that the respondent's conduct violated §§ 381.2, 381.3(a), 381.4 of the Export Regulations and also the denial order of December 15, 1964.

The respondent's reply does not deny the allegations of the charging letter. They allege that Shepherd Export & Trading Co., Ltd., is a company formed and operating under British law and not that of a foreign country; that any party approached with the object of obtaining supplies from whatever source is not made aware of the position between the United States of America and the company; that the final destination of goods received is not divulged except if demanded by British law; and that the goods mentioned in the charging letter do not require an export permit and they were destined for humanitarian purposes which the U.S. Government has publicly maintained is allowed.

The respondents did not request an oral hearing. In accordance with the usual practice where there is no request for an oral hearing, an informal hearing was held before the Compliance Commissioner at which evidence in support of the charges was presented on behalf of the Investigations Division and a record was made.

The Compliance Commissioner has considered the record in the case and he has recommended that remedial action as hereinafter set forth be taken against the respondents. On consideration of the record and of the Compliance Commissioner's report I hereby make the following findings of fact:

1. The respondent Shepherd Export & Trading Co., Ltd., is a British corporation with a place of business in Croydon, Surrey, England, and is engaged in the import-export business. The respondent Denis H. Shepherd, also known as D. H. Shepherd, is a director of said company and is the individual primarily responsible for the conduct and operations of the company. The transactions hereinafter

set forth were conducted by said Shepherd for and on behalf of the said company.

2. On October 28, 1964, an order temporarily denying export privileges, effective for 60 days, was entered against the above respondents (29 F.R. 14897). This order was entered because there was substantial basis to believe that respondents had been exporting U.S.-origin commodities to Cuba in contravention of the U.S. Export Control Act and regulations. The temporary denial order was superseded by an order against the respondents, issued pursuant to § 382.15 of the Export Regulations, denying export privileges for an indefinite period because of their failure to furnish responsive answers to interrogatories without showing good cause for such failure. This order, dated December 15, 1964, was published in the FEDERAL REGISTER on December 24, 1964 (29 F.R. 18396), was duly served on respondents, and has been in effect to the present time.

3. The denial order of December 15, 1964, among other restrictions, prohibited respondents from participating, directly or indirectly, in any manner or capacity in any transaction involving commodities or technical data exported or to be exported from the United States. The activities prohibited by the denial order included participation in any such transaction, in the United States or abroad, either directly or indirectly, including the carrying on of negotiations with respect to, or in ordering, buying, selling, delivering, using, or disposing of any such commodities or technical data, and financing, forwarding, transporting or other servicing of such commodities or technical data.

4. During 1964, 1965, and 1966, the respondents were negotiating with representatives of Medicuba, Havana, Cuba, a Cuban purchasing organization, to supply it with parts and accessories for certain surgical equipment of U.S.-origin. Respondents continued in these negotiations after the denial order was entered against them. They were fully aware of the restrictions on reexporting U.S.-origin commodities to Cuba and were also fully aware of the restrictions imposed on them by the denial order.

5. The respondents negotiated with a firm in Madrid, Spain, to procure the commodities in question for delivery to Cuba. On July 29, 1965, the U.S. supplier of the equipment in question furnished the firm in Madrid, Spain, with a pro forma invoice for the equipment in the total amount of $2,499.80, which included packing and c.i.f. charges. The respondents did not obtain the goods through the firm in Madrid.

6. In the early part of 1966 respondents entered into negotiations with a firm in New Orleans, La., to have it procure the equipment in question to fill the order for Cuba.

7. Pursuant to instructions from respondents the New Orleans firm on April 15, 1966, placed an order with the U.S. supplier for the equipment in question in the amount of $2,389.80. To finance this transaction the respondent firm opened an irrevocable letter of credit dated April 4, 1966, drawn on a bank in London, England, in favor of the New Orleans firm. The New Orleans firm in turn opened a letter of credit in favor of the supplier. Pursuant to instructions from respondents the New Orleans firm consigned the goods to a named firm (not the respondent firm) in London, England.

8. The goods were exported from the United States by a United States Lines ocean vessel on July 15, 1966, consigned to the named London firm. The participation of the respondents in the transaction having been discovered the General License under which the goods were exported was revoked and the ocean carrier, pursuant to § 381.5 of the Export Regulations was ordered to return the goods to the United States, which was done.

9. In transactions other than that above referred to Shepherd, in order to evade the denial order against him, arranged with two firms in the United Kingdom to use their names in attempting to procure goods from the United States. These firms were Atcroft Engineering Co., Ltd., Caterham, Surrey, England, and Sinclair Industrial Agencies, Ltd., Croydon, Surrey, England.

10. In the transactions referred to in these findings the respondents did not obtain specific authorization from the Office of Export Control to participate in said transactions.

Based on the foregoing, I have concluded that the respondents violated § 381.4 of the Export Regulations in that they ordered, bought, and financed commodities exported and to be exported from the United States with knowledge that such conduct was in violation of the Export Regulations and of the denial order dated December 15, 1964, issued by the Bureau of International Commerce.

With regard to the respondents' contention that the commodities in question did not require an export permit and that they were destined for humanitarian purposes which this Government has maintained may be allowed the Compliance Commissioner stated:

> The respondents are in error in stating that these commodities did not require a license for exportation to Cuba. This Government does in some circumstances permit the exportation to Cuba of certain medical and surgical supplies and equipment. However, a validated license is required for the exportation of such goods from this country to Cuba, and where such goods are reexported from a third country to Cuba reexport authorization must be obtained. The respondents did not seek or obtain such authorization. By a carefully designed scheme, using other firms as fronts, they furtively sought to circumvent the requirements of the Export Regulations in this regard.

With regard to the sanction that should be imposed the Compliance Commissioner stated:

> The respondents not only violated the particular provisions of the Export Regulations which prohibit ordering, buying, and financing commodities for exportation to an unauthorized destination (in this instance Cuba), but their conduct was in flagrant disregard of the terms of the denial order outstanding against them. Under the terms of that order they were prohibited from participating in any transactions involving commodities exported or to be exported from the United States. They were fully aware of the restrictions of the order and deliberately sought to evade them.
>
> These respondents have amply demonstrated that they cannot be trusted to deal in U.S.-origin commodities or technical data, and I recommend that they be denied export privileges for the duration of export controls.

After considering the record in the case and the report and recommendation of the Compliance Commissioner, and being of the opinion that his recommendation as to the sanction that should be imposed is calculated to achieve effective enforcement of the law: *It is hereby ordered:*

I. This order supersedes the order denying export privileges for an indefinite period which was entered against the above respondents on December 15, 1964 (29 F.R. 18396).

II. So long as export controls are in effect the respondents are hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction either in the United States or abroad shall include participation: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data; (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privilege shall extend not only to the respondents but also to their agents, employees, representatives, and partners, and to any other person, firm, corporation or business or other organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with said respondents or other person denied export privileges within the scope of this order, or whereby such respondent or such other person may obtain any benefit therefrom or have any interest or

participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondents or other person denied export privileges within the scope of this order; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

Dated: August 4, 1967.

SHERMAN R. ABRAHAMSON,
Acting Director,
Office of Export Control.

[F.R. Doc. 67-9630; Filed, Aug. 15, 1967; 8:52 a.m.]

Office of the Secretary

ADMINISTRATOR, ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION, ET AL.

Delegations of Authority; Revocations

1. The delegations to the following officials to negotiate contracts without advertising under certain provisions of the Federal Property and Administrative Services Act of 1949, as amended, are hereby revoked.

Administrator, Environmental Science Services Administration (Department Order 2-A, of July 13, 1965, vested in the Administrator, ESSA, authority previously delegated to the Chief, Weather Bureau), 24 F.R. 6105.

Administrator, Environmental Science Services Administration (Department Order 2-A, of July 13, 1965, vested in the Administrator, ESSA, authority previously delegated to the Director, Coast and Geodetic Survey), 25 F.R. 3201.

Director, Bureau of the Census, 25 F.R. 3200.

Director, National Bureau of Standards, 25 F.R. 9428.

Administrator, Maritime Administration, 26 F.R. 11758.

Assistant Secretary for Economic Development (Department Order 5-A, of December 22, 1966, vested in the Assistant Secretary for Economic Development, authority previously delegated to the Administrator, Area Redevelopment Administration), 27 F.R. 6992.

Under the provisions of Public Law 89-343, executive agencies are required to use Title III of the Act for executing contracts. Department Order 46, as amended, 29 F.R. 13541 and 32 F.R. 10825, delegates full contracting authority to officials of the Department of Commerce. The above enumerated selective delegations are, therefore, unnecessary.

2. The same delegation described in paragraph one, to the Federal Highway Administrator, 27 F.R. 2296, is no longer applicable by reason of transfer of the Bureau of Public Roads to the Department of Transportation on April 1, 1967. The delegation is hereby rescinded.

Dated: August 8, 1967.

A. B. TROWBRIDGE,
Secretary of Commerce.

[F.R. Doc. 67-9541; Filed, Aug. 15, 1967; 8:45 a.m.]

BUREAU OF THE CENSUS

Appendix A—Public Information

JULY 25, 1967.

This material further amends the material appearing at 31 F.R. 2631 of February 10, 1966; 31 F.R. 7300 of May 19, 1966; and 31 F.R. 16731 of December 30, 1966.

A. *Purpose.* The purpose of this Appendix is to describe, in general, the public information services of the Bureau of the Census, to describe the places at which, and the methods whereby, the public may obtain information, to inform the public as to the availability of its statistical reports, data files, unpublished materials, special tabulations, rules, regulations, procedures, instructions, forms, or other requirements established by the Bureau of the Census which affect the public, and otherwise to comply with the requirements of 5 U.S.C. 552 (Public Law 90-23, 81 Stat. 54).

B. *Public information services*—1. *Description of services.* The Bureau of the Census provides the following informational services to members of the public:

a. *Statistical reports and related information.* The Bureau publishes statistical reports on a variety of subjects, including population, housing, agriculture, industry, business, foreign trade, transportation, governments, and construction. In addition to the published statistical reports containing only the most essential and most widely used data, the Bureau makes available unpublished tabulations with more detail, as well as data files in the form of punch cards and computer tape, which can be processed to provide almost unlimited subject cross-classifications and area tabulations. Some of these tape and punch card files, which do not contain confidential individual records, may be used for making tabulations. Some unpublished nonstatistical information is also available, including maps, computer programs, and address directories of public officials.

b. *Age search and citizenship information.* Upon receipt of a properly executed request, the Bureau will provide a certified copy of an individual's personal census record. In many instances these certificates are acceptable as proof of age or citizenship in lieu of a birth certificate. The certificates have been used in establishing eligibility for social security benefits, for obtaining passports, and in proving relationships.

c. *Special services and studies.* The Bureau is authorized to perform special services and studies, provided there is no undue interruption of the Bureau's regular work. These services include conducting special population censuses, furnishing unpublished information from the decennial population and housing censuses and from foreign trade and shipping statistics, providing seasonal adjustments of time series, furnishing enumeration district maps, and other similar services that are in the public interest.

2. *Availability of services.* a. *The Bureau of the Census catalog.* The Bureau of the Census Catalog is the principal means the Bureau employs to make known the availability of statistical reports it publishes and the availability of data files, unpublished materials and special tabulations. The Catalog is designed to give users of Census Bureau statistics a means of locating needed data. Each issue includes descriptions of the reports issued and other materials that become available during the period covered. The Catalog gives details as to what is available, the price, where the material may be obtained and how to order it. The Catalog is issued on a current basis each quarter, and cumulated to the annual volume. A monthly supplement to the Catalog, which lists new publications other than regular monthly and quarterly reports, enables users to be informed more currently on publications as they appear. The subscription price of the Catalog is $2.25 (75 cents addition for foreign mailing) which includes a combination of four quarterly issues of the Catalog and 12 issues of the monthly supplement. The Catalog may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

b. *Fee structures.* Special services for which fees have been established are published in Title 15 of the Code of Federal Regulations, Part 50. Information is provided therein, as to what is included for each item, and how and where to request each service. In addition, the Bureau publishes a widely distributed pamphlet entitled, "Your Name Is Somewhere in the Census Records," which gives more detail than is published in the Code of Federal Regulations as to its age and citizenship searches. This pamphlet is provided free of charge to those who request information on the subject.

Special services for which fees have not been established are performed on a full cost recovery basis. Those interested in seeking such services should write a letter to the Director, Bureau of the Census, Washington, D.C. 20233, describing in detail the nature of services requested with indications, when possible, of workload involved. The Director will reply giving an estimate of the cost and other pertinent information.

3. *Requests for services.* a. Requests for Census informational services should be directed as stated below:

(1) *Statistical Reports and Related information.* Census publications should be ordered from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, or directly from the Bureau, as indicated in the Bureau of the Census Catalog. Inquiries regarding unpublished information should be addressed to the Director, Bureau of the Census, Washington, D.C. 20233.

(2) *Age Search and Citizenship Information.* Requests for age search and citizenship information should be directed to: Bureau of the Census, Walnut and Pine Streets, Pittsburg, Kans. 66762. Upon receipt of a request, an application form and an information pamphlet will be sent to the requestor. The fee, and the conditions and requirement under which personal census records may be furnished, are printed on the application form.

(3) *Data Collection.* Public inquiries regarding the collection of data should be directed to the appropriate regional office or to Bureau headquarters in Washington, D.C.

C. *Guide to published rules and regulations*—1. *Foreign trade.* Rules and regulations governing the reporting of statistical information on U.S. trade with foreign countries, Puerto Rico, and the U.S. possessions, are published in Part 30, Title 15, Code of Federal Regulations. The regulations are binding upon carriers, as well as upon individuals and organizations making shipments from and/or into the United States. The regulations have been reproduced in booklet form and may be obtained from the Bureau of the Census, Washington, D.C. 20233. The subscription price includes supplemental changes for an indefinite period. The Bureau also issues a series of Foreign Trade Statistics Regulations Letters to Collectors of Customs, Department of Commerce Office of Field Services field offices, exporters, importers, and others concerned. Copies of FSTR Letters are furnished free of charge upon request to Bureau headquarters.

2. *New surveys*—a. *Notice of intent.* Before conducting any new survey with mandatory reporting requirements, the Bureau publishes in the FEDERAL REGISTER a notice to inform the public in general as to its intent to conduct the survey. The notice of intent provides information as to the legal authority for conducting the survey, description, scope, and need for the survey, and a statement that copies of the proposed forms and a description of the collection methods are available on request to the Director, Bureau of the Census, Washington, D.C. 20233. In addition, a statement is included that any suggestions or recommendations received in writing by the Director within 30 days after the date of the FEDERAL REGISTER publication will receive consideration.

b. *Notice of determination.* After the 30-day period as stated above, a notice of determination to conduct the survey is published in the FEDERAL REGISTER containing similar information to that in the notice of intent. In addition, there are contained any significant changes in the description or scope of the survey from that published in the notice of intent, and a statement that report forms will be furnished to those included in the survey and that additional forms are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

c. *Determinations as to conduct of surveys.* The Director, Bureau of the Census, has retained the authority to make all determinations as to the conduct of mandatory and nonmandatory surveys requiring the submission of information by the public.

3. *Actual notice to respondents*—a. *Furnishing information.* In addition to notices published in the FEDERAL REGISTER, each respondent is given actual notice as to the furnishing of information to the Bureau. Regardless of whether the information sought is required by law to be furnished or is requested on a voluntary basis, the respondent is informed in detail, by mail or personally by an interviewer, as to the information to be furnished and how to furnish it. The actual notice contains the rules for furnishing the requested information for all mandatory and nonmandatory censuses and surveys regardless of whether a notice is published in the FEDERAL REGISTER.

b. *Confidentiality of data collected.* Each report form to be completed under Bureau of the Census legislation (Title 13, U.S.C.) contains statements assuring the respondent that his report is confidential, that it may be seen only by sworn Census employees and may be used only for statistical purposes. Where appropriate, the forms state that copies of such reports retained by the respondent are immune from legal process.

c. *Reminders to respondents.* In case of inadvertence, undue delay, or failure to comply, a written notice is sent to the respondent. Sanctions are provided by sections 221–225 of Title 13, U.S.C., in the event of continued refusal or neglect to respond to mandatory surveys, or the willful submission of false or misleading information to the Bureau.

D. *Submission of requests and applications.* 1. The places to which submittals of mandatory or voluntary Census reports are to be made are specified in the forms, schedules, or instructions provided to respondents.

2. Any submittals or requests concerning matters under the jurisdiction of the Bureau which are not specified for handling elsewhere should be directed to the Director, Bureau of the Census, Washington, D.C. 20233.

E. *Final delegation of authority.* The Director, Bureau of the Census, has made no delegation or redelegation of authority to officers or employees of the bureau to take final actions, or make final decisions, with respect to requirements, submissions, or other matters arising under its published rules and regulations.

F. *Inspection and copying of opinions and orders.* All final opinions made in the adjudication of cases, statements of policy and interpretations not published in the FEDERAL REGISTER, administrative staff manuals and instructions to staff that affect a member of the public, and any other materials required to be made available for public inspection and copying by 5 U.S.C. 552(a)(2) are made available for such purposes at the public reference facility of the Library of the Bureau of the Census, Room 2455, Federal Office Building Number 3, Suitland, Md. (The postal address is Washington, D.C. 20233; the telephone number is 440–1314, Area Code 301). Rules concerning the use of this facility are contained in Part 60, Title 15, Code of Federal Regulations and may also be obtained from the public reference facility.

G. *Inspection of Bureau records.* Rules for persons desiring, pursuant to 5 U.S.C. 552(a)(3), to inspect records of the Bureau of the Census, which are not available to the public as part of the regular public information services of the Bureau, are contained in Part 60, Title 15, Code of Federal Regulations. Application forms and instructions are available from the public reference facility of the Bureau of the Census.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 67-9542; Filed, Aug. 15, 1967; 8:45 a.m.]

[Dept. Order 90-A; Amdt. 1]

NATIONAL BUREAU OF STANDARDS

Delegation of Authority to the Director

The following order was issued by the Secretary of Commerce on July 26, 1967. This material amends the material appearing at 31 F.R. 7713 of May 28, 1966.

Department Order 90-A of May 12, 1966, is hereby amended as follows:

1. In section 3. Delegation of Authority, a new paragraph .02 is added to read:

.02 Pursuant to the authority delegated to the Secretary of Commerce by the Administrator of the General Services Administration (Temporary Regulation E-10, July 11, 1967, Federal Property Management Regulations), and subject to such policies and directives as the Secretary of Commerce or the Assistant Secretary for Science and Technology may prescribe, the Director is hereby delegated authority to operate an automatic data processing service center.

2. The present paragraph 3.02 is renumbered 3.03.

Effective date: July 26, 1967.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 67-9543; Filed, Aug. 15, 1967; 8:45 a.m.]

[Dept. Order 90-B; Amdt. 3]

NATIONAL BUREAU OF STANDARDS

Organization and Functions; Miscellaneous Amendments

This material further amends the material appearing at 31 F.R. 8083 of June 8, 1966; 31 F.R. 8961 of June 29, 1966; and 32 F.R. 6529 of April 27, 1967.

Department Order 90-B, dated May 16, 1966, is hereby further amended as follows:

1. In section 5. Office of the Associate Director for Administration:

(a) Subparagraph .02c. is amended to read:

c. The Budget Division provides advice and staff assistance to line management of the Bureau in preparation, review, justification, presentation and execution of the Bureau's budget including financial management and control of the Bureau's total resources; interprets regulations and develops budgetary policy and procedures for the budget process; provides assistance in integrating program planning with the budgetary process using as a principal vehicle the Program and Financial Plan, a prescribed part of the Program, Planning and Budgeting System; assists in the solution of budget and financing problems; designs procedures for the administrative control of funds and monitors the execution of these procedures; performs analyses and continuing reviews of status of funds and program performance in relation to fiscal plans; assures adherence to limitations and the proper use of resources; reviews user charges for adequacy and conformance to policy and regulations; and executes agreements for obtaining advance payments and reimbursements.

(b) A new subparagraph .02d. is added to read:

d. The Management and Organization Division conducts or participates in surveys and studies to improve organization, procedures, and management practices; provides staff assistance in developing Bureau-wide management policies; develops and coordinates cost reduction and work measurement programs; advises on administrative requirements of technical programs; participates in organization planning and documentation; coordinates administrative procedures and actions where several administrative divisions are affected; coordinates and reviews material for filing in the Federal Register; develops and fosters effective communications and maintains the directives system; is responsible for the records management program including the development of policy, procedures and standards for records systems, and records maintenance and disposition; provides training in records management; is responsible for forms management and control; serves as a reference and distribution center for Congressional legislative materials and issuances by other agencies; and is responsible for reports management and control including maintenance of a central reports file.

(c) The present subparagraph .02d. is renumbered .02e. and amended to read:

e. The Audit Division assists the Director and other Bureau officials by providing management with a range of constructive and protective services, including: (1) Reviewing and appraising the soundness, adequacy, and application of accounting, financial, and operating controls; (2) reviewing and appraising the financial and other operating activities of the Bureau; (3) ascertaining the extent of compliance with established policies, plans, and procedures; (4) ascertaining the extent to which Bureau assets are accounted for and safeguarded from losses of all kinds; (5) ascertaining the reliability of accounting and other data developed within the Bureau; (6) providing for contract audits of firms with whom the Bureau proposes to or does enter into a contractual arrangement; (7) reporting on the results of the reviews, together with recommendations, to the Director and other Bureau officials; and (8) administering a Bureau-wide system for the answering of General Accounting Office inquiries and reports.

(d) The present subparagraphs .02e., .02f., and .02g. are renumbered as .02f., .02g., and .02h.

2. In section 7. Institute for Basic Standards, the introductory statement of paragraph .04 is amended to read:

.04 The other organization units of the Institute for Basic Standards are as follows:

Applied Mathematics.
Electricity Division.
Mechanics Division.
Heat Division.
Atomic Physics Division.
Meteorology Division, Visual Landing Aids Field Laboratory, Arcata, Calif.
Physical Chemistry Division.
Laboratory Astrophysics Division.
Radiation Physics Division.
Radio Standards Laboratory (Boulder, Colo.):
Radio Standards Physics Division.
Radio Standards Engineering Division.
Time and Frequency Division.
Standard Frequency Stations, Fort Collins, Colo., and Maui, Hawaii.

3. In section 8. Institute for Materials Research, in paragraph .04 change "Cryogenics Division" to "Cryogenics Division (Boulder, Colorado)."

4. In section 9. Institute for Applied Technology:

(a) In the introductory statement of paragraph .05, a new "(e)" is added to read: "; and (e) operating an automatic data processing service center." The word "and" before "(d)" should be deleted.

(b) Delete subparagraph 9.05h.

(c) Subparagraph 9.06a. is revised to read:

a. The Office of Weights and Measures provides technical assistance to the States with regard to model laws and technical regulations, and to the States, business, and industry in the areas of testing, specifications, and tolerances for weighing and measuring devices, the design, construction, and use of standards of weight and measure of associated instruments, and the training of State and local weights and measures officials. The office includes the Master Railway Track Scale Depot, Clearing, Ill.

(d) A new subparagraph .09d. is added to read:

.09d. The Materials Evaluation Laboratory Division develops measurement techniques and test methods for evaluating the performance of technological materials and for determining their properties; establishes and maintains standard reference materials for rubber and paper; cooperates in standardizing activities with Government agencies and with national and international organizations; and conducts for other Government agencies research and evaluations on technological materials of specific interest to them.

Effective date: July 26, 1967.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 67-9544; Filed, Aug. 15, 1967; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-24]

GENERAL ELECTRIC CO.

Notice of Issuance of Facility License Amendment

The Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 10, set forth below, to Facility License No. CX-4. The amendment authorizes General Electric Co. (GE) to (1) partially dismantle the Thermal Critical Assembly (TCA), (2) possess, but not operate, the deactivated facility, (3) possess, but not use, special nuclear material and byproduct material which was used in connection with the Critical Experiment Facility which includes the TCA and previously the Mixed Spectrum Critical Assembly (MSCA), License No. CX-20 (Docket No. 50-203), and (4) possess, but not use, up to 6,000 grams of source material located at GE's Vallecitos Nuclear Center in Alameda County, Calif. The source material was formerly used in operation of the MSCA.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the amended facility license may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued.

For further details with respect to this proposed issuance, see (1) the application for amendment dated May 10, 1967, and (2) the related Safety Evaluation prepared by the Division of Reactor Licensing, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 4th day of August 1967.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

FACILITY LICENSE AMENDMENT

[License No. CX-4; Amdt. 10]

The Atomic Energy Commission (hereinafter "the Commission") having found that:

a. The application for amendment, dated May 10, 1967, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

b. There is reasonable assurance that the reactor can be partially dismantled and possessed in accordance with the procedures set forth in the application for amendment, and that the source, special nuclear and byproduct materials can be possessed and stored at the designated location without endangering the health and safety of the public;

c. The licensee is technically and financially qualified to engage in the activities authorized by this license, as amended, in accordance with the rules and regulations of the Commission;

d. The licensee has furnished proof of financial protection to satisfy the requirements of subsection 170a of the Act and 10 CFR Part 140;

e. The issuance of the amendment and the licensee's engaging in the activities authorized thereunder will not be inimical to the common defense and security or to the health and safety of the public; and

f. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated;

License No. CX-4 is amended in its entirety to read as follows:

1. This license applies to the Thermal Critical Assembly (hereinafter "TCA") which is owned by General Electric Company (GE) and located in Building 105 of the Critical Experiment Facility of the Company's Vallecitos Nuclear Center (formerly known as Vallecitos Atomic Laboratory) in Alameda County, Calif.

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses GE:

A. Pursuant to Section 104c of the Act and Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities", to partially dismantle and possess in accordance with the procedures set forth in the application for amendment, but not operate, the reactor as a utilization facility, at the designated location in Alameda County, Calif.;

B. Pursuant to the Act and Title 10, Chapter I, CFR, Part 70, "Special Nuclear Material", to possess for storage only up to 1,200 kilograms of contained U-235; 100 grams of U-233, and 40 grams of plutonium;

C. Pursuant to the Act and Title 10, Chapter I, CFR, Part 40, "Licensing of Source Material", to possess for storage only 6,000 kilograms of source material formerly used in connection with the MSCA;

D. Pursuant to the Act and Title 10, Chapter I, CFR, Part 30, "Rules of General Applicability to Licensing of Byproduct Material", to possess, but not separate, such byproduct material as may have been produced by operation of the reactor.

3. This license shall be deemed to contain and be subject to the conditions specified in Part 20, § 30.34 of Part 30, § 40.41 of Part 40, §§ 50.54 and 50.59 of Part 50 and § 70.32 of Part 70 of the Commission's regulations, and is subject to all applicable provisions of the Act and the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. GE shall not reactivate the TCA or use the fuel without prior written approval of the Commission;

B. A locked concrete vault (floor, walls, and ceiling) shall be utilized for the storage of fuel and special nuclear materials. There shall be no sources of water in the vault. All materials stored in the vault shall be physically held or positioned within the criticality limits specified in Item C by racks, shipping containers, or cabinets.

C. The effective multiplication of individual accumulations and of all the fuel in the vault shall be determined analytically to be less than 0.85 in the flooded condition. In addition, to allow for the larger analytic uncertainty when the fuel enrichment exceeds 7 percent U-235, effective multiplication of individual accumulations or of all such fuel as stored shall be determined analytically to be less than 0.75 in a flooded condition. Special nuclear material not contained within fuel rods shall be stored in accumulations of not more than 150 grams of U-235 and separated by not less than 12 inches from center to center of closest neighbors.

D. When fuel or special nuclear material is transported, it shall be mechanically restrained in individual accumulations which satisfy the requirements specified above in Item C, or it shall be handled in batches which are shown analytically to be less than 45 percent of a critical mass when arranged in a flooded optimum configuration.

E. Responsibility for physical custody of all special nuclear material, byproduct material, and source material authorized by License No. CX-4, as amended, and for compliance with the above conditions shall be vested in a designated individual responsible to the Manager-Advance Nuclear Applications, Nucleonics Laboratory.

F. *Records.* In addition to those required by applicable AEC regulations, including § 20.401 of 10 CFR Part 20, GE shall keep the following records:

(1) Records of inspections of the deactivated facility including the results of surveys of radioactivity levels.

(2) Records showing radioactivity released or discharged into the air or water beyond the effective control of GE as measured at or prior to the point of such release or discharge.

G. *Reports.* In addition to those required by applicable AEC regulations, GE shall submit the following reports:

(1) A report of any indication or occurrence of a possible unsafe condition relating to the facility or to the public. For each occurrence, GE shall promptly notify by telephone or telegraph the Director of the appropriate AEC Regional Compliance Office listed in Appendix D of 10 CFR Part 20 and shall submit within 10 days a report in writing to the Director, Division of Reactor Licensing, with a copy to the Regional Compliance Office.

(2) A report of the description of the TCA facility following completion of the partial dismantling, including results of the surveys of the radioactivity levels, which shall be submitted within sixty (60) days of the completion of the partial dismantling.

4. This license amendment is effective as of the date of issuance and shall expire at midnight, March 29, 1968.

Date of issuance:

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 67-9537; Filed, Aug. 15, 1967; 8:45 a.m.]

[Docket No. 50-290]

UNITED NUCLEAR CORP.

Notice of Issuance of Construction Permit

No request for a hearing or petition having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued Construction Permit No. CPCX-27 to United Nuclear Corp. The permit authorizes the Corporation to construct a zero power critical experiment facility (designated as "Proof Test Facility") on its Remote Experimental Station site near Pawling, N.Y.

The construction permit was issued as set forth in the Notice of Proposed Issuance published in the FEDERAL REGISTER on July 19, 1967, 32 F.R. 10617.

Dated at Bethesda, Md., this 4th day of August 1967.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 67-9538; Filed, Aug. 15, 1967; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 17633; FCC 67-913]

CAPE FEAR BROADCASTING CO. (WFNC)

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Cape Fear Broadcasting Co. (WFNC), Fayetteville, N.C., Docket No. 17633, File No. BP-17017; Has: 940 kc, 1 kw, 10 kw-LS, DA-N, U, Class II; Requests: 940 kc, 1 kw, 50 kw-LS, DA-2, U, Class II; for construction permit.

1. The Commission has under consideration the above-captioned and described application.

2. Examination of the application of Cape Fear Broadcasting Co., indicates that the proposed 1 v/m contour would encompass a population of 2,720 persons a number greater than 300 and also greater than 1 percent of the total population included within the 25 mv/m contour (116,430 persons). Accordingly, the application is not in compliance with § 73.24(g) of the Commission's rules. The applicant has requested a waiver of the rule but the Commission is unable, at this time, on the basis of the data submitted, to conclude that a waiver would serve the public interest. Rather, it is of the opinion that the matter should be explored in an evidentiary hearing. In this regard, we would note that the present daytime power utilized by WFNC provides a signal substantially greater than 25 mv/m to the entire city of Fayetteville, N.C.

3. Except as indicated by the issues specified below, the applicant is qualified to construct and operate as proposed. However, for the reasons set out in the preceding paragraph, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WFNC and the availability of other primary service to such areas and populations.

2. To determine whether the proposal of Cape Fear Broadcasting Co., is in compliance with § 73.24(g) of the Commission's rules concerning population within the 1,000 mv/m contour, and, if not, whether circumstances exist which would warrant a waiver of said section.

3. To determine, in the light of the evidence adduced pursuant to the following issues, whether a grant of the application would serve the public interest, convenience, and necessity.

It is further ordered, That, in the event of a grant of the application of Cape Fear Broadcasting Co., the construction permit shall contain the following conditions:

Permittee shall submit new common point impedance measurements and sufficient field intensity measurement data to clearly show that adjustment of the daytime array has not adversely affected operation of the nighttime directional antenna array.

Any presunrise operation must conform with §§ 73.87 and 73.99 of the rules, as amended June 28, 1967 (32 F.R. 10437) supplementary proceedings (if any) involving Docket No. 14419, and/or the final resolution of matters at issue in Docket No. 17562.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant herein, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: August 2, 1967.

Released: August 10, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-9613; Filed, Aug. 15, 1967; 8:50 a.m.]

[Docket Nos. 11227, 17588; FCC 67M-1349]

CITY OF NEW YORK MUNICIPAL BROADCASTING SYSTEM (WNYC)

Order Scheduling Prehearing Conference

In re application of City of New York Municipal Broadcasting System (WNYC), New York, N.Y., Docket No. 11227, File No. BSSA-226; for special Service Authorization to operate additional hours from 6 a.m., e.s.t., to sunrise New York, N.Y., and from sunset Minneapolis, Minn., to 10 p.m., e.s.t.; and In re application of City of New York Municipal Broadcasting System (WNYC), New York, N.Y., Docket No. 17588, File No. BP-16148; Has: (a) 830 kc, 1 kw, DA, L-WWCO, Class II; and (b) Special Service Authorization to operate additional hours from 6 a.m., e.s.t., to sunrise New York, N.Y., and from sunset Minneapolis, Minn., to 10 p.m. e.s.t.; Requests: 830 kc, 50 kw, DA-2, specified hours (6 a.m., e.s.t., to 10 p.m., e.s.t.), Class II; for construction permit.

The Hearing Examiner having under consideration the memorandum opinion and order of the Commission released July 21, 1967, consolidating the application of the city of New York Municipal Broadcasting System (WNYC) for increase in power to 50 kw (File No. BP-16148) with its pending application for Special Service Authorization (File No. BSSA-226):

It is ordered, That the parties herein or their counsel are directed to appear for a prehearing conference in the offices of the Commission, Washington, D.C., on September 27, 1967, at 10 a.m.

Issued: August 4, 1967.

Released: August 9, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-9614; Filed, Aug. 15, 1967; 8:50 a.m.]

[Docket Nos. 17336, 17337; FCC 67M-1365]

LOGAN BROADCASTING CO. AND UPPER BROADCASTING CO.

Order Continuing Hearing

In re applications of Logan Broadcasting Co., Logan, Ohio, Docket No. 17336, File No. BP-16820; Leonard E. Walk, James H. Rich, Bernard M. Friedman, Thomas W. Fletcher, Robert L. Purcell, and Raymond E. Rohrer, doing business as Upper Broadcasting Co., Upper Arlington, Ohio, Docket No. 17337, File No. BP-17039; for construction permits.

The Chief Hearing Examiner having under consideration a motion in behalf of Upper Broadcasting Co., filed August 7, 1967, for a continuance of hearing in the above-entitled proceeding from August 8, to August 18, 1967;

It appearing, that all parties to the proceeding consent to the continuance herein sought and to immediate consideration of the instant pleading;

It appearing further, that "good cause," within the meaning of the Commission's rules, is found to exist in support of this pleading;

It is ordered, That the motion is granted, and that the hearing now scheduled for August 8, 1967 in the above-entitled proceeding is hereby continued to August 18, 1967.

Issued: August 8, 1967.

Released: August 9, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-9615; Filed, Aug. 15, 1967; 8:50 a.m.]

[Docket No. 17401, etc.; FCC 67R-327]

MIAMI BROADCASTING CORP. ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of Miami Broadcasting Corp., Miami, Fla., Docket No. 17401, File No. BPH-4910; Mission East Co., Miami, Fla., Docket No. 17403, File No. BPH-5481; Edward Winton, Silva M. Feldman, David Ginsburg, Norma Fine, and Al Lapin, Jr., doing business as WSKP Broadcasters, Miami, Fla., Docket No. 17404, File No. BPH-5661; for construction permits.

1. This proceeding, in which each of the above-captioned applicants is seeking an authorization for a new FM broadcast station at Miami, Fla., was designated for hearing by order (Mimeo No. 99985), released May 5, 1967. Presently before the Review Board is a motion to enlarge issues, filed by Mission East Co. (Mission) on May 25, 1967, seeking the addition of real party in interest, financial, and adequacy of staff issues against Miami Broadcasting Corp. (Miami); and the addition of financial issues against WSKP Broadcasters (WSKP).[1] The requests will be treated seriatim.

[1] Commissioners Bartley, Loevinger, and Wadsworth absent.

[1] The following related pleadings are also before the Board: (a) Opposition, filed on May 25, 1967, by WSKP; (b) reply to (a), filed on June 14, 1967, by Mission; (c) opposition, filed on June 15, 1967, by Miami; (d) Broadcast Bureau's response, filed on June 15, 1967; (e) Broadcast Bureau's response, filed on June 15, 1967; and (f) reply to (c), filed on June 27, 1967, by Mission.

Real party in interest. 2. Mission's request for a real party in interest issue is based upon an affidavit from one of Mission East's counsel, who states that he attended a meeting on May 19, 1967, in which the dismissal of Miami's application was discussed; and that Mr. James J. James represented at that meeting that James has complete control and is the actual owner of Miami. Since Miami's application makes no mention of James, except as a former partner of one Miami's principals in another business, Mission contends that the requested issue is warranted.

3. Responding, Miami relies on affidavits from Mr. James and its four listed owners to refute the allegation of concealed ownership. Mr. James denies that he said he had any interest in Miami, declares that he has not and does not own stock in that company, and that he has not been promised such ownership. Each of the four stockholders of Miami avers that he has "not made any arrangement with any person to hold this stock for his or her benefit or transfer or sell any of this stock at any future date or under any circumstances", and that he does not "now contemplate any such arrangement in the future". Each also states that he acquired his stock with his own funds. There is also included an affidavit from the Chairman of the Board, in which it is declared that James had no authority to attend any meetings or negotiate on behalf of the corporation. The Broadcast Bureau, in its response, asserts that the real party in interest issue should be denied if Miami denies, under oath, that James had any interest in or connection with its proposal.

4. In reply, petitioner relies on additional affidavits from those who were present at the meeting with Mr. James when he allegedly made the statements which were the basis of the affidavit supporting the requested enlargement. One of the affidavits states that, at earlier meetings, Mr. James made similar assertions of an ownership interest in Miami. The affiant also insists that the statements made in the original affidavit were "true and accurate in every respect" and that Mr. James' denials are not true. The affidavits of two others who were present at the meeting are to the same effect, in words that are in major respects identical.

5. Each of the four persons who are the stockholders, officers, and directors of Miami have submitted sworn statements to the effect that there are no other owners of the corporation. The affidavit from the Chairman of the Board indicates that no other person has been authorized to represent the corporation in the manner Mr. James is alleged to have done. The reply affidavits submitted by petitioner in no way contradict these declarations; they merely differ with James' interpretation of what he said. The Board agrees with the Broadcast Bureau, therefore, that an essential element to the charge of undisclosed principal is missing, i.e., a connecting link between James and the corporation.[3] Petitioner has attempted to supply this by referring to the fact that James and Mr. McCoach, a stockholder in Miami, are business associates. We find this insufficient in view of Mr. McCoach's affidavit and the affidavits of the other stockholders, particularly since there is nothing to indicate that petitioner made any effort to ascertain whether James' alleged declarations of interest were accurate. Since it is charged that the discussions with James dealt with possible terms for the dismissal of Miami's application, this omission is all the more inexcusable. This aspect of the motion to enlarge will therefore be denied.

Miami's financial qualifications. 6. Mission contends that there are at least three infirmities in Miami's financial proposal, as follows: (a) The applicant is relying on a proposed $45,000 loan from Lovell, Inc., and the balance sheet for that corporation does not show the ability to meet this commitment; (b) Miami's estimate of $20,000 for first year's operating costs is unreasonably low; and (c) although Miami must rely on anticipated operating revenues to establish its financial qualifications, no showing has been made to support its estimate. Miami, in opposition, points out that on June 9, 1967, it filed an amendment to its application,[3] and contends that the information contained in the amendment remedies the alleged deficiencies.

7. The Board agrees with Mission that Miami's amendment does not resolve all of the questions concerning its financial proposal. Miami's amended application reflects that it will require $107,500 in order to construct the station and an additional $32,000 in order to operate for 1 year. However, the estimated operating costs have not been itemized, and, as pointed out by Mission, interest payments to an equipment supplier and Lovell, Inc., would exceed $7,000, leaving only $25,000 to pay seven prospective employees and meet all other expenses. Moreover, even assuming the accuracy of Miami's estimated costs of operation, we could not find Miami financially qualified. To meet estimated expenditures of $139,500, Miami appears to rely on a $90,000 loan commitment from Lovell, Inc., an equipment credit of $32,625,[4] and $500 paid in for stock. No credit can be given for anticipated revenues since the basis of Miami's $25,000 estimate has not been shown. Thus, Miami's own figures reveal a deficit of $16,375. Moreover, Lovell, Inc.'s, balance sheet shows $6,218.37 in liquid assets,[5] approximately $2,447,310 in total assets, and $1,415,305 in total liabilities. Although the Board has permitted reliance on a large net worth when only a small amount was needed, we are not willing to find that Lovell, Inc., is able to meet a $90,000 commitment without some showing of the liquidity of its listed assets. In view of the foregoing, issues inquiring into Miami's financial qualifications will be added.

Adequacy of staff. 8. Mission's request for this issue is based on the allegations that Miami proposes to devote 10.7 percent or 13 hours per week to local live programing, and that there is no information in its application regarding the number of employees Miami proposes to utilize to effectuate its programing. However, in its June 9, 1967 amendment, Miami lists a proposed staff of seven employees, including a general manager-program director, two announcer-salesmen, two general and administrative employees, and two employees for the technical operation of the station. While Mission reiterates in its reply pleading that a staffing issue is warranted, no specific allegations are made indicating that Miami would be unable to effectuate its programing with the staff it proposes, and the requested issue will therefore be denied.

WSKP's financial qualifications. 9. In support of its request for issues inquiring into WSKP's financial qualifications, Mission notes that WSKP's application does not include an estimate of first year's operating costs, but does indicate that WSKP will require $45,557 for construction, and approximately $25,000 for the down payment and first year's installments on equipment. To meet these costs, Mission states, WSKP is relying on the financial showing made in its application for consent to purchase Station WOCN, filed on March 28, 1966; and to meet operating costs, WSKP is relying on the operating profits from Station WOCN. However, Mission contends, WOCN's renewal application shows that as of September 30, 1966, most of the funds relied upon in the transfer application have been used to purchase the station; and that during the months of May to September, 1966, Station WOCN suffered an operating deficit of $41,961. In response to these allegations, WSKP states that on June 5, 1967, it filed an application to assign Station WOCN, and that, when this application is granted, it will file an amendment to cure the alleged deficiencies. The Board does not deem it appropriate to defer action on the requested financial issue until such time as WSKP's transfer application is granted, and an amendment is prepared, filed, and accepted. In light of the substantial unanswered questions raised by Mission, financial issues will be added.

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[3] For example, there is no allegation or showing that the initial arrangements for the meeting at which James was present were made with principals of Miami or that they were even aware of this meeting.

[3] The amendment was accepted by Order, FCC 67M-1093, released June 29, 1967.

[4] In its June 9, 1967 amendment, Miami shows a deferred credit of $62,625. However, no explanation of this figure is set forth, and a letter from the equipment supplier states that the cost of equipment will be $43,500 with a 25 percent down payment.

[5] Although Lovell, Inc.'s, balance sheet shows current assets of $2,186,088.85, none of the listed assets (second mortgages, notes, and accounts receivable, etc.), other than cash, appear to be liquid assets. (See Item 4(d), sec. III, FCC Form 301.)

Accordingly, it is ordered, That the motion to enlarge issues, filed on May 25, 1967, by Mission East Co., is granted to the extent indicated below, and denied in all other respects; and

It is further ordered, That the issues in this proceeding are enlarged by the addition of the following issues:

(a) To determine with respect to the application of Miami Broadcasting Corp.:

(1) The basis of its estimated costs of first year's operation, and whether such estimate is reasonable.

(2) Whether it has sufficient funds available to meet the cost of construction and first year's operation.

(3) In the event that it will depend upon operating revenues to meet costs and first year's operating expenses, the basis of its estimated revenues for the first year of operation, whether such estimate is reasonable, and the extent to which net operating revenues may be relied upon to yield necessary funds for construction and 1 year's operating costs.

(b) To determine with respect to the application of WSKP Broadcasters:

(1) Its estimated costs of first year's operation, the basis for its estimate, and whether such estimate is reasonable.

(2) Whether it has sufficient funds available to meet the cost of construction and first year's operation.

(3) In the event that it will depend upon operating revenues to meet costs and first year's operating expenses, the basis of its estimated revenues for the first year of operation, whether such estimate is reasonable, and the extent to which net operating revenues may be relied upon to yield necessary funds for construction and 1 year's operating costs.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof shall be on the applicants to establish their respective financial qualifications.

Adopted: August 8, 1967.

Released: August 10, 1967.

FEDERAL COMMUNICATIONS COMMISSION,*

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-9616; Filed, Aug. 15, 1967; 8:50 a.m.]

[Docket No. 17635; FCC 67-915]

T. J. SHRINER

Order Designating Application for Hearing on Stated Issues

In re application of T. J. Shriner, Bellaire, Tex., Docket No. 17635, File No. BP-12137; Requests: 1170 kc, 250 w, Day; for construction permit.

1. The Commission has before it the above-captioned and described application which, for the reasons hereinafter indicated, must be designated for hearing.

2. According to the applicant, interference received from Station XERT, Reynosa, Tamaulipas, Mexico (1170 kc, 5 kw, Day) would affect 7.1 percent of the area and 4.2 percent of the population within the normally protected 0.5 mv/m contour of the proposed station. This conclusion appears to have been reached without taking into account the salt water areas over the paths from XERT toward the proposed 0.5 mv/m contour. The Commission's study of the proposal indicates that the area under interference is substantially greater than indicated by the applicant. As a result, the population affected may exceed 10 percent of the population within the predicted 0.5 mv/m contour. Thus, the proposed operation will not comply with § 73.28(d)(3) of the Commission's rules.[1]

3. The applicant contends that his proposed antenna system will meet the minimum efficiency requirements of § 73.189 of the rules. However, his estimate appears to have been made without regard to the reduction in efficiency caused by the inadequate length of the proposed ground radials.

4. Bellaire, Tex., appears to be a community lying within the corporate limits of Houston in the southwest portion of the city. Examination of the application indicates that the proposed 5 mv/m contour will not only penetrate the geographic boundaries of Houston but will also cover approximately 80 percent of the city. The population of Houston, 938,219 (1960 Census), is over twice that of Bellaire, 19,872. Houston's population being in excess of 50,000 and more than twice the population of Bellaire raises the presumption that the applicant realistically proposes to serve Houston. Policy statement on section 307(b) Consideration for Standard Broadcast Facilities Involving Suburban Communities, 2 FCC 2d 190, 6 R.R. 2d 1901 (1965). By letter of September 12, 1966, the applicant was advised of the policy and furnished a copy of the statement.

5. In response, the applicant filed a general statement with little factual support which the Commission finds inadequate to rebut the presumption. One of the applicant's contentions appears to be in error. The applicant claims that, even if required to specify Houston as the station location, the proposed 5 mv/m signal would cover the entire city. As indicated above, it appears that the proposed 5 mv/m signal would cover approximately 80 percent of Houston. Moreover, the main business district of Houston appears to be some distance beyond the proposed 25 mv/m contour. Thus, the proposed station would not meet the coverage requirements of § 73.188(b)(1) and (2) for a Houston station. Accordingly, in the event the applicant fails to establish that the proposed station will realistically provide a local transmission service for Bellaire, it must be determined whether the proposed operation would meet all technical provisions of the rules, including § 73.188(b)(1) and (2), for a station assigned to Houston. See Issue No. 5, below.

6. The Commission's letter of September 12, 1966, advised the applicant that it would be necessary to bring the application up to date in all respects. Regarding his financial plans, the applicant stated "No change since date of filing." The financial material on file was submitted in 1958. The applicant's bare, unsupported statement is not sufficient to overcome the reasonable assumption that construction costs may be greater than estimated in 1958 in view of the rise in equipment prices. While it may be that the applicant's current financial position may be similar to that of 1958, the Commission is unable to determine the applicant's 1967 financial position on the basis of a balance sheet prepared in 1958. It will be necessary therefore to specify issues to determine the applicant's current financial position, his estimates of current construction costs and operating expenses and the bases thereof, and to determine, in the event the applicant must rely on revenues from station operation, the basis for the estimate of revenues.[2]

7. Except as indicated by the issues specified below, the applicant is qualified to construct and operate the station as proposed, but for the reasons indicated, the application must be designated for hearing on the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation and the availability of other primary service to such areas and populations.

2. To determine whether interference received by the proposed operation would affect more than 10 percent of the population within the normally protected primary service area of the proposed station in contravention of § 73.28(d)(3) of the Commission's rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

3. To determine whether the proposed antenna system can be expected to achieve minimum radiation efficiency for this class of station as required by § 73.189.

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* Review Board Members Berkemeyer and Kessler absent; Board Member Slone concurring and stating that he would add the real party in interest issue.

[1] Sec. 73.28(d)(3) is applicable because the application was filed prior to the adoption of new technical standards which became effective on Aug. 13, 1964. Amendment of Part 73 of the Commission's rules regarding AM station assignment standards, etc., 2 R.R. 2d 1658.

[2] The Commission does not intend to imply that the information on file, if current, is sufficient to establish the applicant's financial qualifications. The applicant did not indicate what portion of his liabilities were current, but assuming a current liability of approximately $1,200, the applicant showed the availability of only approximately $4,700 in current assets to meet construction costs and initial operating expenses of between $24,000 and $26,000. The applicant expressed some expectation of securing credit on the purchase of equipment but submitted no evidence that such credit was available.

4. To determine whether the proposal will realistically provide a local transmission facility for its specified station location or for another larger community, in light of all the relevant evidence, including, but not necessarily limited to, the showing with respect to:

(a) The extent to which the specified station has been ascertained by the applicant to have separate and distinct programming needs;

(b) The extent to which the needs of the specified station location are being met by existing standard broadcast stations;

(c) The extent to which the applicant's program proposal will meet the specific unsatisfied needs of its specified station location; and

(d) The extent to which the projected sources of the applicant's advertising revenues within its specified station location are adequate to support its proposal, as compared with its projected sources from all other areas.

5. To determine, in the event that it is concluded pursuant to the foregoing issue (4) that the proposal will not realistically provide a local transmission service for its specified station location, whether such proposal meets all of the technical provisions of the rules for standard broadcast stations assigned to the most populous community for which it is determined that the proposal will realistically provide a local transmission service, namely, Houston, Tex.

6. To determine:

(a) The applicant's estimated construction costs and operating expenses for the first year and the bases thereof;

(b) The current financial position of the applicant and whether sufficient funds are available to meet the costs and construction and 1 year's operation of the proposed station;

(c) In the event the applicant will depend upon operating revenues during the first year of operation to meet fixed costs and operating expenses, the basis for the applicant's estimated revenues for the first year of operation; and

(d) Whether, in light of the evidence adduced with respect to Items 6-a, 6-b, and 6-c, above, the applicant is financially qualified.

7. To determine, in light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience, and necessity.

It is further ordered, That, in the event of a grant of the application, the construction permit shall contain the following condition: Any presunrise operation must conform with §§ 73.87 and 73.99 of the rules, as amended June 28, 1967 (32 F.R. 10437), supplementary proceedings (if any) involving Docket No. 14419, and/or the final resolution of matters at issue in Docket No. 17562.

It is further ordered, That, to avail himself of the opportunity to be heard, the applicant herein, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311 (a) (2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594 (g) of the rules.

Adopted: August 2, 1967.

Released: August 10, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-9617; Filed, Aug. 15, 1967; 8:51 a.m.]

[Docket Nos. 17174, 17636; FCC 67-916]

SIOUX EMPIRE BROADCASTING CO. AND JOHN L. BREECE

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Eider C. Stangland and Wallace L. Stangland, doing business as Sioux Empire Broadcasting Co., Sioux Falls, S. Dak., Docket No. 17174, File No. BP-15191, requests: 1520 kc, 500 w, day; John L. Breece, Sioux Falls, S. Dak., Docket No. 17636, File No. BP-17517, requests: 1000 kc, 10 kw, DA, day; for construction permits.

1. The Commission has before it the above-captioned and described applications; a petition to deny the application of John L. Breece filed by KISD, Inc., licensee of standard broadcast Station KISD, Sioux Falls, S. Dak.; oppositions to the petition filed by each of the applicants; and KISD's reply to the oppositions.

2. On February 8, 1967, the Commission ordered a hearing on the application of the Sioux Empire Broadcasting Co. (Sioux Empire) at the instance of KISD to determine, inter alia, whether the establishment of an additional standard broadcast station in Sioux Falls would result in the degradation of service to the injury of the public. Sioux Empire Broadcasting Co., 6 FCC 2d 707, 9 RR 2d 396 (1967). KISD now requests consolidation of the Breece application in the proceeding with the Sioux Empire proposal. KISD refers to the Commission's finding in connection with Sioux Empire that KISD has raised a substantial question concerning the ability of Sioux Falls to support a fourth commercial standard broadcast station and states that it has also raised substantial questions of fact concerning the ability of the area to support a fourth and fifth station.

3. Sioux Empire takes no position on whether the Breece application should be designated for hearing, but opposes consolidation in the Sioux Empire proceeding on the ground that the Breece application was not filed in time for comparative consideration with Sioux Empire in accordance with the provisions of § 1.227 (b) (1) of the Commission's rules.[1]

4. In his opposition, Breece does not object to the consolidation of his application in the proceeding on the Sioux Empire proposal, but urges that, in the face of the suggestion that his application is in "conflict" with the Sioux Empire application, the failure to grant the requested consolidation would deny his right to a hearing required by the holding of the Supreme Court in Ashbacker Radio Corp. v. Federal Communications Commission, 326 U.S. 327 (1945). In commenting on the contention of Sioux Empire that consolidation with its application is not permitted under the provisions of § 1.227 of the Commission's rules, Breece claims that the Commission's cutoff procedures pursuant to § 1.227 of the rules did not give him adequate notice that his application might be considered mutually exclusive with the Sioux Empire application and that the first inkling he had of a possible conflict was the Commission's action in designating the Sioux Empire application for hearing.

5. Breece further contends that, under the circumstances the public interest would best by served by requiring KISD to file its renewal application before the due date (January 2, 1968) and consolidating the KISD renewal with the Sioux Empire and Breece applications to permit a determination as to which applicant or applicants could serve the needs of Sioux Falls. KISD, in replying to Breece's contention that the KISD renewal should be required in advance of the due date, states its opposition to such a procedure and cites various Commission actions in which the Commission has declined to consolidate renewal applications with applications for construction permits when the renewal application was not pending at the time. John Self, 24 RR 1177 (1963); Bigbee Broadcasting Co., 25 RR 88 (1963); William L. Ross, 25 RR 360 (1963).

6. The Commission must first conclude that the present circumstances do not require that KISD file an early renewal applicaton for consolidation with the Sioux Empire and Breece proposals. The Commission will therefore adhere to its practice of not requiring the filing of early renewal applications absent some compelling reason. In any case, the Sioux Empire and Breece applications would not be mutually exclusive with the KISD renewal application on their face and are not mutually exclusive with each other. The Commission will, however, consolidate the Sioux Empire and Breece applications for hearing to afford Breece an opportunity to contest KISD's allegation that his proposal will be a

[2] Commissioners Bartley, Loevinger, and Wadsworth absent.

[1] On Nov. 15, 1962, the Commission gave notice that any application, in order to be considered with the Sioux Empire application, must be on file by Dec. 26, 1962 (FCC 62-1180). The Breece application was tendered for filing on Nov. 7, 1966.

detriment to the public.[2] Breece will also be afforded an opportunity to resolve certain financial questions, hereinafter described, indicated by the examination of his application.

7. The Commission is not ordering, at this time, a comparative evaluation of applicants and their proposals, since such a determination may not become necessary. In the event KISD meets the burden of proving under issue 3 specified herein, that new services in the area will result in public detriment, the Commission will, at the appropriate future time, give further consideration to this matter if necessary. Under the unusual circumstances of this proceeding, the Commission finds that it will be appropriate to limit the participation of each of the applicants to the issues specifically applicable to the respective applicants.

8. It appears that John L. Breece will require approximately $61,068[3] to construct and operate his proposed station for a period of one year without revenues. To meet these costs the applicant indicates that funds will be available from several sources. Breece states that he can realize $7,000 from the sale of a business but does not substantiate this estimated value nor does he indicate that there is a prospective buyer. Breece states that he derives income in excess of $10,000 as holder of a note from the sale of KIMM, Rapid City, S. Dak., but does not clearly indicate whether this amount is reflected in the applicant's annual income. The applicant expresses a willingness to borrow on the note if necessary, but does not indicate the availability of a loan with the note as security. There is some indication that Breece may rely on revenues from station operation to meet construction costs and operating expenses but offers little more than the expression of his personal opinion to substantiate his estimate that the operation of the station will produce income of $50,000. The material submitted indicates the availability of approximately $13,038 in cash and liquid assets. Accordingly, issues will be specified to permit Breece to clarify his financial plans, to show the source of additional funds required, and, if reliance is to be placed on revenues, to demonstrate whether his estimate of expected revenues is reasonable.

9. Except as indicated by the issues specified below, John L. Breece is qualified to construct, own and operate the proposed station. However, for the reasons indicated above, the Commission is unable to make the statutory finding that a grant of the application would serve the public interest, convenience and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below.

Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing in a consolidated proceeding with the application of Eider C. Stangland and Wallace L. Stangland, doing business as Sioux Empire Broadcasting Co., at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to the application of John L. Breece:

(a) The source of additional funds required to meet the costs of construction and first-year operation.

(b) In the event the applicant intends to rely on revenues during the first year of operation, the basis for the applicant's estimate, whether such estimate is reasonable and, if not, the amount of revenues which may be reasonably expected in the first year.

(c) Whether, in the light of the evidence adduced pursuant to the foregoing, the applicant is financially qualified.

2. To determine the efforts made by the Sioux Empire Broadcasting Co. to ascertain the programming needs and interests of the area to be served and the manner in which the Sioux Empire Broadcasting Co. proposes to meet such needs and interests.

3. To determine whether there are adequate revenues to support more than three commercial standard broadcast stations in the area to be served and, if so, how many additional stations can be supported without a net loss or degradation of standard broadcast service to the area.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the applications would serve the public interest, convenience and necessity.

It is further ordered, That the requests contained in the petition to deny the application of John L. Breece and Breece's opposition thereto are granted to the extent indicated above and are denied in all other respects.

It is further ordered, That the burden of proceeding with the introduction of the evidence and the burden of proof with respect to issue No. 1 shall be upon John L. Breece, with respect to issue No. 2 upon Sioux Empire Broadcasting Co., and with respect to issue No. 3 upon KISD, Inc.

It is further ordered, That the participation of the Sioux Empire Broadcasting Co. shall be restricted to issues 2, 3, and 4, and that the participation of John L. Breece shall be restricted to issues 1, 3, and 4.

It is further ordered, That the specification of issues herein shall supersede the specification of issues in the Commission's order of February 8, 1967, in this proceeding.

It is further ordered, That, in the event of a grant of the applications, each construction permit shall contain the following condition: Any presunrise operation must conform with §§ 73.87 and 73.99 of the rules, as amended June 28, 1967 (32 F.R. 10437), supplementary proceedings (if any) involving Docket No. 14419, and/or the final resolution of matters at issue in Docket No. 17562.

It is further ordered, That to avail himself of the opportunity to be heard, John L. Breece, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this order.

It is further ordered, That John L. Breece shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: August 2, 1967.

Released: August 10, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[4]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-9618; Filed, Aug. 15, 1967; 8:51 a.m.]

[2] The Commission, at this time, makes no finding that there is a conflict between the Sioux Empire and the Breece applications. Therefore, § 1.227(b)(1) does not constitute a bar to the consolidation of the applications for hearing.

[3] Consisting of down payment on equipment ($6,942), first-year payment on equipment ($4,166), first-year interest on equipment payments ($1,125), down payment on land ($3,150), first-year payments on land ($685), buildings ($2,000), miscellaneous ($3,000), 1 year's working capital ($40,000).

FEDERAL POWER COMMISSION

[Docket Nos. CP67-192, CP67-260]

TOWN OF BROOKLYN, IOWA, AND NORTHERN NATURAL GAS CO.

Order Consolidating Proceedings, Granting Intervention, Fixing Date for Hearing, and Prescribing Procedure

AUGUST 8, 1967.

In Docket No. CP67-192, the town of Brooklyn, Iowa (Brooklyn), pursuant to section 7(a) of the Natural Gas Act (Act), seeks an allocation of natural gas from Northern Natural Gas Co. (Northern) and in Docket No. CP67-260, Northern seeks authorization to construct and operate the necessary facilities to initiate natural gas service to nine communities, including Brooklyn, in the State of Iowa, all as more fully set forth in the respective applications which are on file with the Commission and open to public inspection. Notice of the filing of each application has been issued[1] and the proposals are described in more detail therein.

On April 18, and April 19, 1967, respectively, the towns of Rolfe and Gilmore City, Iowa, filed petitions to intervene in Docket No. CP67-260; they seek an allocation of natural gas from Northern pursuant to section 7(a) of the Act and request that Northern's proposed facili-

[4] Commissioners Bartley, Loevinger, and Wadsworth absent.

[1] See the following table:

ties to serve the other communities be extended to serve them. The filing deadline was April 17, 1967. Rolfe estimates its third year peak day and annual requirements to be 550 Mcf and 92,000 Mcf, respectively; Gilmore City's estimates are 475 Mcf and 53,660 Mcf, respectively, all as more fully set forth in their petitions.

Docket No.	Notice issued	Federal Register citation	Publication date
CP67-192	Jan. 11, 1967	32 F.R. 627	Jan. 19, 1967
CP67-260	Mar. 17, 1967	32 F.R. 4554	Mar. 25, 1967

Northern filed answers opposing the requests of Rolfe and Gilmore City for service alleging that the two towns have not complied with Northern's tariff and that the extension to serve them may not be economically feasible and may impair the economic feasibility of Northern's proposed service to the other towns.

On February 13, 1967, Lake Superior District Power Co., which purchases some of its natural gas requirements from Northern, filed a petition to intervene in Docket No. CP67-192 opposing Brooklyn's application for failure to comply with Northern's tariff. The filing deadline was February 6, 1967.

These dockets are clearly related and should be heard on a consolidated record. We are also of the view that the petitioners in each case have alleged sufficient interest in the applications to warrant intervention, even though the filings were late.

Based on our experience in other similar proceedings, it is our belief that the procedure sould be set forth to insure an expeditious and orderly hearing.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the matters in Docket Nos. CP67-192 and CP67-260 be consolidated for hearing and decision.

(2) It is desirable and in the public interest to allow the above-named petitioners to intervene in these proceedings in order that the petitioners may establish the facts and the law from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

(3) The expeditious disposition of these proceedings will be effectuated by providing for service of testimony by the applicants and interveners prior to the holding of the hearing.

The Commission orders:

(A) The above-captioned proceedings are hereby consolidated for the purpose of hearing and decision.

(B) The above-named petitioners are hereby permitted to intervene in these consolidated proceedings subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to mattters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene: *And provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) Applicants and the interveners shall file with the Commission and serve on all parties and the Examiner their direct presentations on or before August 18, 1967.

(D) Take notice that a hearing will be held in these consolidated proceedings in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., commencing at 10 a.m., e.d.s.t., on September 19, 1967.

By the Commission.

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

[F.R. Doc. 67-9621; Filed, Aug. 15, 1967; 8:51 a.m.]

[Project No. 2434]

KODIAK ELECTRIC ASSOCIATION, INC.

Notice of Application for License for Unconstructed Project

AUGUST 10, 1967.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Kodiak Electric Association, Inc., (correspondence to: Leon H. Johnson, Manager, Kodiak Electric Association, Inc., Post Office Box 787, Kodiak, Alaska 99615) for unconstructed Project No. 2434, known as Terror Lake Hydroelectric Project, to be located on Terror River in Kodiak Island, in the region of the city of Kodiak and town of Port Lions, and affecting lands of the United States within the Kodiak Wild Refuge and public domain lands of Kodiak Island.

The proposed Terror Lake Hydroelectric Project would consist of: I. An Initial First Stage Development comprising: (1) A rockfill dam 125 feet high, crest elevation 1,375 feet (all elevations U.S.G.S. Datum) with uncontrolled broad-crested chute spillway at center forming a reservoir known as Terror Lake with surface area of 760 acres at elevation of 1,363 feet, and usable storage capacity of 62,000 acre-feet (with provision to raise the crest to elevation 1,395 and for constructing side spillway in final stage); (2) a diversion ditch and dam to divert Mount Glotoff glacier runoff into Terror River, thence into Terror Lake; (3) a power tunnel intake structure sized for 30,000 kw at minimum pool elevation of 1,250 feet and maximum pool elevation of 1,383 feet; (4) a 10-foot diameter power tunnel approximately 22,700 feet with surge shaft, sized for 30,000 kw; (5) a Falls Creek diversion structure and sand trap with an 8-foot diameter intake tunnel and shaft about 950 feet in length connecting to main power tunnel, also a Shotgun Creek intake structure with 7-foot diameter tunnel connecting to Falls Creek drainage; (6) a main inclined steel-lined pressure shaft, butterfly valve and steel penstock sized for 30,000 kw; (7) a powerhouse (at left bank of Kizhuyak River) and substation for two 10,000 kw units with provisions for a third 10,000 kw unit. (8) 22 miles of 69 kv transmission line to the Naval Station tie substation; and (9) an additional 10,000 kva transformer in the substation at Kodiak and install reactor for ice prevention; II. An Intermediate Second Stage Development involving: (1) Raising the rockfill dam at Terror Lake to a height of 145 feet (crest elevation from 1,375 to 1,395) which, in turn, will increase the surface area of Terror Lake and its capacity to 850 acres at elevation of 1,383 feet and 78,000 acre-feet respectively; (2) the addition of a third 10,000 kw unit to powerhouse and increase the capacity of the powerhouse substation; and (3) the addition of 7,500 kva capacity to the Naval Station tie substation; and III. The Ultimate Development involving: (1) Construction of a diversion dam and tunnel to divert the Upper Uganik River Basin (above elevation 1,500 feet) into the Terror River; and (2) construction of diversion dams, ditches, and tunnels to divert the Upper Hidden Basin (above elevation 1,500 feet) into the Terror River.

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 October 4, 1967. The application is on file with the Commission for public inspection.

KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 67-9549; Filed, Aug. 15, 1967; 8:46 a.m.]

[Docket No. CP68-36]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

AUGUST 7, 1967.

Take notice that on August 2, 1967, Michigan Wisconsin Pipe Line Co. (Applicant), 1 Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP68-36 an application pursuant to subsection (c) of section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, 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 approximately 60.9 miles of natural gas supply pipelines ranging in size from 8 inches to 20 inches, together with related facilities. Applicant proposes to use these lines to connect its Placid Line to natural gas supplies in the Eugene Island and South Marsh Island Areas, Offshore Louisiana. Applicant states that it has contracted for supplies of natural gas to be purchased from Sinclair Oil & Gas Co. and Shell Oil Co. in the offshore areas mentioned above and that it proposes to connect such volumes of natural gas to its system with the facilities proposed

above. Applicant further states that the volumes of natural gas to be purchased will not increase its system capacity and are not intended for any new sale or service but are to be used to meet its customers' increasing requirements as a part of its continuing program to augment its system gas supply by connecting new reserves, as available.

Applicant estimates the total cost of the proposed facilities at approximately $8,653,000, said cost to be financed as a part of Applicant's overall financing program which will initially use bank loans after utilization of available treasury funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before September 5, 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. 67-9619; Filed, Aug. 15, 1967; 8:51 a.m.]

[Docket No. CP68-37]

MICHIGAN WISCONSIN PIPE LINE CO. AND MICHIGAN CONSOLIDATED GAS CO.

Notice of Application

AUGUST 7, 1967.

Take notice that on August 2, 1967, Michigan Wisconsin Pipe Line Co. (Michigan), 1 Woodward Avenue, Detroit, Mich. 48226, and Michigan Consolidated Gas Co. (Consolidated), 1 Woodward Avenue, Detroit, Mich. 48226 (Applicants), filed in Docket No. CP68-37 an application pursuant to subsection (c) of section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of volumes of natural gas between Applicants and the establishment of a new delivery point for an existing customer for a temporary period of 90 days, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Michigan seeks authorization, limited to ninety days duration, to establish a new delivery point for the delivery of natural gas to Great Lakes Gas Transmission Co. (Lakes) at the interconnection of Lakes' 36-inch pipeline with the facilities of Consolidated at the Belle River Mills field in St. Clair County, Mich. Applicants also seek authorization to exchange up to 5,000 MMcf of natural gas to enable Michigan to make the deliveries proposed above.

Applicants state that Lakes will not complete its first-phase facilities from central Michigan to the St. Clair River until about November 1, 1967, and that it is urgent that Lakes deliver said volumes of natural gas to Trans-Canada Pipe Lines, Ltd. (Canada) as soon as possible to provide storage gas for Canada's customers this fall. Lakes and Canada are expediting construction of the segments of pipeline between Belle River Mills and Dawn Storage Area, Ontario, Canada, including the St. Clair River crossing, and expect to complete such facilities by September 15, 1967. Applicants further state that the above-proposed service is to enable Michigan to deliver overrun gas to Lakes at Belle River Mills for the account of Canada prior to the completion of Lakes' first-phase facilities.

Applicants state that Michigan will deliver overrun gas to Consolidated at the present Willow Run delivery point and will receive equivalent volumes from Consolidated, less compressor fuel consumed by Consolidated, at Belle River Mills. At that point, Michigan will coincidently deliver the natural gas to Lakes for the account of Canada pursuant to the existing Gas Purchase Contract between Michigan and Canada, and Lakes will transport the natural gas to Canada's facilities pursuant to the existing Gas Transportation Contract between the two parties. No new facilities are required and no charges will be made under the Temporary Exchange Agreement.

Protests or petitions to intervene may be file 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 September 5, 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. 67-9620; Filed, Aug. 15, 1967; 8:51 a.m.]

[Docket No. CP68-39]

NORTHERN NATURAL GAS CO.

Notice of Application

AUGUST 10, 1967.

Take notice that on August 4, 1967, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP68-39 an application pursuant to subsection (c) of section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the sale and delivery of volumes of natural gas to a resale 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 a side tap and measuring station to be located on its 16-inch line at the outlet of its Kermit, Tex. Dehydration Plant, Winkler County, Tex. Applicant also seeks authorization to sell and deliver to Community Public Service Co. (Community) volumes of natural gas for resale and distribution in the community of Kermit, Tex. Applicant states that the proposed sale and delivery will be made through the facilities proposed above. Applicant further states that Community requires the volumes of natural gas to supplement its current supply received from five wells in the Kermit area which have experienced serious depletion in recent years and Applicant proposes to sell and deliver to Community up to 1,000 Mcf per day of natural gas.

Applicant estimates the total cost of the proposed facilities at approximately $5,500, said cost to be reimbursed in full to Applicant by Community.

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 September 7, 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 hear-

ing 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.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 67-9550; Filed, Aug. 15, 1967; 8:46 a.m.]

[Docket No. E-7364]

NORTHERN STATES POWER CO.

Notice of Application

AUGUST 9, 1967.

Take notice that on July 28, 1967, Northern States Power Co. (Applicant) of Minneapolis, Minn., filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of $60 million in unsecured promissory notes to commercial banks and to commercial paper dealers. Applicant requests that such order be in place of and supersede the Commission's order of March 10, 1967, in Docket No. E-7335, which authorized the Applicant to issue up to $50 million in promissory notes to commercial banks.

The promissory notes to be issued by the Applicant to commercial banks will be issued on various days in 1967 and 1968, but no note will mature more than 12 months after date of issue or renewal. The interest rate of such notes will be at the prime loan interest rate at the time and place of making.

The promissory notes issued to commercial paper dealers will be issued on various days in 1967 and 1968, but no note will mature more than 9 months prior to date of issue nor will any note be extended or renewed. The interest rate on such notes will be dependent upon the term of the notes and the money market conditions at the time of issuance. Applicant represents that currently the interest rate on commercial paper is less than the prime loan interest rate of commercial banks. According to the application, the aggregate amount of commercial paper to be outstanding at any one time will not exceed the sum of (1) the dollar amount of Applicant's receivables arising out of the sale of electric, gas, heating, and telephone service and merchandise and (2) the dollar amount of Applicant's fuel inventory exclusive of nuclear fuels.

The proceeds from the issuance of the notes will be used, among other things, to finance in part the Applicant's 1967 and 1968 construction program. Principal items in this program include $43.3 million for completion of a 590 mw unit at the Allen S. King Plant and $36.9 million for construction work on the Monticello nuclear plant.

Any person desiring to be heard or to make any protest with reference to said application should, on or before August 31, 1967, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 67-9551; Filed, Aug. 15, 1967; 8:46 a.m.]

[Docket No. CP68-38]

OHIO FUEL GAS CO.

Notice of Application

AUGUST 10, 1967.

Take notice that on August 4, 1967, The Ohio Fuel Gas Co. (Applicant), 99 North Front Street, Columbus, Ohio 43215, filed in Docket No. CP68-38 an application pursuant to subsections (b) and (c) of section 7 of the Natural Gas Act for permission and approval to abandon certain natural gas facilities and for a certificate of public convenience and necessity authorizing the construction and operation of certain other natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission and approval to abandon, in part by sale to The Dayton Power and Light Co. (Dayton), the following natural gas facilities:

(1) Three measuring stations and associated regulating facilities located in Montgomery and Greene Counties, Ohio;

(2) Three measuring stations and associated regulating facilities located in Montgomery and Greene Counties, Ohio, by sale to Dayton; and

(3) Approximately 5.3 miles of 4-inch O.D. to 18-inch O.D. pipelines, together with all land, right of way properties, and easements appurtenant thereto, by sale to Dayton.

Applicant states that the facilities to be abandoned by sale to Dayton will be integrated by Dayton into its distribution system for use in rendering natural gas service to its rapidly expanding retail market area. Applicant also states that no existing customer will experience change in either rates or service as a result of the proposed abandonments.

Applicant also seeks authorization to construct and operate the following natural gas measuring facilities:

(1) A measuring station and appurtenant facilities to be constructed at the junction of Applicant's Line Z-50 and Line Z-56, in Bath Township, Greene County, Ohio; and

(2) A measuring station and appurtenant facilities to be constructed at the junction of Applicant's Line Z-50 and Line Z-260, also in Bath Township, Greene County, Ohio.

Applicant states that the facilities proposed above will be used to measure the volumes of natural gas delivered into the facilities to be acquired by Dayton. Applicant further states that the facilities proposed above will eliminate the cost of operating and maintaining the facilities which are proposed to be abandoned and the necessity of constructing or relocating transmission facilities in a congested urban and military reservation area.

Applicant estimates the total cost of the proposed facilities at approximately $66,800, said cost to be financed from cash on hand. Applicant further states that it has agreed to sell and Dayton has agreed to purchase the facilities proposed to be abandoned for the sum of $163,834.17.

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 September 7, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 67-9552; Filed, Aug. 15, 1967; 8:46 a.m.]

[Project Nos. 2243, 2273]

PACIFIC NORTHWEST POWER CO. AND WASHINGTON PUBLIC POWER SUPPLY SYSTEM

Notice of Public Hearing on Applications for License for Unconstructed Project

AUGUST 9, 1967.

Public notice is hereby given that a further public hearing has been ordered by the Federal Power Commission on applications for license filed under the Federal Power Act (16 U.S.C. 791a-825r) by Pacific Northwest Power Co. and Washington Public Power Supply System for unconstructed Project Nos. 2243 and 2273 to be located on the Snake River, Idaho.

The public hearing was ordered by Federal Power Commission order issued July 31, 1967, respecting the matters involved and the issues presented in the proceeding on the applications for license. The order provided that notices of intervention or petitions to intervene in the further proceedings 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) and fixed the last day upon which petitions to intervene may be filed as September 1, 1967. Those persons or groups already granted intervention in the course of any of the prior proceedings need not file new petitions.

The date and place of commencement of the hearing will be set by the Presiding Examiner following a prehearing conference in Portland, Oreg., on September 28, 1967. Inquiries should be addressed to the Federal Power Commission.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 67-9553; Filed, Aug. 15, 1967; 8:46 a.m.]

[Docket No. CI68-132]

TEXACO, INC.

Notice of Application

AUGUST 9, 1967.

Take notice that on August 11, 1967, Texaco, Inc. (Applicant), Post Office Box 52332, Houston, Tex. 77052, filed in Docket No. CI68-132 an application pursuant to section 7(c) 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 resale on a short term basis, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests authorization to sell natural gas on a short term basis to the United Gas Pipe Line Co. (United Gas), which gas will be sold at the Paradis Plant, St. Charles Parish, La. The period of sale will be from the date of authorization to January 1, 1968.

The application states:

> The gas which is the subject matter of this sale is surplus residue gas processed by [Applicant's] Paradis Plant. The increased Louisiana oil allowables, necessitated by the oil crisis in the Middle East, has resulted in an increase in casinghead gas production from wells supplying the Paradis Plant of approximately 125,000 Mcf per day over the casinghead gas production available in May of 1967. While such increase has been partially offset by a cutback in production of gas-well gas supplying the plant, it has not been possible for existing markets to fully absorb a substantial portion of this increase. Accordingly, in excess of 55,000 Mcf per day is currently being flared.
>
> In an effort to minimize the flaring of this valuable natural resource, [Applicant] contracted with United Gas for the sale of certain volumes of surplus gas from the Paradis Plant. The parties anticipate that initial deliveries will approximate 50,000 Mcf per day. The price for said gas is a spot sale distress price of 18 cents per Mcf.[1]

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 30, 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 the application if no protest or petition to intervene is filed within the time required herein and if the Commission on its own review of the matter believes 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.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 67-9623; Filed, Aug. 15, 1967; 8:51 a.m.]

[Docket No. RP66-12]

TEXAS EASTERN TRANSMISSION CORP.

Notice Fixing Oral Argument

AUGUST 4, 1967.

The Commission has before it the Presiding Examiner's initial decision and the exceptions thereto. Requests for oral argument were filed by Texas Eastern Transmission Corp. and Independent Natural Gas Association of America.

Take notice that oral argument is scheduled to be heard by the Commission en banc commencing at 10 a.m., e.d.s.t., on September 22, 1967, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

All parties desiring to participate in such oral argument shall notify the Secretary of the Commission in writing on or before September 5, 1967, of the amount of time desired for presentation of their respective oral arguments.

By direction of the Commission.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-9622; Filed, Aug. 15, 1967; 8:51 a.m.]

[Docket No. RI68-58]

YUCCA PETROLEUM CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

AUGUST 9, 1967.

On July 13, 1967, Yucca Petroleum Co. (Yucca) [1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated July 12, 1967.

Purchaser and producing area: Transwestern Pipeline Co. (Follett-Morrow Field, Lipscomb County, Tex.) (Railroad District No. 10).

Rate schedule designation: Supplement No. 5 to Yucca's FPC Gas Rate Schedule No. 6.

Effective date: August 13, 1967.[2]

Amount of annual increase: $36,000.

Effective rate: 17 cents per Mcf.[3]

Proposed rate: 23 cents per Mcf.[3]

Pressure base: 14.65 p.s.i.a.

Yucca requests that its proposed rate increase be permitted to become effective "immediately," or in the alternative, upon expiration of the statutory notice. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Yucca's rate filing and such request is denied.

Yucca proposes a rate increase from 17 cents per Mcf to 23 cents per Mcf for a wellhead sale of gas from the Follett-Morrow Field, Lipscomb County, Tex. (Railroad District No. 10) to Transwestern Pipeline Co. The increase amounts to $36,000 annually. Since Yucca's proposed 23 cent rate exceeds the area increased rate ceiling of 11 cents per Mcf for Texas Railroad District No. 10 as announced in the Commission's statement of general policy No. 61-1, as amended, we conclude that it should be suspended for 5 months from August 13, 1967, the date of expiration of the statutory notice, as hereinafter ordered.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or 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 of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 5 to Yucca's FPC Gas Rate Schedule No. 6 be suspended and the use thereof deferred as hereinafter ordered.

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 upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 5 to Yucca's FPC Gas Rate Supplement No. 6.

(B) Pending such hearing and decision thereon, Supplement No. 5 to Yucca's FPC Gas Rate Schedule No. 6 is hereby suspended and the use thereof deferred until January 13, 1968, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought

[1] At 15.025 p.s.i.a.

[1] Address is: Post Office Box 2585, Amarillo, Tex. 79105.

[2] The stated effective date is the first day after expiration of the statutory notice.

[3] Subject to a downward B.t.u. adjustment.

to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 27, 1967.

By the Commission.

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

[F.R. Doc. 67-9554; Filed, Aug. 15, 1967; 8:46 a.m.]

OFFICE OF EMERGENCY PLANNING

KANSAS

Amendment to Notice of Major Disaster

Notice of major disaster for the State of Kansas, dated July 20, 1967, and published July 26, 1967 (32 F.R. 10950), is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 18, 1967:

Harper.
Nemaha.

Dated: August 10, 1967.

FARRIS BRYANT, *Director, Office of Emergency Planning.*

[F.R. Doc. 67-9563; Filed, Aug. 15, 1967; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

AUGUST 10, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, 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 August 11, 1967, through August 20, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-9565; Filed, Aug. 15, 1967; 8:47 a.m.]

[812-2127]

LINCOLN NATIONAL LIFE INSURANCE CO. AND LINCOLN NATIONAL VARIABLE ANNUITY FUND B

Notice of Application for Exemptions

AUGUST 10, 1967.

Notice is hereby given that The Lincoln National Life Insurance Co. ("The Lincoln") and Lincoln National Variable Annuity Fund B ("Fund"), 1301 South Harrison Street, Fort Wayne, Ind. 46802 (herein collectively called "Applicants"), have filed an application pursuant to section 6(c) of the Investment Company Act of 1940, 15 U.S.C. section 80a-1, et seq. ("Act"), for an order exempting Applicants from the provisions of sections 15(a), 16(a), 17(f), 22(e), 27(a)(4), 27(c)(1), 27(c)(2), and 32(a)(2) of the Act, and Rule 17f-2 thereunder. The Lincoln established the Fund pursuant to Indiana law on December 1, 1966, as a segregated investment account to offer group or individual variable annuity contracts not qualifying for federal tax benefits under sections 401 or 403 of the Internal Revenue Code of 1954, as amended. Fund is an open-end diversified management company registered under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations which are summarized below.

Sections 15(a), 16(a), and 32(a), in substance, require shareholder approval of the investment advisory agreement, the election of directors by shareholders, and shareholder ratification of the selection of an independent public accountant, respectively. Applicants state that since there will be no contract owners, hence no holders of voting securities, until after the registration statement under the Securities Act of 1933 becomes effective, the requirements of these sections cannot be complied with. Applicants represent, however, that as soon as is practicable after contributions have been received a special meeting of the contract owners will take place at which time they may vote on these matters.

Section 17(f) provides, in pertinent part, that a registered investment company may maintain its securities and other investments in its own custody in accordance with such rules, regulations, and orders as may be adopted by the Commission in the interest of investors. Rule 17f-2 requires, in pertinent part, that such assets be placed in a bank subject to the other requirements of the rule, one of which limits the persons who shall have access to only certain specified individuals. Applicants request an exemption to permit access to the securities of the Fund which will be held pursuant to a safekeeping agreement with Bankers Trust Co. by duly authorized representatives of the Department of Insurance of the State of Indiana ("Department"). Applicants represent that under Indiana law, securities in amounts determined with regard to reserve liabilities should be deposited with the Department and that this security depository requirement will be satisfied by depositing such securities pursuant to a written agreement between The Lincoln and Bankers Trust Co. The agreement has been approved by the Insurance Commissioner of Indiana and limits withdrawals to those sanctioned and approved by the Department.

Sections 22(e) and 27(c)(1) provide in pertinent part that (1) a registered investment company may not suspend the right of redemption or postpone the date of payment upon redemption of any redeemable security in accordance with its terms for more than seven days after the tender of such security for redemption, and (2) a registered investment company issuing periodic payment plan certificates may not sell such certificates unless such certificates are redeemable securities.

Applicants represent that prior to their maturity dates the contracts are redeemable and satisfy the redemption provisions of the Act. However, on their respective maturity dates, the then value of the contracts is determined and applied to provide for lifetime annuity payments of either fixed or variable amounts. Applicants state that because the amount of annuity payments under the variable option are calculated actuarially, based upon the life expectancies of the purchasers of the contracts, if a purchaser were permitted to redeem his contract after maturity date, it would upset the actuarial computations made with respect to the remaining purchasers. Applicants request exemption from sections 22(e) and 27(c)(1) to the extent that once a purchaser begins to receive annuity payments he cannot redeem the value credited to his contract. Such prohibition shall apply only after annuity payments to the purchaser commence.

Section 27(a)(4) as here pertinent prohibits the sale of any periodic payment plan certificate issued by a registered investment company if the first payment on such certificate is less than $20, or any subsequent payment is less than $10. Applicants represent that the individual contracts provide for the deduction of a fixed percentage of each payment as a sales charge with no "front-end load," that the amount of any stipulated payment computed on an annualized basis is limited to 200 percent of the initial payment and that should the contract owner increase monthly payments in excess of the 200 percent maximum, and the annuity rates or expense guarantees then in effect were different from those in effect when the first contract was issued, a new contract would be issued with respect to the excess. Although this excess may be less than the

$20 required by the section for an initial payment, the total contribution would exceed the required minimum. Therefore, Applicants request an exemption from the initial minimum payment provision of section 27(a)(4) with the representation that Applicants will not accept payments of less than $10 with respect to any individual contracts.

Section 27(c)(2) prohibits a registered investment company or a depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are deposited with a bank as trustee or custodian and held under an indenture or agreement containing, in substance, the provisions required by sections 26(a)(2) and (3) for a uit investment trust. Section 26(a)(2) requires that the trustee or custodian segregate and hold in trust all securities and cash of the trust and places certain restrictions on charges which may be mad_ against the trust income and corpus, and excludes from expenses which the trustee or custodian may charge against the trust any payments to the depositor or principal underwriter, other than a fee not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services delegated to them by the trustee or custodian. Section 26(a)(3) governs the circumstances under which the trustee or custodian may resign.

Applicants state that The Lincoln functions as a regulated insurance company and is subject to extensive and detailed supervision and inspection by the Insurance Commissioner of Indiana in all of its dealings with the contract purchasers. The Lincoln states that such control provides ample assurance against misfeasance and adequately protects the interest of the contract purchasers. Accordingly, Applicants state that such authority and jurisdiction affords the essential protection which the trusteeship or custodianship under section 26(a)(2) is designed to provide. Moreover, Indiana law provides that the Fund shall not be liable for charges arising out of any other business of The Lincoln which has no specific relation to or dependence upon the Fund; and that the contractual obligations of The Lincoln to the contract holders or to participants under group contracts cannot be abandoned until such obligations have been discharged. Applicants affirmed this obligation in connection with the registration statement. Since such supervision, inspection, and undertakings will effectively prevent orphanage of the Fund by The Lincoln which the trusteeship under section 27(c)(2) is designed to protect, Applicants request an exemption from the requirement of section 27(c)(2) for literal compliance with sections 26(a)(2) and (3). Applicants have consented to the requested exemption being subject to the condition that the charges under the contracts for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, and that the Commission shall reserve jurisdiction for such purpose.

Section 6(c) authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is hereby given that any interested person may, not later than August 28, 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 (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-9566; Filed, Aug. 15, 1967; 8:47 a.m.]

[812-2126]

LINCOLN NATIONAL VARIABLE ANNUITY FUND A AND LINCOLN NATIONAL LIFE INSURANCE CO.

Notice of Application for Exemption

AUGUST 10, 1967.

Notice is hereby given that the Lincoln National Life Insurance Co. ("The Lincoln"), 1301 South Harrison Street, Fort Wayne, Ind. 46802, and Lincoln National Variable Annuity Fund A ("Fund") (herein collectively called "Applicants") have filed an application pursuant to section 6(c) of the Investment Company Act of 1940, 15 U.S.C. section 80a–1, et seq. ("Act") for an exemption from the provisions of sections 27(a)(4) and 27(c)(2) of the Act. Fund was established on September 16, 1966, as a segregated investment account by The Lincoln, pursuant to Indiana law, to hold assets set aside by The Lincoln in relation to contributions received by The Lincoln in respect to its proposed variable annuity contracts. On February 21, 1967, the Commission issued an order (Investment Company Act Release No. 4848), pursuant to section 6(c) of the Act, exempting in certain respects both The Lincoln and Fund from the provisions of sections 14(a), 15(a), 16(a), 17(f), 22(d), 22(e), 27(a)(4), 27(c)(1), and 27(c)(2), and 32(a)(2) of the Act and Rule 17f–2 thereunder. The Applicants request further exemptions in order to sell group and individual variable annuity contracts which are issued with respect to plans initially qualifying under section 401 or section 403(a) of the Internal Revenue Code of 1954.

Section 27(a)(4) as here pertinent prohibits the sale of any periodic payment plan certificate issued by a registered investment company if the first payment on such certificate is less than $20, or any subsequent payment is less than $10. Exemption is requested to permit a payment to be in an amount of not less than $10 with respect to any qualified contracts. Applicants represent that the individual contracts provide for the deduction of a fixed percentage of each payment as a sales charge with no "front-end load," that the amount of any stipulated payment computed on an annualized basis is limited to 200 percent of the initial payment, and that should the contract owner increase monthly payments in excess of the 200 percent maximum, and the annuity rates or expense guarantees then in effect were different from those in effect when the first contract was issued, a new contract would be issued with respect to the excess. Although this excess may be less than the $20 required by the section for an initial payment, the total contribution would exceed the required minimum. Therefore, Applicants request an exemption from the initial minimum payment provision of section 27(a)(4) with the representation that Applicants will not accept payments of less than $10.

Section 27(c)(2) prohibits a registered investment company or a depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are deposited with a bank as trustee or custodian and held under an indenture or agreement containing, in substance, the provisions required by sections 26(a)(2) and (3) for a unit investment trust. Section 26(a)(2) requires that the trustee or custodian segregate and hold in trust all securities and cash of the trust and places certain restrictions on charges which may be made against the trust income and corpus, and excludes from expenses which the trustee or custodian may charge against the trust any payments to the depositor or principal underwriter, other than a fee not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services

delegated to them by the trustee or custodian. Section 26(a)(3) governs the circumstances under which the trustee or custodian may resign.

Applicants state that The Lincoln functions as a regulated insurance company and is subject to extensive and detailed supervision and inspection by the Insurance Commissioner of Indiana in all of its dealings with the contract purchasers. The Lincoln states that such control provides ample assurance against misfeasance and adequately protects the interest of the contract purchasers. Accordingly, Applicants state that such authority and jurisdiction affords the essential protection which the trusteeship or custodianship under section 26(a)(2) is designed to provide. Moreover, Indiana law provides that the Fund shall not be liable for charges arising out of any other business of The Lincoln which has no specific relation to or dependence upon the Fund; and that the contractual obligations of The Lincoln to the contract holders or to participants under group contracts cannot be abandoned until such obligations have been discharged. Applicants affirmed this obligation in connection with the registration statement. Since such supervision, inspection, and undertakings will effectively prevent orphanage of the Fund by The Lincoln which the trusteeship under section 27(c)(2) is designed to protect, Applicants request an exemption from the requirement of section 27(c)(2) for literal compliance with sections 26(a)(2) and (3). Applicants have consented to the requested exemption being subject to the condition that the charges under the contracts for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, and that the Commission shall reserve jurisdiction for such purpose.

Section 6(c) authorizes the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and Rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 24, 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 (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-9567; Filed, Aug. 15, 1967; 8:47 a.m.]

[File No. 24D-2735]

MINUTEMAN MOTELS, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

AUGUST 10, 1967.

I. Minuteman Motels, Inc. (issuer), 2520 South State Street, Salt Lake City, Utah, a Utah corporation, with offices stated to be at 2520 South State Street, Salt Lake City, Utah, filed with the Commission on July 29, 1966, a notification and an offering circular relating to a public offering of 300,000 shares of its $1 par value common stock at $1 per share for an aggregate offering price of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A promulgated thereunder. The filing was cleared on October 12, 1966 and the offering commenced on October 13, 1966. The issuer filed an amendment on January 6, 1967, and the offering was recommenced on February 21, 1967. Initially, officers and directors were to sell the entire offering for a 15 percent commission; however, the amendment provided that Western Brokerage, Inc. would sell 250,000 shares and would receive a 15 percent commission, and officers and directors would sell the remaining 50,000 shares for a 15 percent commission. On July 13, 1967, the issuer filed a Form 2-A stating that 45,596 shares had been sold for $11,585 and that the offering was being reduced to the number of shares actually sold.

II. The Commission has reason to believe from information reported to it by its staff that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The issuer filed a materially false and misleading Form 2-A report.

2. The issuer offered and sold certain of its securities to the public without delivering a copy of an offering circular containing the information required by Schedule 1 of Form 1-A in violation of Rule 256(a)(1).

3. The issuer offered and sold certain of its securities to the public in violation of the 10-day waiting period imposed by Rules 255(a) and 256(f).

4. The issuer offered and sold certain of its securities through an individual who was not named as an underwriter in the notification and offering circular.

5. The method of distribution to be used in the sale of its stock is not accurately or adequately disclosed.

6. Disclosure was not made in the offering circular that certain of the shares would be issued as a bonus without cash payment.

B. The notification, offering circular, and amendments thereto used in connection with the sale of certain of the issuer's securities contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to the following:

1. The issuer used an offering circular dated October 13, 1966, in offering and selling some of its securities which failed to disclose that issuer's president, vice-president and principal promoters had resigned their positions and the reasons therefor;

2. The failure to disclose that the issuer abandoned its business offices and the reasons therefor;

3. The failure to disclose that the issuer offered and sold certain of its securities at a discount from the public offering price and/or for consideration other than cash and the effects thereof;

4. The issuer used an offering circular dated October 13, 1966, in offering and selling some of its securities which failed to disclose that the issuer and two of its officers had been named as defendants in a civil action filed November 8, 1966.

C. The offering was made in violation of section 17 of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended:

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within thirty days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the

purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-9568; Filed, Aug. 15, 1967; 8:47 a.m.]

[File No. 0-592]

PAKCO COMPANIES, INC.

Order Suspending Trading

AUGUST 10, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Pakco Companies, Inc., and all other securities of Pakco Companies, Inc., 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 August 11, 1967, through August 20, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-9569; Filed, Aug. 15, 1967; 8:47 a.m.]

[File No. 1-5215]

ROTO AMERICAN CORP.

Order Suspending Trading

AUGUST 10, 1967.

The common stock, $1 par value, of Roto American Corp., being listed and registered on the National Stock Exchange pursuant to the provisions of the Securities Exchange Act of 1934 and the 7 percent cumulative preferred, $10 par value, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the National Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 10, 1967, through August 19, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-9570; Filed, Aug. 15, 1967; 8:47 a.m.]

[70-4520]

SOUTHWESTERN ELECTRIC POWER CO. AND CENTRAL & SOUTH WEST CORP.

Notice of Proposed Amendment of Certificate of Incorporation

AUGUST 10, 1967.

Notice is hereby given that Southwestern Electric Power Company ("Southwestern"), 428 Travis Street, Shreveport, La. 71102, a registered holding company and an electric utility subsidiary company of Central & South West Corp. ("Central"), 902 Market Street, Wilmington, Del. 19899, also a registered holding company, have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 9, 10, and 12(f) of the Act and Rules 20 and 50 of the general rules as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Southwestern proposes to change, by amendment to its Certificate of Incorporation, the 5,500,000 authorized shares of its common stock of the par value of $10 each, both issued and unissued, into 5,500,000 shares of common stock of the par value of $12 each and to transfer from earned surplus to the common stock capital account the sum of $10,533,600—the equivalent of $2 for each of the 5,266,800 shares of common stock ($10 par value) now outstanding.

At June 30, 1967, the common stock capital and the earned surplus of Southwestern amounted to 52,668,000 and $22,528,409, respectively. Giving effect to the proposed transfer, common stock capital would be increased to $63,201,600 and earned surplus would be reduced to $11,994,809. The transactions are proposed for the principal purpose of effectuating a permanent capitalization of a portion of the company's earned surplus. Each of the outstanding common shares having a par value of $10 will, after the proposed transactions, constitute a common share having a par value of $12.

The affirmative vote of the holders of at least a majority of the outstanding shares of common stock is required to adopt the proposed amendments. Central, owner of all of the common stock of Southwestern, proposes to give and execute its consent in writing to the adoption of the proposed amendments to the certificate of incorporation.

Fees and expenses in connection with the proposed transactions to be paid by Southwestern are estimated not to exceed $1,500, including legal fees of $1,000. It is stated that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than August 31, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in 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. 67-9571; Filed, Aug. 15, 1967; 8:47 a.m.]

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

AUGUST 10, 1967.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock

Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 11, 1967, through August 20, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-9572; Filed, Aug. 15, 1967; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30 (Midwestern Area) Rev. 1]

AREA COORDINATORS ET AL.

Delegation of Authority To Conduct Program Activities in Midwestern Area

Pursuant to the authority delegated to the Area Administrators by Delegation of Authority No. 30 (Revision 12) 32 F.R. 179, dated January 7, 1967, and Amendment 1, 32 F.R. 8113, dated June 6, 1967, the following authority is hereby redelegated to the positions as indicated herein:

I. Area Coordinators:

A. *Economic Development Coordinator.* **1. To approve or decline section 501 State Development Company loans without dollar limitation and section 502 Local Development Company loans up to $350,000 (SBA share).

2. To close and disburse section 501 and 502 loans.

3. To extend the disbursement period on section 501 and 502 loan authorizations or undisbursed portions of section 501 and 502 loans.

4. To cancel wholly or in part undisbursed balances of partially disbursed section 501 and 502 loans.

5. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including withodt limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (a) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

6. Eligibility Determinations (for financial assistance only): To determine eligibility of applicants for assistance under the sections 501 and 502 programs of the Agency in accordance with Small Business Administration standards and policies.

7. Size determinations (for financial assistance only): To make initial size determinations in all sections 501 and 502 loans within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for sections 501 and 502 loans only. Product classification decisions for procurement purposes are made by contracting officers.

B. *Supervisory Loan Officer (Economic Development).* 1. To close and disburse sections 501 and 502 loans.

2. To extend the disbursement period on sections 501 and 502 loan authorizations or undisbursed portions of sections 501 and 502 loans.

3. To cancel wholly or in part undisbursed balances of partially disbursed sections 501 and 502 loans.

4. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on an interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank application for use of liquidity privilege under the loan guaranty plan.

d. Except: (a) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

c. *Loan Officer (Economic Development).* 1. To close and disburse sections 501 and 502 loans.

2. To extend the disbursement period on sections 501 and 502 loans.

3. To cancel wholly or in part undisbursed balances of partially disbursed sections 501 and 502 loans.

4. To approve final actions concerning current direct, participation, and 40 percent First Mortgage Plan—501 and 502 loans.

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to applications against premiums.

c. Minor modifications in the authorization.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $500 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

D. *Liquidation and Disposal Coordinator.* 1. To take all necessary actions in connection with the liquidation and disposal of all loans and other obligations or assets, including collateral purchased; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. To take all necessary action in liquidating Economic Development Administration loans and acquired collateral when and as authorized by Economic Development Administration.

d. To advertise regarding the public sale of (a) collateral in connection with the liquidation of loans, and (b) acquired property.

e. Except: (a) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

E. *Supervisory Liquidation and Disposal Officer.* 1. To take all necessary actions in connection with the liquidation and disposal of all loans and other obligations or assets, including collateral purchased; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. To take all necessary action in liquidating Economic Development Administration loans and acquired collateral when and as authorized by Economic Development Administration.

d. To advertise regarding the public sale of (a) collateral in connection with the liquidation of loans and (b) acquired property.

e. Except: (a) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; and (c) the cancellation of authority to liquidate.

F. *Area Claims Review Committee.* To consist of the liquidation and disposal coordinator, area counsel and the area supervisory appraiser who will meet and consider reasonable and properly supported compromise proposals of indebtedness owed to the Agency and to take final action on such proposals provided such action represents the majority recommendation of the committee on claims not in excess of $5,000 (including CPC advances but excluding interest), or represents the unanimous recommendation of said committee on claims in excess of $5,000 but not exceeding $100,000 (including CPC advances but excluding interest).

G. *Financial Assistance Coordinator*—1. *Eligibility Determinations (for financial assistance only).* To determine eligibility of applicants for assistance under any program of the Agency, except sections 501 and 502 loans, in accordance with Small Business Administration standards and policies.

2. *Size determinations (for financial assistance only).* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans; and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

H. *Procurement and Management Assistance Coordinator*—1. *Eligibility determinations (for PMA activities only).* To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

2. *Size determinations (for PMA activities only).* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

I. *Area Administrative Officer.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. Attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; and (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to obligate Small Business Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

II. Regional Directors:

A. *Financial assistance.* 1. To approve business and disaster loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To decline business, economic opportunity and disaster loans of any amount.

3. To close and disburse approved loans.

4. To enter into business, economic opportunity and disaster loan participation agreements with banks.

5. To execute loan authorizations for Washington and area approved loans and for loans approved under delegated authority, said execution to read as follows:

(*Name*), *Administrator*,
By _____
(Name)
Regional Director.
(City)

6. To cancel, reinstate, modify and amend authorizations for business, economic opportunity and disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

**10. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices.

11. To take all necessary actions in connection with the administration, servicing and collection, other than those accounts classified as "in liquidation"; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (a) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due

thereon; and (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

B. *Size determinations.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

C. *Eligibility determinations.* To determine eligibility of applicants for assistance under any program of the Agency, except sections 501 and 502 loans, in accordance with Small Business Administration standards and policies.

D. *Administration.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. Attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to obligate Small Business Administration to reimburse the General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

E. *Chiefs, Financial Assistance Divisions (and Assistant Chiefs, if assigned.)* 1. Size determinations for financial assistance only: To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans; and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

2. Eligibility determinations for financial assistance only: To determine eligibility of applicants for assistance under any program of the Agency, except sections 501 and 502 loans, in accordance with Small Business Administration standards and policies.

3. To approve business and disaster loans not exceeding $350,000 (SBA share), and economic opportunity loans not exceeding $25,000 (SBA share).

4. To close and disburse approved business, economic opportunity and disaster loans.

5. To decline business, economic opportunity and disaster loans of any amount.

6. To enter into business, economic opportunity and disaster loan participation agreements with banks.

7. To execute loan authorizations for Washington, area, and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By ----------
(Name)
Title of person signing.

8. To cancel, reinstate, modify and amend authorizations for business, economic opportunity and disaster loans.

9. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

10. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

11. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

12. To take all necessary actions in connection with the administration, servicing and collection, other than those accounts classified as "in liquidation"; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privileges under the loan guaranty plan.

d. Except: (a) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

F. *Supervisory Loan Officer.* 1. To approve or decline direct loans not in excess of $50,000 and participation loans not in excess of $50,000 (SBA share).

2. To approve or decline economic opportunity loans not in excess of $25,000 (SBA share).

3. To close and disburse approved business, economic opportunity and disaster loans.

4. To enter into business loan participation agreements with banks.

5. To execute loan authorizations for Washington, area, and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By ----------
(Name)
Title of person signing.

6. To cancel, reinstate, modify and amend authorizations for business, economic opportunity and disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

10. To take all necessary actions in connection with the administration, servicing, and collection, other than those accounts classified as "in liquidation"; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privileges under the loan guaranty plan.

d. Except: (a) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty

agreement or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

11. Size determinations for financial assistance only: To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans; and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

12. Eligibility determinations for financial assistance only: To determine eligibility of applicants for assistance under any program of the Agency, except sections 501 and 502 loans; in accordance with the Small Business Administration standards and policies.

G. *Loan Officer.* 1. To approve final actions concerning current direct or participation loans:

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to application against premiums.

c. Minor modifications in the authorization.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $200 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $200.

2. To close and disburse approved business, economic opportunity and disaster loans.

H. *Regional Counsel.* [Reserved]

I. *Chief, Accounting, Clerical and Training Division.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by United States Attorney in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

J. *Assistant Chief, Accounting, Clerical and Training Division.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by United States Attorney in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

III. Branch Manager—Marquette, Michigan:

A. *Financial assistance.* 1. To approve or decline direct loans not in excess of $50,000 and participation loans not in excess of $50,000 (SBA share).

2. To approve or decline economic opportunity loans not in excess of $25,000 (SBA share).

3. To close and disburse approved business, economic opportunity and disaster loans.

4. To enter into business loan participation agreements with banks.

5. To execute loan authorizations for Washington, area, and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By _____
(Name)
Title of person signing.

6. To cancel, reinstate, modify and amend authorizations for business, economic opportunity and disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

10. To take all necessary actions in connection with the administration, servicing, and collection, other than those accounts classified as "in liquidation"; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privileges under the loan guaranty plan.

d. Except: (a) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

11. Size determinations for financial assistance only: To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans; and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

12. Eligibility determinations for financial assistance only: To determine eligibility of applicants for assistance under any program of the Agency, except sections 501 and 502 loans; in accordance with Small Business Administration standards and policies.

IV. The specific authority delegated herein, indicated by double asterisks (**) cannot be redelegated.

V. The authority delegated herein to a specific position may be exercised by any SBA employee designated as acting in that position.

VI. All previously delegated authority is hereby rescinded without prejudice to actions taken under such Delegations of Authority prior to the date hereof.

Effective date: April 6, 1967.

RICHARD E. LASSAR,
Area Administrator,
Midwestern Area.

[F.R. Doc. 67-9574; Filed, Aug. 15, 1967; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 459]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 11, 1967.

The following letter-notices of proposals to operate over deviation routes

for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 126 (Deviation No. 4), HUEY MOTOR EXPRESS, 1426 Dalton Avenue, Cincinnati, Ohio 45214, filed August 4, 1967. Carrier's representative: Harry McChesney, Jr., 711 McClure Building, Frankfort, Ky. 40601. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities* over a deviation route as follows: From Louisville, Ky., over Interstate Highway 71 to junction Interstate Highway 75 near Walton, Ky., thence over combined Interstate Highways 75 and 71 to Cincinnati, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Louisville, Ky., and Cincinnati, Ohio, over U.S. Highway 42.

No. MC 7075 (Deviation No. 1), NEMASKET TRANSPORTATION COMPANY, INC., 58 West Grove Street, Middleboro, Mass. 02346, filed July 31, 1967. Carrier's representative: Kenneth B. Williams, 111 State Street, Boston, Mass. 02109. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Boston, Mass., over Interstate Highway 95 to Providence, R.I., and (2) from junction Massachusetts Highways 128 and 24 (south of Boston, Mass.), over Massachusetts Highway 24 to Fall River, Mass., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: From Boston, Mass., over Massachusetts Highway 28 to junction U.S. Highway 44, thence over U.S. Highway 44 to Providence, R.I., and (2) from junction Massachusetts Highways 128 and 28 (south of Boston, Mass.), over Massachusetts Highway 28 to junction Massachusetts Highway 18, thence over Massachusetts Highway 18 to junction U.S. Highway 6, thence over U.S. Highway 6 to Fall River, Mass., and return over the same routes.

No. MC 30139 (Deviation No. 2), HOLMES TRANSPORTATION, INC., 550 Cochituate Road, Framingham, Mass. 01706, filed August 4, 1967. Carrier's representative: Kenneth B. Williams, 111 State Street, Boston, Mass. 02109. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Boston, Mass., over Interstate Highway 90 to junction New York Highway 14, north of Geneva, N.Y., thence over New York Highway 14 to Elmira, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Boston, Mass., over U.S. Highway 20 to junction New York Highway 7, thence over New York Highway 7 to Binghamton, N.Y., thence over New York Highway 17 to Elmira, N.Y., and return over the same route.

No. MC 52953 (Deviation No. 9), ET & WNC TRANSPORTATION COMPANY, 132 Legion Street, Johnson City, Tenn. 37601 filed August 1, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Asheville, N.C., over U.S. Highway 19 to junction U.S. Highway 19A, at or near Waynesville, N.C., thence over U.S. Highway 19A to junction U.S. Highway 19 (at or near Ela, N.C.), thence over U.S. Highway 19 to Murphy, N.C., thence over U.S. Highway 64 to Cleveland, Tenn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Asheville, N.C., over U.S. Highway 70 to Knoxville, Tenn., and (2) from Knoxville, Tenn., over U.S. Highway 11 to Cleveland, Tenn., and return over the same routes.

No. MC 56853 (Sub-No. 2) (Deviation No. 2), B AND B LINES, INC., 1002 North Owasso Avenue, Tulsa, Okla. 74106, filed August 1, 1967. Carrier's representative: Martin E. Wyatt, 3108 East 15th Street, Tulsa, Okla. 74104. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Perry, Okla., over U.S. Highway 64 to junction Interstate Highway 35, thence over Interstate Highway 35 to junction Oklahoma Highway 33, (2) from Oklahoma City, Okla., over Interstate Highway 44 (Turner Turnpike) to Tulsa, Okla., and (3) from Oklahoma City, Okla., over Interstate Highway 40 to Henryetta, Okla., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes, as follows: (1) from Perry, Okla., over U.S. Highway 64 to junction U.S. Highway 177 (formerly Oklahoma Highway 40), thence over U.S. Highway 177 to junction Oklahoma Highway 33, thence over Oklahoma Highway 33 to junction Interstate Highway 35, (2) from Oklahoma City, Okla., over U.S. Highway 77 to junction Oklahoma Highway 33, thence over Oklahoma Highway 33 to Tulsa, Okla., and (3) from Oklahoma City, Okla., over U.S. Highway 77 to junction Oklahoma Highway 33, thence over Oklahoma Highway 33 to junction Alternate U.S. Highway 75, thence over Alternate U.S. Highway 75 to junction U.S. Highway 75, thence over U.S. Highway 75 to Henryetta, Okla., and return over the same routes.

No. MC 109265 (Deviation No. 9), W. L. MEAD, INC., Post Office Box 31, Norwalk, Ohio 44857, filed August 3, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Findlay, Ohio, and Lima, Ohio, over Interstate Highway 75, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Findlay, Ohio, over Ohio Highway 15 to Carey, Ohio, thence over U.S. Highway 23 to Marion, Ohio, and (2) from Columbus, Ohio, over U.S. Highway 23 to junction U.S. Highway 30S, at Marion, Ohio, thence over U.S. Highway 30S to Lima, Ohio, and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1934 (Deviation No. 5), THE ARROW LINE, INC., 105 Cherry St., East Hartford, Conn. 06108, filed August 1, 1967. Carrier's representative: Thomas W. Murrett, 410 Asylum Street, Hartford, Conn. 06103. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Storrs, Conn., northwesterly over Connecticut Highway 195 to junction Interstate Highway 84 near Tolland, Conn., thence southwesterly over Interstate Highway 84 to junction Interstate Highway 91 at Hartford, Conn., thence southerly over Interstate Highway 91 to junction Interstate Highway 95 at New Haven, Conn., and thence via New Haven, Conn., over authorized authority over Interstate Highway 95 to New York, N.Y., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Storrs, Conn., over Connecticut Highway 195 to junction Connecticut Highway 89, thence over Connecticut Highway 89 to junction Connecticut Highway 32, thence over Connecticut Highway 32 to junction Connecticut Highway 52, thence over Connecticut Highway 52 to junction Interstate Highway 95, thence over Interstate Highway 95 to New York, N.Y., and return over the same route.

No. MC 13028 (Deviation No. 11), THE SHORT LINE, INC., Post Office Box 1116 Annex Station, Providence, R.I. 02901, filed July 31, 1967. Carrier proposes to operate as a *common carrier*, by motor

vehicle, of *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction Interstate Highway 195 and exit road at North Westport, Mass., over Interstate Highway 195 for a distance of 12 miles to the New Bedford-Fairhaven city line, thence over city streets at Fairhaven, Mass., to junction Main Street and U.S. Highway 6 in the town of Fairhaven, Mass., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Providence, R.I., over U.S. Highway 6 to junction unnumbered highway (formerly U.S. Highway 6), thence over unnumbered highway to Seekonk, Mass., thence over alternate Massachusetts Highway 114 (formerly U.S. Highway 6) to junction U.S. Highway 6, thence over U.S. Highway 6 via Fall River, New Bedford, and Wareham, Mass., to junction unnumbered highway (formerly U.S. Highway 6), and return over the same route.

No. MC 70947 (Deviation No. 4), MT. HOOD STAGES, INC., doing business as Pacific Trailways, 1068 Bond Street, Bend, Oreg. 97701, filed August 4, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, over a deviation route as follows: From Jerome, Idaho, over Idaho Highway 79 to junction Interstate Highway 80N, thence over Interstate Highway 80N to junction U.S. Highway 93 (North Twin Falls Junction, Idaho), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Jerome, Idaho, over Idaho Highway 79 (formerly U.S. Highway 93) to junction U.S. Highway 93, thence over U.S. Highway 93 to Twin Falls, Idaho, and return over the same route.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-9596; Filed, Aug. 15, 1967; 8:49 a.m.]

[Notice 1095]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 11, 1967.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

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

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 93682 (Sub-No. 16) (Republication), filed January 23, 1967, published FEDERAL REGISTER issues of February 2, 1967, and June 28, 1967, and republished this issue. Applicant: COLE'S EXPRESS, a corporation, 76 Dutton Street, Bangor, Maine. Applicant's representative: Francis E. Barrett, 25 Bryant Avenue, East Milton, Mass. 02186. By application filed January 23, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular and irregular routes, of general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading). Regular route: (1) Between Bangor and Princeton, Maine: From Bangor over Alternate U.S. Highway 1 to junction U.S. Highway 1 at Ellsworth, Maine, thence over U.S. Highway 1 to Milbridge, Maine, thence over U.S. Highway 1 to Harrington, Maine (also from Milbridge over Alternate U.S. Highway 1 to Harrington, Maine), thence over U.S. Highway 1 to Jonesboro, Maine, thence over U.S. Highway 1 to Machias, Maine (also from Jonesboro, over Alternate U.S. Highway 1 to Machias), thence over U.S. Highway 1 to Princeton, and return over the same route serving the intermediate points of Machias, East Machias, Whiting, Dennysville, Perry, North Perry, Robbinston, Red Beach, Calais, Baring, and Baileyville (Woodland), Maine, and the off-route points of West Lubec, Lubec, Quoddy, and Eastport, Maine, (2) between Bangor, Maine, and junction Maine Highway 9 and U.S. Highway 1 at or near Baring, Maine, over Maine Highway 9, serving no intermediate points, and serving junction Maine Highway 9 and U.S. Highway 1 for purposes of joinder only.

(3) Between junction U.S. Highway 1 and Maine Highway 182 at or near Ellsworth, Maine, and Cherryfield, Maine, over Maine Highway 182, serving no intermediate points, and serving junction U.S. Highway 1 and Maine Highway 182 and Cherryfield for the purpose of joinder only, (4) between East Machias and Baring, Maine, over Maine Highway 191, serving no intermediate points, and (5) between Bangor and Millinocket, Maine: from Bangor over U.S. Highway 2 to Mattawamkeag, thence over Maine Highway 157 to Medway, thence over Maine Highway 157 (also over Maine Highway 11), to Millinocket, and return over the same route, serving the intermediate point of East Millinocket, Maine. Irregular route: Between Bangor, Maine, on the one hand, and, on the other, points in Washington County, Maine (except points on the described regular routes in (1), (2), (3), and (4) above). NOTE: Applicant states it intends to tack at Bangor, Maine, with presently held authorized regular route authority, to serve points in Washington County, Maine. A supplemental order of the Commission, dated July 24, 1967 and served August 2, 1967, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over regular routes, of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment).

(1) Between Bangor and Princeton, Maine: From Bangor over Alternate U.S. Highway 1 to junction U.S. Highway 1 at Ellsworth, Maine, thence over U.S. Highway 1 to Milbridge, Maine, thence over U.S. Highway 1 to Harrington, Maine (also from Milbridge over Alternate U.S. Highway 1 to Harrington, Maine), thence over U.S. Highway 1 to Jonesboro, Maine, thence over U.S. Highway 1 to Machias, Maine (also from Jonesboro over Alternate U.S. Highway 1 to Machias), thence over U.S. Highway 1 to Princeton, and return over the same route; (2) between Bangor, Maine, and the junction of Maine Highway 9 and U.S. Highway 1 at or near Baring, Maine, over Maine Highway 9; (3) between the junction of U.S. Highway 1 and Maine Highway 182 at or near Ellsworth, Maine, and Cherryfield, Maine, over Maine Highway 182; (4) between East Machias and Baring, Maine, over Maine Highway 191; (5) between Bangor and Millinocket, Maine: from Bangor over U.S. Highway 2 to Mattawamkeag, thence over Maine Highway 157 to Medway, thence over Maine Highway 157 (also over Maine Highway 11) to Millinocket, and return over the same route, serving the intermediate point of East Millinocket, Maine; (6) serving in (1) through (4) above, all intermediate and off-route points in Washington County, Maine, and (7) all the authority contained in (1) through (6) above is restricted to the transportation of traffic moving from, to, or through Bangor, Maine; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER, and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 107110 (Sub-No. 5) (Republication), filed February 1, 1967, published

FEDERAL REGISTER issue of February 24, 1967, and republished this issue. Applicant: GERALD L. DINNISON, LAWRENCE E. BLACK, F. A. BRION (ANNE E. BRION, EXECUTRIX), AND R. H. GOODALL, a partnership, doing business as B AND D TRANSFER, Liberty, Pa. 16930. Applicant's representative: David A. Sutherlund, Suite 930, 1120 Connecticut Avenue NW., Washington, D.C. 20036. By application filed February 1, 1967, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, transporting general commodities (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Galeton, Pa., and points within (12) miles of Galeton, on the one hand, and, on the other, Cleveland, Ohio, and Baltimore, Md., subject to a no-tacking restriction. An order of the Commission, Operating Rights Board, dated July 24, 1967, and served August 3, 1967, finds that the present and future public convenience and necessity require operation by applicants, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of general commodities (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those which because of size or weight require the use of special equipment) between points in that part of Pennsylvania bounded by a line beginning at Coudersport, Pa., and extending north along Pennsylvania Highway 44 to junction Pennsylvania Highway 49, thence along Pennsylvania Highway 49 to Westfield, Pa., thence along Pennsylvania Highway 349 to Sabinsville, thence along unnumbered highway to junction U.S. Highway 6 northeast of Ansonia, Pa., thence along U.S. Highway 6 to junction unnumbered highway southwest of Ansonia, thence southward along unnumbered highway via Leetonia to junction Pennsylvania Highway 414 to Slate Run, Pa., thence northwest along unnumbered highway to junction Pennsylvania Highway 44, thence along Pennsylvania Highway 44 to junction U.S. Highway 6, thence along U.S. Highway 6 to Coudersport, the place of beginning, including points of said highways, on the one hand, and, on the other, Cleveland, Ohio, and Baltimore, Md., subject to the restriction that this authority shall not be tacked or combined with any other authority now held by applicant for the purpose of performing a through service from or to points other than those named herein; that applicants are fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 107591 (Sub-No. 2) (Republication), filed March 21, 1967, published FEDERAL REGISTER issue of April 6, 1967, and republished this issue. Applicant: BECKER COMPANY, INC., Talmage, Pa. 17580. Applicant's representative: Bernard N. Gingerich, 110 West State Street, Quarryville, Pa. 17566. By application filed March 21, 1967, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of stone, bituminous concrete, and stone with additives, (1) between points in Harford County, Md., on the one hand, and, on the other, points in York, Lancaster, and Dauphin Counties, Pa., and (2) between points in Cecil County, Md., and Lancaster County, Pa., on the one hand, and, on the other, points in York County, Pa., restricted against the transportation of stone from Hanover, Pa., and points within 5 miles thereof. An order of the Commission, Operating Rights Board, dated July 24, 1967, and served August 4, 1967, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *stone and stone products*, (1) from points in Lancaster and Dauphin Counties, Pa., to points in Harford County, Md., (2) from points in Cecil and Harford Counties, Md., to points in York County, Pa., and (3) from points in Harford County, Md., to points in Lancaster and Dauphin Counties, Pa.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 110832 (Sub-No. 4) (Republication), filed November 9, 1966, published FEDERAL REGISTER issue of December 15, 1966, and republished this issue. Applicant: PAPER TRANSPORT CO., a corporation, State Road, New Castle, Del. Applicant's representative: Carl Goldstein, 200 West Ninth Street, Wilmington, Del. By application filed November 9, 1966, as amended, applicant seeks a permit authorizing operation, in interstate or foreign commerce as a contract carrier by motor vehicle of: (1) Paper and paper products, from Childs, Md., to points in New York, Pennsylvania, New Jersey, Virginia, Connecticut, Massachusetts, Ohio, North Carolina, South Carolina, Rhode Island, Delaware, West Virginia, and the District of Columbia, and (2) equipment, materials, and supplies used in the manufacture of paper and paper products, on return. A report and order of the Commission, effective July 24, 1967, served July 31, 1967, finds that operation by applicant as a *contract carrier* by motor vehicle, of (1) *paper and paper products*, from Childs, Md., to points in New York, Pennsylvania, New Jersey, Virginia, Connecticut, Massachusetts, Ohio, North Carolina, Rhode Island, Delaware, West Virginia, and the District of Columbia and (2) *equipment, materials, and supplies* used in the manufacture of paper and paper products (except in bulk), from the destination territory described above to Childs, Md., over irregular routes, limited to a service performed under a continuing contract with Elk Paper Manufacturing Co. of Childs, Md., will be consistent with the public interest and the national transportation policy. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been prejudiced.

No. MC 125646 (Sub-No. 2) (Republication), filed March 13, 1967, published FEDERAL REGISTER issue of March 30, 1967 and republished this issue. Applicant: SAMUEL R. FOX, 12 Second Street, Bridgeport, Ohio. Applicant's representative: D. L. Bennett, 213 First National Bank Building, 2207 National Road, Wheeling, W. Va. 26003. By application filed March 13, 1967, applicant seeks a permit authorizing operation in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of the commodities, from and to the points indicated below. A corrected order of the Commission, Operating Rights Board, dated July 13, 1967 and served August 9, 1967, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes of, (1) dairy store equipment and supplies (except such commodities in bulk), from Worthington, Ohio, to Aliquippa, Altoona, Appollo, Beaver Falls, Blairsville,

Brownsville, Butler, Canonsburg, Kittanning, Greensburg, Jeannette, Johnstown, Latrobe, Charlerol, Connellsville, Indiana, Irwin, Mount Pleasant, Somerset, Uniontown, and Washington, Pa., and points in Allegheny County, Pa., and West Virginia, and (2) ice cream cones, from Pittsburgh, Pa. to Worthington, Ohio, under a continuing contract with International Dairy Queen, Inc., of Martins Ferry, Ohio, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 126881 (Sub-No. 7) (Republication) filed April 5, 1967, published FEDERAL REGISTER issue of April 20, 1967, and republished this issue. Applicant: RICHARD B. RUDY, INC., 203 Linden Avenue, Frederick, Md. 21701. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. 22601. By application filed April 5, 1967, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of dairy products and preparations requiring refrigeration, other than in bulk, from Frederick, Md., to points in Connecticut, Delaware, Massachusetts, Maryland, New York (except New York, N.Y., commercial zone), North Carolina, Ohio, Rhode Island, Virginia (except Fredericksburg, Richmond, Petersburg, and Norfolk), West Virginia, and the District of Columbia, under contract with Capitol Milk Producers Cooperative, Inc. An order of the Commission, Operating Rights Board, dated July 24, 1967, and served August 2, 1967, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of *dairy products* (except in bulk), in vehicles equipped with mechanical refrigeration devices, from Frederick, Md., to points in Connecticut, Delaware, Massachusetts, Maryland, New York (except points in the portion of the zone as defined by the Commission in the fifth supplemental report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted under the partial exemption provided by section 203(b)(8) of the Interstate Commerce Act (the exempt zone)), North Carolina, Ohio, Rhode Island, Virginia, (except Fredericksburg, Richmond, Petersburg, and Norfolk), West Virginia, and the District of Columbia, under a continuing contract with Capitol Milk Producers Cooperative, Inc., of Frederick, Md., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who may have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 126965 (Sub-No. 4) (Republication), filed March 6, 1967, published FEDERAL REGISTER issue of March 23, 1967 and republished this issue. Applicant: CLIFFORD B. FINKLE, JR., 800 Bloomfield Avenue, Clifton, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. By application filed March 6, 1967, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of noodles, in tote bins, from Fair Lawn, N.J., to Albion, N.Y., and empty tote bins, on return. An order of the Commission, Operating Rights Board, dated July 24, 1967, and served August 2, 1967, finds that the present and future public convenience and necessity require operations by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, of *noodles*, in containers, from Fair Lawn, N.J., to Albion, N.Y., under a continuing contract with A. Zarega's Sons, Inc., of Fair Lawn, N.J., will be consistent with the public interest and the national transportation policy. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 128971 (Republication), filed March 24, 1967, published FEDERAL REGISTER issue of April 27, 1967, and republished this issue. Applicant: W. W. TIMBES, doing business as, TOM'S DELIVERY SERVICE, 824 North Gloster Street, Tupelo, Miss. Applicant's representative: Rubel L. Phillips, 829 Deposit Guaranty Bank Building, Jackson, Miss. 39205. By application filed March 24, 1967, applicant seeks a permit authorizing operations, in interstate of foreign commerce, as a contract carried by motor vehicle, over irregular routes, transporting: Peanuts, potato chips, nabs, sandwiches, candy, and other confectionery and snack items, from the plant-site of Tom Houston Peanut Co., Columbus, Ga., to Tupelo, Miss. An order of the Commission, Operating Rights Board, dated July 24, 1967 and served August 3, 1967, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of food and food products, from the plant site of Tom Houston Peanut Co., at Columbus, Ga., Tupelo, Miss., under a continuing contract with Tom Houston Peanut Co., of Columbus, Ga., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129003 (Republication), filed April 4, 1967, published FEDERAL REGISTER issue of April 20, 1967, and republished this issue. Applicant: MISSOULA CARTAGE CO., a corporation, Box 94, Missoula, Mont. 59801. Applicant's representative: Karl R. Karlberg, First National Bank Building., Missoula, Mont. 59801. By application filed April 4, 1967, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of wood chips and sawdust, except in tank vehicles, between points in Lemhi County, Idaho, and Missoula County, Mont., under contract with Hoerner Waldorf Corp. of Montana and Intermountain Lumber Co. An order of the Commission, Operating Rights Board, dated July 24, 1967, and served August 2, 1967, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of *wood chips and sawdust*, from points in Lemhi County, Idaho, to points in Missoula County, Mont., under continuing contracts with Hoerner Waldorf Corp. of Montana and Intermountain Lumber Co., will be consistent with the public interest and the

national transportation policy; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who may have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9822. (Correction) (T.I.M.E. FREIGHT, INC.—Purchase (Portion)—TEXAS-ARIZONA MOTOR FREIGHT, INC.; and LEE WAY MOTOR FREIGHT, INC.—Control and merger—TEXAS-ARIZONA MOTOR FREIGHT, INC.), published in the July 26, 1967, issue of the FEDERAL REGISTER, on page 10965. The (2) authority sought should read: for *purchase* by LEE WAY MOTOR FREIGHT, INC., of the remaining *portion* of the operating rights and property of TEXAS-ARIZONA MOTOR FREIGHT, INC., in lieu of control and merger.

No. MC-F-9845. Authority sought for control and merger by BOYCE MOTOR LINES, INC., Lake Shore Drive, Canandaigua, N.Y. 14424, of the operating rights and property of G & N MOTOR EXPRESS, INC., Post Office Box 231, Newark, N.Y. 14513, and for acquisition by LESTER BOYCE, West Lake Road, Canandaigua, N.Y. 14424, of control of such rights and property through the transaction. Applicants' attorneys: Norman M. Pinsky and Herbert M. Canter, both of 345 South Warren Street, Syracuse, N.Y. 13202, and Robert V. Gianniny, 900 Midtown Tower, Rochester, N.Y. 14604. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Port Bryon, N.Y., and Auburn, N.Y., between Rochester, N.Y. and Syracuse, N.Y., serving all intermediate points, and certain off-route points; and under a certificate of registration, in No. MC-1401 Sub 2, covering the transportation of general commodities, as defined in the contemporaneously effective order of the said Commission in Case MT-4467, and nursery stock, as a common carrier, in intrastate commerce, within the State of New York. BOYCE MOTOR LINES, INC., is authorized to operate as a *common carrier* in New York, New Jersey, and Pennsylvania. Application has been filed for temporary authority under section 210a(b). NOTE: No. MC-109672, Sub 10 is a matter directly related.

No. MC-9846. Authority sought for control by SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville, Ky. 40201, of T. I. McCORMACK TRUCKING COMPANY, INC., Route 9, Woodbridge, N.J. 07095, and for acquisition by LOUISVILLE TAXICAB AND TRANSFER COMPANY, Post Office Box 2127, Louisville, Ky., and, in turn by NATIONAL INDUSTRIES, INC., STANLEY R. YARMUTH, BERNARD H. BARNETT, and JOSEPH A. GAMMON, all of 1215 South Third Street, Louisville, Ky. 40203, of control of T. I. McCORMACK TRUCKING COMPANY, INC., through the acquisition by SOUTHERN TANK LINES, INC. Applicants' attorneys: Daniel B. Johnson, Warner Building, Washington, D.C. 20004, and Frank B. Hand, Jr., 1345 Pennsylvania Avenue NW., Washington, D.C. 20004. Operating rights sought to be controlled: *Vegetable oils*, in bulk, in tank vehicles, and numerous other specified commodities, as a *common carrier*, over irregular routes, from, to, and between specified points in the States of New York, New Jersey, Pennsylvania, Connecticut, Delaware, Maryland, Massachusetts, Rhode Island, Ohio, North Carolina, Virginia, Maine, New Hampshire, Vermont, Alabama, Georgia, Illinois, Indiana, Kentucky, Michigan, South Carolina, Tennessee, West Virginia, Kansas, Wisconsin, Missouri, and the District of Columbia, with certain restrictions, as more specifically described in Docket No. MC-52458 and subnumbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. SOUTHERN TANK LINES, INC., is authorized to operate as a *common carrier* in Alabama, Arkansas, California, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9847. Authority sought for control by FRANK PETERLIN, 9651 South Ewing Avenue, Chicago, Ill., of FAST FREIGHT, INC., 2612 Morris Street, Indianapolis, Ind. Applicants' attorney and representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. 60602, and James L. Beattey, 130 East Washington Street, Indianapolis, Ind. 46204. Operating rights sought to be controlled: *Malt beverages*, as a *common carrier* over regular routes, from Louisville, Ky., to Lafayette, Ind., serving no intermediate points, from Milwaukee, Wis., to Lafayette, Ind., serving the intermediate point of Chicago, Ill., from St. Louis, Mo., to Lafayette, Ind., serving no intermediate points; *malt beverages*, over regular and irregular routes, from St. Louis, Mo., Louisville, Ky., and Milwaukee, Wis., to certain specified points in Indiana, serving no intermediate points; *manufactured or processed animal and poultry food*, over irregular routes, from points in the Chicago, Ill., commercial zone, as defined by the Commission, and Riverdale, Ill., to points in Indiana; *waste and salvage materials and metals*, including scrap paper, rags, junk rubber and all scrap metals, from Indianapolis, Ind., to Chicago, Ill.; *junk and scrap rubber*, from Terre Haute, Ind., and Muncie, Ind., to Chicago, Ill.; *fertilizer*, and *feed materials* consisting of bone meal, feed, dried meat scraps, feeding tankage, peanut oil cake and meal, from points in the Chicago, Ill., commercial zone, as defined by the Commission, to points in Indiana on and north of U.S. Highway 40.

Waste, scrap, and salvage materials, from Lafayette, Ind., and Frankfort, Ind., to Chicago, Ill.; *animal and poultry feed ingredients, consisting of meat scrap and tankage, linseed oil, meal and mill feeds*, from points in the Chicago, Ill., commercial zone, as defined by the Commission, and Riverdale and Chicago Heights, Ill., to Lafayette, Ind.; *asbestos*, scrap, *asphalt*, liquid or solid in packages, *automobile body panels*, fiberboard, not covered, with cutouts, or of shape other than rectangular, painted or not painted, loaded on platforms or wooden skids, *blocks*, mastic (asphalt flooring, compound), *boards*, fiberboard and/or pulpboard (impregnated with asphalt), in rectangular shapes, without cutouts, painted or not painted, loaded on wooden platforms or wooden skids, *boards*, asphalt composition paving or flooring, *board*, wall, asbestos, *board*, wall, fiberboard, pulpboard or strawboard, *burlap*, bituminized in packages, *caps*, roofing, tin, in packages, *carpet lining*, paper, including felt paper plain, other than indented, *cement*, asbestos, in packages, *cement*, composition or asbestos, *cement*, furnace, in packages, *cement*, tile, liquid, *cement*, roofing, in packages, *cement*, magnesia, *clamps*, metal, in packages, *coating*, roof, having asbestos, pitch tar or rosin base, in packages, *cloth*, cotton, saturated with asbestos, *conduits*, bituminized fiber, *creosote*, in packages, *eave filler strips*, asphalt composition, *fasteners*, metal, in packages, *felt*, building or roofing, saturated, or unsaturated, *felts*, paper, fabrics, saturated, and/or coated, *flashing blocks*, asphalt composition, *insulating material*, asbestos or felt paper, in forms or shapes other than solid flat blocks or solid flat sheets, *millboard*, asbestos, in packages, *mineral wools* (rock or slag wool), metal reinforced in packages, *mineral wool* (rock or slag wool), plain or saturated, with

or without paper backs, in batts or other than batts, in packages.

Mortar or cement, high temperature bonding, n.o.i., in packages, *nails*, in packages, *packing*, asbestos, braid or wick in packages, *paint*, asphaltum, in packages, *paint*, coal tar, in packages, *paper*, asbestos, and/or other than asbestos, building, roofing or sheathing, plain or saturated, *paper*, building, roofing or sheathing, saturated or unsaturated, *paving joints*, expansion (asphalt or asphalt base), *pipe*, cement, containing asbestos fiber, *pitch*, roofing, in packages, *planks*, asphalt composition, paving or flooring, *ridge rolls*, asbestos, in packages, *roofing*, composition or prepared, *roofing*, or sheathing, asbestos hard, corrugated, *sheathing*, asbestos, hard flat, ornamented or not ornamented, polished or shaped, with or without fiberboard center or back, and/or air-cell paper center, *shingles*, asbestos, hard (artificial stone shingles or slate), in bundles, *shingles*, asbestos, *shingles*, asphalt, asbestos or composition, *sheathings*, *shorts*, asbestos, *siding*, asbestos, *siding*, asphalt, *straps*, tin, with fasteners, in packages, *tar*, roofing, in packages, *tile*, asphalt, composition, floor, *wood preservatives*, in packages, from Vandalia, Ill., to certain specified points in Kentucky, points in Indiana, Ohio, and the Lower Peninsular of Michigan, those in Iowa within 5 miles of the Mississippi River, and those in Wisconsin (except Milwaukee and points south of Milwaukee within 5 miles of Lake Michigan); *dairy supplies and equipment*, including empty glass bottles, and jugs, trisodium, alkalies, and cullet, from Blockway and Knox, Pa., certain specified points in Ohio, Joliet, Ill., St. Louis, Mo., and Huntington, W. Va., to Indianapolis, Ind., and points in Indiana within 75 miles of Indianapolis, from Chicago, Ill., Cincinnati, Ohio, and Louisville, Ky., to points in Indiana within 75 miles of Indianapolis, Ind., except Indianapolis, Lafayette, Lebanon, and Seymour, from Indianapolis, Ind., to St. Louis, Mo.

Canned, processed, and manufactured foods, in containers, and *canning supplies, machinery, equipment, and parts thereof*, between certain specified points in Indiana, Muscatine, Iowa, certain specified points in Wisconsin, and points within 10 miles of Astico (except that no traffic is to be transported between Indianapolis and Jeffersonville, Ind.), between certain specified points in Indiana, Muscatine, Iowa, certain specified points in Wisconsin, and points within 10 miles of Astico, on the one hand, and, on the other, points in Wisconsin, Illinois, Indiana, Ohio, and those in West Virginia and Kentucky on the Ohio River, and those in Missouri and Iowa on the Mississippi River, between Indianapolis and Jeffersonville, Ind., on the one hand, and, on the other, points in Wisconsin, Illinois (except the Chicago, Ill., commercial zone, as defined by the Commission), Indiana (except Lafayette, Lebanon, Seymour, and New Albany), Ohio, (except the Cincinnati, Ohio, commercial zone, as defined by the Commission), those in West Virginia and Kentucky (except Louisville) on the Ohio River, and those in Missouri and Iowa on the Mississippi River; *canned goods*, from Cincinnati, Ohio, to St. Louis, Mo., Henderson and Louisville, Ky., and points in Indiana, Illinois, and Wisconsin; *glass bottles*, from the site of the Universal Glass Products Co. about 3 miles from Parkersburg, W. Va., to points in Wisconsin on and south of Wisconsin Highway 54 and on and east of Wisconsin Highway 80; *glassware*, between Indianapolis, Ind., on the one hand, and, on the other, points in Illinois (except the Chicago, Ill., commercial zone, as defined by the Commission), Kentucky (except Louisville), and Ohio (except the Cincinnati, Ohio, commercial zone, as defined by the Commission.

Nails, sheet metal, sheet metal roofing, and *roofing materials* used in construction of such roofs, from Cincinnati, Ohio, to Henderson, Ky., and points in Indiana; with restriction; *glassware*, with or without closures, and *fiberboard cartons* (knocked down) in mixed shipments with glass containers, from Vienna, W. Va., to points in Kentucky (except points within 10 miles of the Ohio River), certain specified points in Wisconsin, and that part of Iowa north of U.S. Highway 34 and west of U.S. Highway 218, from Muncie, Ind., to points in Kentucky (except points within ten miles of the Ohio River), and points in West Virginia (except points within 10 miles of the Ohio River), from Winchester, Ind., to points in that part of Kentucky south of U.S. Highway 60 (except points within ten miles of the Ohio River), from Lapel, Ind., to St. Paul and Minneapolis, Minn.; and *fertilizer*, from Sheboygan, Wis., to Chicago, Ill., and Indianapolis, Ind. FRANK PETERLIN, individually, hold no authority from this Commission. However, he is affiliated with PETERLIN CARTAGE CO., 9651 South Ewing Avenue, Chicago, Ill. 60617, which is authorized to operate as a *common carrier* in Illinois, Indiana, Ohio, Michigan, Iowa, Minnesota, Wisconsin, Kentucky, Missouri, Kansas, North Dakota, South Dakota, Tennessee, and New York. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9848. Authority sought for control and merger by NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J., of the operating rights and property of MILLER TRANSPORT CO., INC., 64th and Passyunk Avenue, Philadelphia, Pa., and for acquisition by BERNARD A. BROWN, also of Vineland, N.J., of control of such rights and property through the transaction. Applicants' attorney: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Operating rights and property sought to be controlled merged: *General commodities*, except soap, soap products, lard substitute or compounds, cooking oil, glycerin, coconut oil and coconut-oil products, stearine, dentifrices, facial preparations, shampoo, with or without advertising matter and premiums, acids, alum, insecticides in containers, soda products, in containers, shampoo other than liquid, dentifrices, facial preparations, and soda products, in bulk, household goods as defined by the Commission, and commodities requiring special equipment, as a *common carrier* over regular routes, between Philadelphia, Pa., and New York, N.Y., between Princeton, N.J., and New York, N.Y., between Junction U.S. Highways 206 and 130 and Trenton, N.J., between New York, N.Y., and New Haven, Conn., serving all intermediate points, and certain off-route points; with restrictions; *general commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *contract carrier*, over irregular routes from the plantsites and warehouse facilities of the Proctor & Gamble Manufacturing Co. located in Baltimore, Md., to certain specified points in Pennsylvania and New Jersey, with restrictions;

Soap, soap products, lard substitute or compounds, cooking oil, glycerin, coconut oil and coconut-oil products, stearine, and liquid shampoo, with or without advertising matter and premiums, from Port Ivory, N.Y., to certain specified points in Pennsylvania and New Jersey; *acids, alum, and soda products*, in containers, from New York, N.Y., and Edgewater, N.Y., to Philadelphia and Marcus Hook, Pa., and Claymont, Del., from Marcus Hook, Pa., and Claymont, Del., to points in the New York, N.Y., commercial zone, as defined by the Commission in 1 M.C.C. 665, and certain specified points in New Jersey; *acids, alum, soda products, and insecticides*, in containers, from Camden, N.J., to points in the New York, N.Y., commercial zone, as defined by the Commission in 1 M.C. 665, and certain specified points in New Jersey; *soap, soap products, lard substitute or compounds, cooking oil, glycerin, coconut oil and coconut-oil products, stearine, and liquid shampoo*, and when moving in connection with the commodities described above and incidental thereto, *advertising matter and premiums* related to the commodities described above, both subject to the restriction that no transportation shall be performed with tank vehicles, from Newark, N.J., to certain specified points in Pennsylvania and New Jersey; *shampoo*, other than liquid, *dentifrices and facial preparations*, from Port Ivory, N.Y., and Newark, N.J., to certain specified points in Pennsylvania, and New Jersey; *soap, soap products, lard substitute or compounds, cooking oil, glycerine, coconut oil and coconut oil products, stearine, shampoos, dentifrices, and facial preparations*, with or without advertising matter and premiums, from Kearny, N.J., and Clifton, Staten Island, N.Y., to certain specified points in Pennsylvania and New Jersey.

Foodstuffs, and, in connection therewith, *related premiums* and *advertising material*, from the plantsites and warehouse facilities of the Procter & Gamble Manufacturing Co. at Port Ivory and Clifton (Staten Island), N.Y., and Kearny and Newark, N.J., to certain specified points in Pennsylvania, and New Jersey, with restrictions; and *soda*

products, in bulk, from Camden, N.J., Marcus Hook, Pa., and Claymont, Del., to points in New York, N.Y., commercial zone, as defined by the Commission, and certain specified points in New Jersey, from New York, N.Y., and Edgewater, N.J., to Philadelphia and Marcus Hook, Pa., and Claymont, Del. NATIONAL FREIGHT, INC., is authorized to operate, as a *common carrier* in New Jersey, Pennsylvania, New York, Connecticut, Massachusetts, Rhode Island, Delaware, Maryland, Florida, New Hampshire, Ohio, Vermont, Virginia, West Virginia, Wisconsin, Illinois, Indiana, Michigan, Minnesota, Missouri, Maine, and the District of Columbia. Application has been filed for temporary authority under section 210a(b). NOTE: Dual operations involved.

No. MC-F-9849. Authority sought for control by H. LAUREN LEWIS, 1500 Industrial Avenue, Sioux Falls, S. Dak., of ALL-AMERICAN TRANSPORT, INC., Post Office Box 769, Sioux Falls, S. Dak. Applicants' attorney: David Axelrod, 39 South La Salle, Chicago, Ill. Operating rights sought to be controlled: *General commodities*, with certain specified exceptions, and numerous other specified commodities, as a *common carrier*, over regular and irregular routes, from, to and between specified points in the States of Minnesota, South Dakota, Indiana, Iowa, Nebraska, Illinois, North Dakota, and Wisconsin, with certain restrictions, serving various intermediate and off-route points, over numerous alternate routes for operating convenience only, as more specifically described in Docket No. MC-29120 and subnumbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. H. LAUREN LEWIS holds no authority from this Commission. However, he controls MIDWEST COAST TRANSPORT, INC., Post Office Box 1233, Wilson Terminal Building, 405½ East Eighth Street, Sioux Falls, S. Dak. 57101, which is authorized to operate as a *common carrier* in Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9850. Authority sought for control and merger by ROBERTSON MOTOR FREIGHT, INC., Post Office Box 609, Jeannette, Pa. 15644, of the operating rights and property of ROBERTS FREIGHT LINES, INC., 1018 11th Street, Beaver Falls, Pa. 15010, and for acquisition by JOHN V. ROBERTSON, also of Jeannette, Pa. of control of such rights and property through the transaction. Applicants' attorney: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Cleveland, Ohio, and Pittsburgh, Pa., serving all intermediate points and the off-route points of New Kensington and McKeesport, Pa., between points in Pennsylvania, between points in Ohio, serving all intermediate points. ROBERTSON MOTOR FREIGHT, INC., is authorized to operate as a *common carrier* in Indiana and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-9597; Filed, Aug. 15, 1967; 8:49 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

AUGUST 11, 1967.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 4870-A-2555, filed June 26, 1967. Applicant: NAVA-HOPI TOURS, INC., 115 North Park, Flagstaff, Ariz. Applicant's representative: Calvin H. Udall, 411 North Central Avenue, Phoenix, Ariz. 85004. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: (1) *Passengers* over the public highways designated as those between Flagstaff, Ariz., and Grand Canyon, Ariz., over U.S. Highway 66 and Interstate Highway 40, and State Highway 64; and as an alternate route over U.S. Highway 180 and State Highway 64; serving intermediate points, *parcels and items of property* between Flagstaff and Grand Canyon, Ariz., over the above-named highways, with the limitations that no shipments shall exceed 100 pounds in weight, all shipments shall be handled in passenger vehicles and no intermediate points shall be served; (2) *passengers and baggage* in Flagstaff and vicinity; (3) *passengers and baggage* originating at Flagstaff, Ariz., and vicinity, in a tours service over the public highways between Flagstaff and vicinity and any point within the State of Arizona, with the limitation that no passengers or baggage originating at Flagstaff and vicinity and destined to the Grand Canyon through the Cameron Gateway be transported: *Provided*, That such limitation shall not be construed to prevent said Nava-Hopi Tours, Inc., from transporting passengers and baggage from Flagstaff and vicinity over, upon and along U.S. Highway 80 and State Highway 64 when not destined to the Grand Canyon; and (4) *passengers and baggage* in a scheduled operation between Flagstaff, Ariz., and the Arizona Snow Bowl. Both intrastate and interstate authority sought.

HEARING: Arizona Corporation Commission, September 6, 1967, at 2 p.m., hearing room, Phoenix, Ariz. Request for procedural information, including the time for filing protests concerning this application should be addressed to the Arizona Corporation Commission, State Capitol Annex, Phoenix, Ariz., and should not be directed to the Interstate Commerce Commission.

State Docket No. MC-4950, filed July 24, 1967. Applicant: LEWISBURG TRANSFER COMPANY, INCORPORATED, 1045 Verona Road, Lewisburg, Tenn. Applicant's representative: Joe W. Henry, Jr., Attorney at law, Pulaski, Tenn. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except household goods, explosives and commodities requiring special equipment from Nashville to Cornersville and Pulaski and return serving Cornersville and Pulaski and intermediate points between Lewisburg and Pulaski. Both intrastate and interstate authority sought.

HEARING: Tuesday, October 3, 1967, at 9:30 a.m., C-1-110 Cordell Hull Building, Nashville, Tenn. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

State Docket No. MC 20340, filed August 1, 1967. Applicant: M&V EXPRESS, INC., 827 North Madison Street, Tulsa, Okla. Applicant's representative: I. E. Chenoweth, 3010 South Braden Street, Tulsa, Okla. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *freight*, from Tulsa, Okla., to Vinita, Okla., via U.S. Highway 66, serving no intermediate points, thence over U.S. Highways 66 and 69 to the Kansas-Oklahoma State Line, serving all intermediate points, and return over the same routes, from Tulsa, Okla., to Oklahoma-Missouri border and return via U.S. Interstate Highway I-44 as an alternate route only. Both intrastate and interstate authority sought.

HEARING: Monday, September 18, 1967, at the Oklahoma Corporation Commission Hearing Room, Oklahoma, City, Okla., at 9 a.m. Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to the Oklahoma Corporation Commission, Jim Thorpe Building, Oklahoma City, Okla. 73105, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-9599; Filed, Aug. 15, 1967; 8:49 a.m.]

[Notice 433]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 11, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 8544 (Sub-No. 20 TA), filed August 9, 1967. Applicant: GALVESTON TRUCK LINE CORPORATION, 7415 Wingate, Houston, Tex. 77011. Applicant's representative: Desmond A. Barry (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Antifreeze*, packaged, not in bulk, from Highlands, Tex., to points in Oklahoma; for 180 days. Supporting shipper: Jefferson Chemical Co., Inc., Post Office Box 53300, Houston, Tex. 77052 (C. B. Ganter, Supervisor, Transportation Service). Send protests to: John C. Rendus, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 16682 (Sub-No. 73 TA), filed August 9, 1967. Applicant: MURAL TRANSPORT, INC., 2900 Review Avenue, Long Island City, N.Y. 11101. Applicant's representative: S. Sidney Eisen, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Store fixtures and equipment*, from Jackson, Tenn., to points in the United States (except Alaska and Hawaii); for 180 days. Supporting shipper: Piggly Wiggly Corp., Post Office Box 1253, Jackson, Tenn. 38301. Send protests to: E. N. Carignan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 107012 (Sub-No. 73 TA), filed August 8, 1967. Applicant: NORTH AMERICAN VAN LINES, INC., Lincoln Highway East, Post Office Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Blaine E. Sowers (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Store fixtures and equipment*, from Jackson, Tenn., to points in the United States (except Alaska and Hawaii); for 180 days. Supporting shipper: Piggly Wiggly Corp., Post Office Box 469, Jackson, Tenn. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind. 46802.

No. MC 107496 (Sub-No. 580 TA), filed August 9, 1967. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic resins*, in bulk, in tank vehicles, from ex-rail Minneapolis, Minn., to Little Falls, Minn.; on traffic having a prior out-of-State movement; for 180 days. Supporting shipper: The Glidden Co., 900 Union Commerce Building, Cleveland, Ohio 44115. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 108449 (Sub-No. 271 TA), filed August 9, 1967. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylienbeck (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic resins, in bulk*, in tank vehicles, from Minneapolis, Minn., to Little Falls, Minn.; shipments having a prior rail movement from interstate origins; for 180 days. Supporting shipper: The Glidden Co., 900 Union Commerce Building, Cleveland, Ohio 44115. Send protests to: A. E. Rathert, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 111401 (Sub-No. 229 TA), filed August 8, 1967. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Max E. Barton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, in bulk, from Shell Oil Co.'s refinery at Wood River, Ill., to Fort Morgan Compressor Station near Fort Morgan, Colo., Rawlins Compressor Station near Sinclair, Wyo., Four-way Compressor Station near Dumas, Tex., Fritch Compressor Station near Fritch, Tex., Lakin Compressor Station near Lakin, Kans., Morton County Compressor Station near Elkhart, Kans., and Mocane Compressor Station near Beaver, Okla.; for 150 days. Supporting shipper: Derby Refining Co., Division of Colorado Oil and Gas, Post Office Box 1030, Wichita, Kans. 67201. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 116077 (Sub-No. 216 TA), filed August 9, 1967. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 9527, Houston, Tex. 77011. Applicant's representative: J. C. Browder (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic resins*, dry, in pneumatic tank vehicles, from Baton Rouge, La., to Corinth, Miss.; for 180 days. Supporting shipper: Ethyl Corp., Purchasing and Traffic Department (File B-3168-7), Box 341, Baton Rouge, La. 70821 (D. H. Berry, Jr., Traffic Attorney and Rate Supervisor). Send protests to: John C. Redus, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 125035 (Sub-No. 13 TA), filed August 9, 1967. Applicant: RAY E. BROWN TRUCKING, INC., 1132 55th Street NE., North Canton, Ohio 44721. Applicant's representative: Fred H. Zollinger, 800 Cleve-Tusc Building, Canton, Ohio 44702. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream, ice cream confections, and ice water confections*, (1) between Detroit, Mich., and Pittsburgh, Pa.; (2) from Detroit, Mich., to points in Ohio, West Virginia, and Pennsylvania; and (3) from Pittsburgh, Pa., to points in Ohio and West Virginia; for 180 days. Supporting shipper: Sealtest Foods, Division of National Dairy Products Corp., 20545 Center Ridge Road, Cleveland, Ohio 44116. Send protests to: G. J. Baccel, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 435 Federal Building, 215 Superior Avenue, Cleveland, Ohio 44114.

No. MC 128235 (Sub-No. 2 TA), filed August 9, 1967. Applicant: ALVIN JOHNSON, Post Office Box 95, Hinckley, Minn. 55037. Applicant's representative: Earl Hacking, 503 11th Avenue South, Minneapolis, Minn. 55415. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverage*, in containers, from the plant of Grain Belt Breweries, Inc., at Minneapolis, Minn., to Barron, Wis.; for 180 days. Supporting shipper: C&C Beverage Co., Barron, Wis. Send protests to: A. E. Rathert, District Supervisor,

Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 128292 (Sub-No. 1 TA), filed August 9, 1967. Applicant: RINSON, INC., 3065 Morse Road, Columbus, Ohio 43224. Applicant's representative: Robert Krier, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sewage pumping stations*, from the plantsite of Liftmaster, Inc., at or near Columbus, Ohio, to jobsite points within 10 miles of Kenner, Jefferson Parish, La.; under continuing contract with Liftmaster, Inc.; for 180 days. Supporting shipper: Liftmaster, Inc., 4749 South High Street, Columbus, Ohio 43207. Send protests to: Arthur M. Culver, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 236 New Post Office Building, Columbus, Ohio 43215.

No. MC 129138 (Sub-No. 1 TA), filed August 9, 1967. Applicant: TOBOLL TRUCKING COMPANY, INC., 8003 Haas Lane, Baltimore, Md. 21206. Applicant's representative: Donald E. Freeman, 172 East Green Street, Westminster, Md. 21157. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Laboratory furniture and fumehoods*, from Baltimore, Md., to Elizabeth, Linden, Summit, Princeton, and Clifton, N.J., Eastview and New York, N.Y., Presque Isle, Maine, Dallas, Tex., Whitefield, N.H., Des Moines, Iowa, Albany, Ga., Chicago and Argonne, Ill., Hercules, Del., and Washington, D.C.; under a continuing contract with Vulcan-Hart Corp. of Baltimore, Md.; for 180 days. Supporting shipper: Vulcan-Hart Corp., 3600 North Point Boulevard, Baltimore, Md. 21222. Send protests to: William L. Hughes, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1125 Federal Building, Hopkins Plaza, Charles Center, Baltimore, Md. 21201.

No. MC 129198 (Sub-No. 1 TA), filed August 8, 1967. Applicant: EDMOND DESIPIO AND FRANK JOCK, a partnership, doing business as GLASGOW TRANSPORT COMPANY, 4 Cordrey Road, Newark, Del. 19711. Applicant's representative: Frank Jock (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard, paper and paper products*, from Childs, Md., to points in Connecticut, Maryland, Ohio, Rhode Island, South Carolina, Virginia, Delaware, West Virginia, Massachusetts, New Jersey, New York, North Carolina, and Pennsylvania, and the District of Columbia; and *waste paper, mill supplies, machinery and equipment used in the manufacturing of products* at Childs, Md., on return; for the account of Elk Paper Manufacturing Co.; for 150 days. Supporting shipper: Elk Paper Manufacturing Co., Childs, Md. 21916 (Daniel H. Bathon, president). Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 206 Old Post Office Building, Salisbury, Md. 21801.

No. MC 129282 (Sub-No. 1 TA), filed August 9, 1967. Applicant: FRED S. BERRY, doing business as BERRY TRANSPORTATION COMPANY, 305 Lancaster Street, Longview, Tex. 75601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* (except in bulk), from Longview, Tex., to Alexandria and Shreveport, La.; and *empty bottles, cans, cartons, kegs, or other containers and wooden pallets*, on return; for 180 days. Supporting shippers: Shreveport Beverage Agency, Inc., Shreveport, La.; and Mid-State Beer Distributing Co., Alexandria, La. Send protests to: E. K. Willis, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 129315 TA, filed August 9, 1967. Applicant: LILLIAN E. FAULKNER, Post Office Box 9426, Huntington, W. Va. 25704. Applicant's representative: John E. Friedman, Charleston Traffic Service, 405 Lawson Street, Hurricane, W. Va. 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles, jars and jelly glasses*, 1 gallon or less in capacity, in straight or mixed shipments with *caps, covers or tops for bottles, jars and jelly glasses*, from Huntington, W. Va., to points in Alabama, Florida, and Georgia; for 150 days. Supporting shipper: Kerr Glass Manufacturing Corp., Sand Springs, Okla. (Jack D. Smith, traffic manager). Send protests to: H. R. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 3202 Federal Office Building, Charleston, W. Va. 25305.

No. MC 129316 TA, filed August 9, 1967. Applicant: THOMAS TRANSFER & STORAGE CO., INC., 911–919 Industrial Avenue, Palo Alto, Calif. 94303. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Marin, San Francisco, San Mateo, Santa Clara, Alameda, Contra Costa, Santa Barbara, and Ventura Counties, Calif.; restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments; for 180 days. Supporting shippers: Furniture Forwarding, Inc., Post Office Box 55191, Indianapolis, Ind.; and Philco-Ford Corp., WDL Division, 3825 Fabian Way, Palo Alto, Calif. 94303. Send protests to: William R. Murdoch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94105.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-9600; Filed, Aug. 15, 1967; 8:49 a.m.]

[Notice 22]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 11, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–69701. By order of August 9, 1967, the Transfer Board approved the transfer to Hobwell Corp., Hoboken, N.J., a portion of the operating rights in certificate No. MC–36997, issued February 23, 1955, to Max Zall, doing business as B&Z Express Co., West New York, N.J., and transferred to Metro Carrier Corp., Clifton, N.J., March 31, 1967, pursuant to No. MC–FC–69509, authorizing the transportation, over irregular routes, of general commodities, with exceptions, between Newark, N.J., on the one hand, and, on the other, North Bergen, West New York, and Union City, N.J. Robert B. Pepper, 297 Academy Street, Jersey City, N.J., attorney for transferee. George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., attorney for transferor.

No. MC–FC–69747. By order of August 8, 1967, the Transfer Board approved the transfer to T. Del Farno Trucking Co., a corporation, North Providence, R.I., of certificate No. MC–95073, issued October 15, 1953, to Carl E. Moulton, Lebanon, N.H., authorizing the transportation of: Fertilizer, during the season extending from January 1 to May 30, inclusive, from Woburn and Boston, Mass., to Lebanon, N.H.; materials and equipment used in road building, between points in New Hampshire, on the one hand, and, on the other, points in Vermont, and between points in a specified part of New Hampshire, on the one hand, and, on the other, points in a specified part of Massachusetts; and road building machinery, from Albany, Center Brunswick, Troy, and Whitehall, N.Y., to West Lebanon, N.H. Frank J. Weiner, Investors Building, 536 Granite Street, Braintree, Mass. 02184, attorney for applicants.

No. MC–FC–69749. By order of August 8, 1967, the Transfer Board approved the

transfer to Paul E. Gregory, doing business as Whittington Transfer, Martinsburg, W. Va., of certificate No. MC-3322, issued April 1, 1966, to Paul E. Gregory and John H. Bell, a partnership, doing business as Whittington Transfer, Martinsburg, W. Va., authorizing the transportation of: Household goods, between points in Jefferson and Berkeley Counties, W. Va., on the one hand, and, on the other, points in West Virginia, Virginia, Maryland, New York, Pennsylvania, Ohio, New Jersey, Delaware, and the District of Columbia, and new furniture, uncrated, from Martinsburg, W. Va., to points in West Virginia, Virginia, Maryland, New York, Pennsylvania, Ohio, New Jersey, Delaware, and the District of Columbia. D. L. Bennett, 206 First National Bank Building, 2207 National Road, Wheeling, W. Va. 26003, representative for applicants.

No. MC-FC-69763. By order of August 8, 1967, the Transfer Board approved the transfer to Elmer Butler and R. Simpson, a partnership, Newport, Ky., of the operating rights of James L. Kinman, doing business as J. L. Kinman Movers, Covington, Ky., in certificate No. MC-52065, issued February 4, 1952, authorizing the transportation, over irregular routes, of household goods, as defined, between Cincinnati, Ohio, on the one hand, and, on the other, points in Indiana and Kentucky, and between points in Hamilton, Ky., on the one hand, and, on the other, points in Indiana and Kentucky. Fred W. Murphy, 830 Main Street, Cincinnati, Ohio 45203, attorney for applicants.

No. MC-FC-69822. By order of August 9, 1967, the Transfer Board approved the transfer to Joseph D'Agata, Philadelphia, Pa., of the operating rights in permits Nos. MC-127065 and MC-127065 (Sub-No. 2), issued February 21, 1966, and June 15, 1967, respectively, to Yellow, Ltd., a corporation, East Rutherford, N.J., authorizing the transportation of: Gypsum and gypsum products, and other building materials, from points in New Jersey and the District of Columbia to points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, Vermont, and Virginia. G. Donald Bullock, Box 103, Wyncote, Pa. 19095, representative for applicants.

No. MC-FC-69829. By order of August 8, 1967, the Transfer Board approved the transfer to Delbert Jacobson, Willis, Kans., of the operating rights in certificate No. MC-671, issued April 13, 1954, to Oscar Jacobson, Willis, Kans., authorizing the transportation of: General commodities, with the usual exceptions, and including certain specified commodities, between points in Kansas, and Missouri.

No. MC-FC-69833. By order of August 8, 1967, the Transfer Board approved the transfer to Mrs. Mathilda Meiners, doing business as Meiners Stockyards, Dedham, Iowa, of the operating rights in certificate No. MC-18279 issued May 16, 1950, to George Meiners, Dedham, Iowa, authorizing the transportation of: General commodities, with the usual exceptions and agricultural commodities, between specified points in Iowa and Nebraska.

No. MC-FC-69844. By order of August 8, 1967, the Transfer Board approved the transfer to Harbay Trucking Corp., New York, N.Y., of the operating rights in corrected permit No. MC-114981, issued November 5, 1956, to George Harvey Corp., New York, N.Y., authorizing the transportation of: Printed matter, on skids, between New York, N.Y., and a specified point in New Jersey. Charles H. Trayford, 137 East 36th Street, New York, N.Y. 10036, representative for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-9601; Filed, Aug. 15, 1967; 8:49 a.m.]

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