FEDERAL REGISTER

VOLUME 32 • NUMBER 163

Wednesday, August 23, 1967 • Washington, D.C.

Pages 12079–12150

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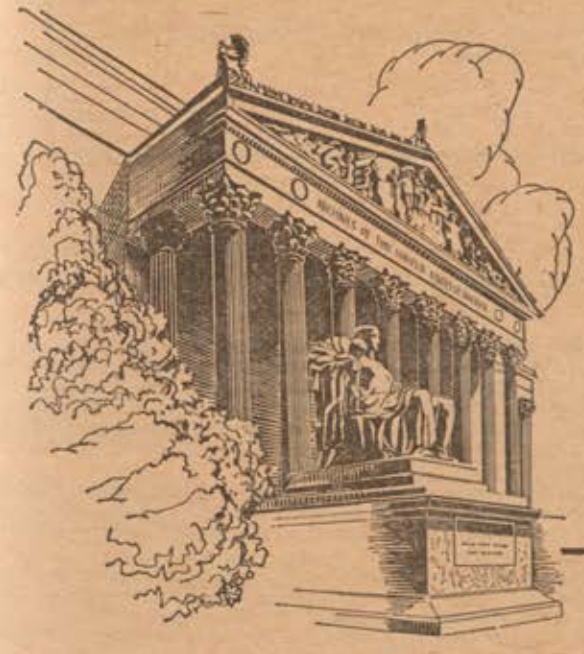

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[Revised Edition—1965]

This pamphlet contains typical legal references which require further citing. The official published volumes in which the citations may be found are shown alongside each reference—with suggestions as to the logical sequence to follow in using them. Additional finding aids, some especially useful in citing current legislation, also have been included. Examples are furnished at pertinent points and a list of references, with descriptions, is carried at the end.

This revised edition contains illustrations of principal finding aids and reflects the changes made in the new master table of statutes set out in the 1964 edition of the United States Code.

Price: 10 cents

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

[Published by the Committee on the Judiciary, House of Representatives]

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

FEDERAL REGISTER

Area Code 202 Phone 962-8626

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

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

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Title 7—AGRICULTURE

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[Amdt. 7]

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Reimbursement Payments

Section 210.10 of the regulations for the operation of the National School Lunch Program (28 F.R. 1247), as amended (28 F.R. 11531, 29 F.R. 311, 29 F.R. 14619, 30 F.R. 15402, 31 F.R. 14924, 32 F.R. 33), is hereby revised as follows:

§ 210.10 Reimbursement payments.

(a) Reimbursement shall be paid only in connection with lunches meeting the requirements of § 210.9. The maximum rate of reimbursement shall be 9 cents for a Type A lunch, except that not to exceed 7 cents may be paid if the Type A lunch does not include milk; and the maximum rate of reimbursement shall be 2 cents for a Type C lunch: *Provided, however*, That State Agencies, or CFPDO where applicable, are authorized to reimburse from general cash-for-food assistance funds, at rates not to exceed 15 cents for a Type A lunch and 13 cents for a Type A lunch which does not include milk, schools which have a high proportion of children unable to pay for their lunches and for which it is determined that additional financial assistance is needed in order that they can meet program requirements.

(b) State Agencies, or CFPDO where applicable, are authorized to reimburse from special cash-for-food assistance funds, at rates not to exceed 15 cents for a Type A lunch and 13 cents for a Type A lunch which does not include milk, schools which have been selected for participation on the basis of the following factors: (1) The economic condition of the area from which such schools draw attendance; (2) the need of pupils in such schools for free and reduced-price lunches; (3) the percentage of free and reduced-price lunches being served in such schools to their pupils; (4) the prevailing price of lunches in such schools as compared with the average prevailing price of lunches served in the State under the National School Lunch Act; and (5) the need of such schools for additional assistance as reflected by the financial position of the school lunch programs in such schools.

(c) State Agencies, or CFPDO where applicable, may at their option approve schools meeting the criteria in paragraph (b) of this section for reimbursement at rates not to exceed 9 cents per lunch from general cash-for-food assistance funds on all lunches served and additional assistance from special cash-for-food assistance funds not to exceed 15 cents per lunch on all free or reduced-price lunches served in such schools to needy children.

(d) In agreements with schools, the State Agency, or CFPDO where applicable, shall assign rates of reimbursement within the maximum rates, and any variation between schools in the assigned rates for particular lunch types shall reflect the relative needs of the schools as determined by the State Agency, or CFPDO where applicable. Assigned rates may be changed by the State Agency, or CFPDO where applicable. Notice of any change shall be given to the schools.

(e) Schools shall be reimbursed on the basis of the number of lunches served to children times the assigned rate, except that the last claim from a school each fiscal year may be paid at a rate in excess of the assigned rate or the maximum rate: *Provided, however*, That the total reimbursement to a school during any fiscal year shall not exceed the lesser of (1) an amount equal to the number of lunches served to children during the fiscal year times the maximum rate, or (2) the cost of obtaining food.

This amendment shall be effective upon publication.

Approved August 17, 1967.

[SEAL] RODNEY E. LEONARD,
Deputy Assistant Secretary.

[F.R. Doc. 67-9906; Filed, Aug. 22, 1967; 8:49 a.m.]

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 10]

PART 728—WHEAT

Apportionment of 1968 State Acreage Allotment to Counties

Correction

In F.R. Doc. 67-9280, appearing at page 11609 of the issue for Friday, August 11, 1967, the entry for Fulton County, Ark., in § 728.347, should read "72" instead of "71".

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

PART 921—FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Expenses and Rate of Assessment

On July 19, 1967, notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 10579) regarding proposed expenses and the related rate of assessment for the period April 1, 1967, through March 31, 1968, and on August 4, 1967, notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 11333) regarding the approval of carryover of unexpended funds from the fiscal period ended March 31, 1967, pursuant to the marketing agreement and Order No. 921 (7 CFR Part 921) regulating the handling of fresh peaches grown in designated counties in Washington. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notices which were submitted by the Washington Fresh Peach Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 921.207 Expenses and rate of assessment.

(a) Expenses: Expenses that are reasonable and likely to be incurred by the Washington Fresh Peach Marketing Committee during the period April 1, 1967, through March 31, 1968, will amount to $6,854.

(b) Rate of assessment: The rate of assessment for said period, payable by each handler in accordance with § 921.41, is fixed at $0.60 per ton of fresh peaches.

(c) Unexpended assessment funds, in excess of expenses incurred during the fiscal period ended March 31, 1967, shall be carried over as a reserve in accordance with the applicable provisions of § 921.42 of said marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of peaches grown in the designated counties in Washington are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assesment herein fixed shall be applicable to all assessable peaches handled during the aforesaid period; and (3) such period began on April 1, 1967, and said rate of assessment will automatically apply to all such peaches beginning with such date.

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

Dated: August 18, 1967.

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

[F.R. Doc. 67-9907; Filed, Aug. 22, 1967; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER A—ARMED SERVICES PROCUREMENT REGULATIONS

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

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

PART 1—GENERAL PROVISIONS

1. In § 1.701–1, paragraph (a)(2) and (c) are revised; in § 1.701–4, the table therein is amended by changing the listings under Major Groups 29, 30, and 37; paragraph (b)(3) in § 1.704–3 is revised; and paragraph (c) in § 1.706–6 is revised, as follows:

§ 1.701–1 Small business concern.

(a) * * *

(2) *Industry small business size standards.* In addition to being independently owned and operated, and not dominant in the field of operation in which it is bidding on Government contracts, a small business concern in order to qualify as such must meet the criteria established for the industries set forth below. Annual sales or annual receipts, as used throughout this subpart, means the annual sales or annual receipts, less returns and allowances, of a concern and its affiliates during its most recently completed fiscal year.

(i) *Construction industries.* For construction, alteration, or repair (including painting and decorating), of buildings, bridges, roads, or other real property, the average annual receipts of the concern and its affiliates for its preceding 3 fiscal years must not exceed $7,500,000, except that if the concern is located in Alaska, such receipts must not exceed $9,375,000. For dredging, the average annual receipts of the concern and its affiliates for its preceding 3 fiscal years must not exceed $5 million, except that if the concern is located in Alaska, such receipts must not exceed $6,250,000.

(ii) *Manufacturing industries—(a) Food canning and preserving industry.* For food canning and preserving, the number of employees of the concern and its affiliates must not exceed 500 persons, exclusive of "agricultural labor" as defined in 26 U.S.C. 3306(k).

(b) *Refined petroleum products.* Any concern bidding on a contract for a refined petroleum product other than Paving mixture and blocks, Asphalt felts and coatings, Lubricating oils and greases, or Products of petroleum and coal, not elsewhere classified, is classified as small if (*1*) (*i*) its number of employees does not exceed 1,000 persons; (*ii*) it does not have more than 30,000 barrels-per-day crude oil or bona fide feed stock capacity from owned or leased facilities; and (*iii*) the product to be delivered in the performance of the contract will contain at least 90 percent components refined by the bidder from either crude oil or bona fide feed stocks: *Provided*, however, That a petroleum refining concern which meets the requirements in (*i*) and (*ii*) of this subdivision may furnish the product of a refinery not qualified as small business if such product is obtained pursuant to a bona fide exchange agreement, in effect on the date of the bid or offer, between the bidder or offeror and the refiner of the product to be delivered to the Government which requires exchanges in a stated ratio on a refined petroleum product for a refined petroleum product basis, and precludes a monetary settlement, and that the products exchanged for the products offered meet the requirement in (*iii*) of this subdivision: *And provided further*, That the exchange of products for products to be delivered to the Government will be completed within 90 days after expiration of the delivery period under the Government contract; or (*2*) its number of employees does not exceed 500 persons and the product to be delivered to the Government has been refined by a concern which qualifies under (*1*) of this subdivision.

(c) *Pneumatic tires.* For passenger cars, motorcycles, truck, bus, and off-the-road pneumatic tires, a concern is classified as small when bidding on a contract for the above listed items: *Provided*, That (*1*) the value of the above types of pneumatic tires which it manufactured in the United States during the preceding calendar year is more than 50 percent of the value of its total worldwide manufacture, (*2*) the value of these pneumatic tires which it manufactured worldwide during the preceding calendar year was less than 5 percent of the value of all such tires manufactured in the United States during said period, and (*3*) the value of the principal products which it manufactured or otherwise produced or sold worldwide during the preceding calendar year is less than 10 percent of the total value of such products manufactured or otherwise produced or sold in the United States during said period.

(d) *Passenger cars.* A company is classified as small if it is bidding on a contract for passenger cars: *Provided*, That (*1*) the value of the passenger cars which it manufactured or otherwise produced in the United States during the preceding calendar year is more than 50 percent of the value of its total worldwide manufacture or production of such passenger cars, (*2*) the value of the passenger cars which it manufactured or otherwise produced during the preceding calendar year was less than 5 percent of the total value of all such cars manufactured or produced in the United States during the said period, and (*3*) the value of the principal products which it manufactured or otherwise produced or sold during the preceding calendar year is less than 10 percent of the total value of such products manufactured or otherwise produced or sold in the United States during said period.

(e) *Manufacturing industries listed in § 1.701–4.* For a product classified within an industry listed in § 1.701–4 the number of employees of the concern and its affiliates must not exceed the small business size standard established therein for that industry.

(f) *Manufacturing industries not listed in § 1.701–4.* For a product classified within an industry not set forth in this section or in § 1.701–4, the number of employees of the concern and its affiliates must not exceed 500 persons.

(iii) *Nonmanufacturing industries.* For a product not manufactured by the concern submitting a bid or proposal, other than for a construction or service contract, the number of employees of that concern must not exceed 500 persons, and in the case of a procurement set aside for small business (see § 1.706) or involving equal low bids (see § 2.407–6 of this chapter), or otherwise involving the preferential treatment of small business, it must agree to furnish in the performance of the contract end items manufactured or produced in the United States, its possessions, or Puerto Rico, by small business concerns. However, if the goods to be furnished are wool, worsted, knitwear, duck, or webbing, nonmanufacturers (dealers and converters), shall furnish such products which have been manufactured or produced by a small weaver (small knitter for knitwear) and, if finishing is required, by a small finisher. If the product to be furnished is thread, nonmanufacturers (dealers and converters) shall furnish thread which has been finished by a small finisher. (Finishing of thread is defined as all "dyeing, bleaching, glazing, mildew proofing, coating, waxing, and other applications required by the pertinent specification, but excluding mercerizing, spinning, throwing, or twisting operations.")

(iv) *Service industries.* (*a*) For services not elsewhere defined in this part, the average annual sales or receipts of the concern and its affiliates for the preceding 3 fiscal years must not exceed $1 million ($1,250,000 is located in Alaska).

(*b*) Any concern bidding on a contract for engineering services (other than marine engineering services), motion picture production, or motion picture services is classified as small if its average annual sales or receipts for its preceding 3 fiscal years do not exceed $5 million ($6,250,000 if located in Alaska).

(*c*) Any concern bidding on a contract for naval architectural and marine engineering services is classified as small if its average annual sales or receipts for its preceding 3 fiscal years do not exceed $6 million.

(*d*) Any concern bidding on a contract for janitorial and custodial services is classified as small if its average annual sales or receipts for its preceding 3 fiscal years do not exceed $3 million ($3,750,000 if located in Alaska).

(*e*) Any concern bidding on a contract for base maintenance is classified as small if its average annual sales or receipts for its preceding 3 fiscal years do not exceed $5 million ($6,250,000 if located in Alaska). Base maintenance is

defined in footnote at the end of this section.

(f) Any concern bidding on contracts for marine cargo handling services is classified as small if its annual sales or receipts do not exceed $5 million for the preceding 3 fiscal years.

(v) *Transportation industries—(a) General.* Except as provided in (b) and (c) of this subdivision, for passenger or freight transportation the number of employees of the concern and its affiliates must not exceed 500 persons.

(b) *Air transportation.* For air transportation, the number of employees of the concern and its affiliates must not exceed 1,000 persons.

(c) *Trucking (local and long distance) warehousing, packing and crating, and/or freight forwarding.* For trucking (local and long distance), warehousing, packing and crating, and/or freight forwarding, the annual receipts of the concern and its affiliates must not exceed $3 million except that if the concern is located in Alaska, such receipts must not exceed $3,750,000. No such concern, however, will be denied small business status for the purpose of Government procurement solely because of its contractual relationship with a large interstate van line if the concern's annual receipts have not exceeded $3 million during its most recently completed fiscal year ($3,750,000 if located in Alaska).

(vi) *Research, development or testing industries.* For research, development, or testing, which requires delivery of a manufactured product, a concern must (a) qualify as a small business manufacturer within the meaning of subdivision (ii) of this subparagraph for the industry in which the product is classified, or (b) qualify as a small business nonmanufacturer within the meaning of subdivision (iii) of this subparagraph. For research, development, or testing, which does not require delivery of a manufactured product, the number of employees of the concern and its affiliates must not exceed 500 persons.

* * * * *

(c) *Affiliates.* Business concerns are affiliates of each other when either directly or indirectly (1) one concern controls or has the power to control the other or (2) a third party controls or has the power to control both. In determining whether concerns are independently owned and operated and whether or not affiliation exists, consideration is given to all appropriate factors including common ownership, common management, and contractual relationships: *Provided, however,* That restraints imposed on a franchisee by its franchise agreement shall not be considered in determining whether the franchisor controls or has the power to control and, therefore, is affiliated with the franchisee, if the franchisee has the right to profit from his effort, commensurate with ownership, and bears the risk of loss or failure.

* * * * *

§ 1.701–4 Manufacturing industry employment size standards.

* * * * *

Classification code and industry		Employment size standard (number of employees
* * * * *		
MAJOR GROUP 29—PETROLEUM REFINING AND RELATED INDUSTRIES		
2952	Asphalt felts and coatings	750
MAJOR GROUP 30—RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS		
3011	Aircraft tire and all inner tubes	1,000
3021	Rubber footwear	1,000
3031	Reclaimed rubber	750
* * * * *		
MAJOR GROUP 37—TRANSPORTATION EQUIPMENT		
3717	Motor vehicles and parts except passenger cars [2]	1,000
3721	Aircraft [4]	1,500
3722	Aircraft engines and engine parts [4]	1,000
3723	Aircraft propellers and propeller parts	1,000
3729	Aircraft parts and auxiliary equipment, not elsewhere classified [2]	1,000
3731	Shipbuilding and repairing [6]	1,000
3741	Locomotives and parts	1,000
3742	Railroad and street cars	750
* * * * *		

[2] The three Standard Industrial Classification industries (3711, 3712, and 3714) have been combined because of a major problem of defining the reporting unit in terms of these industries. This difficulty arises from the fact that many large establishments have integrated operations which include the production of parts and bodies and the assembly of complete vehicles at the same location.

[4] Includes maintenance as defined in the Federal Aviation Regulations (14 CFR 1.1) but excludes contracts solely for preventive maintenance as defined in 14 CFR 1.1. As defined in the Federal Aviation Regulations:

"'Maintenance' means inspection, overhaul, repair, preservation, and the replacement of parts but excludes preventive maintenance."

"'Preventive maintenance' means simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations."

[5] Guided missile engines and engine parts are classified in SIC 3722. Missile control systems are classified in SIC 3662.

[6] Shipbuilding and repairing industry includes establishments primarily engaged in building and repairing all types of ships, barges, canal boats, and lighters, of 5 gross tons and over, whether propelled by sail or motor power or towed by other craft. Establishments primarily engaged in fabrication or repairing structural assemblies or components for ships, or subcontractors engaged in ship painting, joinery, carpentry work, electrical wiring installation, etc., are not included. The size standard for Boatbuilding and Repairing (establishments primarily engaged in building and repairing all types of boats, except rubber boats, under 5 gross tons) is 500.

§ 1.704–3 Small business specialists.

* * * * *

(b) * * *

(3) Prior to issuance of solicitations or contract modifications for additional supplies or services in excess of $2,500, he shall determine that small business concerns will receive adequate consideration including initiation of set-asides (§ 1.706). This determination may be made jointly with the contracting officer or may be in the form of a recommendation to him. Disagreements between the small business specialist and the contracting officer shall be resolved by the appointing authority or his designee, whose decision shall be final. (See § 1.308 as to the required record of contract actions.)

* * * * *

§ 1.706–6 Partial set-asides.

* * * * *

(c) (1) In advertised procurements involving partial set-asides for small business, each invitation for bids shall contain substantially the following notice. The applicable size standards shall be set forth in the schedule. In negotiated procurements, the notice shall be appropriately modified for use with requests for proposals.

NOTICE OF PARTIAL SMALL BUSINESS SET-ASIDE (JUNE 1967)

(a) *General.* A portion of this procurement, as identified elsewhere in the schedule, has been set aside for award only to one or more small business concerns. Negotiations for award of this set-aside portion will be conducted only with responsible small business concerns who have submitted responsive bids on the non-set-aside portion at a unit price within 120 percent of the highest unit price at which an award is made on the non-set-aside portion. Negotiations shall be conducted with such small business concerns in the following order of priority:

Group 1. Small business concerns which are also persistent labor surplus area concerns.

Group 2. Small business concerns which are also substantial labor surplus area concerns.

Group 3. Small business concerns which are not labor surplus area concerns. Within each of the above groups, negotiations with such concerns will be in the order of their bids on the non-set-aside portion, beginning with the lowest responsive bid. The set-aside shall be awarded at the highest unit price awarded on the non-set-aside portion, adjusted to reflect transportation and other cost factors which are considered in evaluating bids on the non-set-aside portion, except where a responsive bid has been submitted on the non-set-aside portion at a unit price which when so adjusted is lower than the adjusted highest unit price awarded on the non-set-aside portion but could not be accepted because of quantity limitations or other consideration (such as the bidder's responsibility). In the latter case if the quantity limitation or other considerations do not preclude consideration of the unit price of such unaccepted bid at the time of negotiation for the set-aside portion, a quantity of the set-aside portion equal to the quantity of such unaccepted bid shall be offered to eligible concerns in their order of priority at the adjusted unit price of such unaccepted bid. If no eligible bidder will take the entire quantity so offered at the adjusted unit price of the unaccepted bid, then all eligible concerns in their order of priority shall be offered any lesser portion at the same price. (In the event more than one such unaccepted bid is involved, the same procedure shall be applied successively to each

such bid on negotiation for the set-aside portion.) Subject to the conditions set forth below any remaining quantity of the set-aside portion shall be offered to eligible concerns in their order of priority at the adjusted highest unit price awarded on the non-set-aside portion. If such an unaccepted bid is submitted by a concern eligible to participate in the set-aside, such concern must accept a quantity of the set-aside portion equal to the quantity of the unaccepted bid at the adjusted unit price of the unaccepted bid before any portion of the set-aside may be awarded to that concern at a higher price. If such an unaccepted bid is submitted by a concern not eligible to participate in the set-aside, a quantity of the set-aside portion equal to the unaccepted bid must be awarded at the adjusted unit price of such unaccepted bid before any portion of the set-aside is awarded to any eligible concern at a higher price. The Government reserves the right not to consider token bids or other devices designed to secure an unfair advantage over other bidders eligible for the set-aside portion. The partial set-aside of this procurement for small business concerns is based on a determination by the Contracting Officer that it is in the interest of maintaining or mobilizing the Nation's full productive capacity, or in the interest of war or national defense programs, or in the interest of assuring that a fair portion of Government procurement is placed with small business concerns.

(b) *Definitions.* (1) A "small business concern" is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and can further qualify under the criteria set forth in regulations of the Small Business Administration (Code of Federal Regulations, Title 13, sec. 121.3–8). In addition to meeting these criteria, a manufacturer or a regular dealer submitting bids or proposals in his own name must agree to furnish in the performance of the contract end items manufactured or produced in the United States, its possessions, or Puerto Rico, by small business concerns: *Provided*, That this additional requirement does not apply in connection with construction or service contracts.

(2) A "labor surplus area" is a geographical area which is:

(i) classified by the Department of Labor as an "Area of Substantial Unemployment" (herein referred to as an area of substantial labor surplus) and listed as such by that Department in its publication "Area Trends in Employment and Unemployment"; or

(ii) Classified by the Department of Labor as "Area of Persistent Unemployment" (herein referred to as an area of persistent labor surplus) and listed as such by that Department in its publication "Area Trends in Employment and Unemployment"; or

(iii) Not classified as in (i) or (ii) above, but which is individually certified as an area of persistent or substantial unemployment by the Department of Labor at the request of a prospective contractor.

(3) Labor surplus area concern includes—

(i) Persistent labor surplus area concerns which agree to perform or cause to be performed any contracts awarded to them as labor surplus area concerns substantially in "Areas of Persistent Labor Surplus" (also called "Areas of Persistent Unemployment"); and

(ii) Substantial labor surplus area concerns which agree to perform or cause to be performed any contracts awarded to them as labor surplus area concerns substantially in "Areas of Substantial Labor Surplus."

A concern shall be deemed to perform a contract substantially in "Areas of Persistent Labor Surplus" (also called "Areas of Persistent Unemployment") if the cost that it incurs on account of manufacturing or production (by itself or its first-tier subcontractors) in such areas amount to more than 50 percent of the contract price. A concern shall be deemed to perform a contract substantially in "Areas of Substantial Labor Surplus" if the costs that it incurs on account of manufacturing or production (by itself or its first-tier subcontractors) in such areas or in "Areas of Persistent Labor Surplus" (also called "Areas of Persistent Unemployment") amount to more than 50 percent of the contract price.

(4) "Unit price" shall include evaluation factors added for the rent-free use of Government property.

(c) *Identification of areas of performance.* Each bidder desiring to be considered for award as a small business labor surplus area concern on the set-aside portion of this procurement shall identify in his bid the geographical areas in which he proposes to perform, or cause to be performed, a substantial proportion of the production of the contract. If the Department of Labor classification of any such area changes after the bidder has submitted his bid, the bidder may change the areas in which he proposes to perform: *Provided*, That he so notifies the Contracting Officer before award of the set-aside portion. Priority for negotiation will be based upon the labor surplus classification of the designated production areas as of the time of the proposed award.

(d) *Agreement.* The bidder agrees that, if awarded a contract as a small business persistent labor surplus area concern under the set-aside portion of this procurement, he will perform, or cause to be performed, a substantial proportion of the production in areas classified at the time of award, or at the time of performance of the contract, as persistent labor surplus areas; and that if awarded a contract as a small business substantial labor surplus area concern under the set-aside portion of this procurement, he will perform, or cause to be performed, a substantial proportion of the production in areas classified at the time of award, or at the time of performance of the contract, as persistent labor surplus areas.

(2) In requirements contracts involving a partial small business set-aside, add the following to the above clause.

(e) *Requirements contract.* Only one award will be made for each item or subitem of the non-set-aside portion and only one award will be made for each item or sub-item of set-aside portion. For the purpose of equitably distributing orders in accordance with this "Notice of Partial Small Business Set-Aside," the Government will apportion the quantities to be ordered as equally as possible between the non-set-aside Contractor and the set-aside Contractor to whom the awards are made.

* * * * *

2. Sections 1.707–3(c), 1.707–4(a), 1.801–1, 1.801–2, and 1.803(a)(4) are revised; paragraph (b) in § 1.804–2 is revised; in § 1.805–3(b), the clause heading and clause paragraph (b) are revised; and § 1.1604(g) is revised, as follows:

§ 1.707–3 Required clauses.

* * * * *

(c) The "Small Business Subcontracting Program (Maintenance, Repair and Construction)" clause below shall be included in all contracts for maintenance, repair and construction work which may exceed $500,000, which contain the clause required in paragraph (a) of this section and which in the opinion of the purchasing activity, offer substantial subcontracting possibilities.

SMALL BUSINESS SUBCONTRACTING PROGRAM (MAINTENANCE, REPAIR AND CONSTRUCTION) (JUNE 1967)

(a) The Contractor agrees to establish and conduct a small business subcontracting program which will enable small business concerns to be considered fairly as subcontractors, including suppliers, under this contract. In this connection, the Contractor shall designate an individual to (i) maintain liaison with the Government on small business matters, and (ii) administer the Contractor's Small Business Subcontracting Program.

(b) Notwithstanding the instructions on DD Form 1140–1, prior to completion of the contract and as soon as the final information is available, the Contractor shall submit a one-time completed DD Form 1140–1 to the Government addressees prescribed thereon. The DD Form 1140–1 shall show the prime contract number in lieu of identifying a quarterly report period. This subparagraph (b) is not applicable if the Contractor is a small business concern.

(c) The Contractor further agrees (i) to insert the "Utilization of Small Business Concerns" clause in subcontracts which offer substantial subcontracting opportunities, and (ii) to insert in each such subcontract exceeding $500,000 a clause conforming substantially to the language of this clause except that subcontractors shall submit DD Form 1140–1 direct to the Government addressees prescribed on the Form. The Contractor will notify the Contracting Officer of the name and address of each subcontractor that will be required to submit a report on DD Form 1140–1.

§ 1.707–4 Responsibility for reviewing the subcontracting program.

(a)(1) Except in contracts for maintenance, repair and construction work, only one Department shall be responsible for reviewing a contractor's Small Business Subcontracting Program. Subject to paragraph (b) of this section, such review shall be the responsibility of:

(i) The Department previously assigned specific contractors by the Director for Small Business Policy of the Department of Defense; or

(ii) If subdivision (i) of this subparagraph is inapplicable, the responsibility shall be assigned through coordinated action of the Director of Small Business Policy of the Department of Defense and the Small Business Advisors of the Departments.

(2) In contracts for maintenance, repair and construction (see § 1.707–3(c)), the contracting officer awarding the contract shall be responsible for reviewing the contractor's Small Business Subcontracting Program.

* * * * *

§ 1.801–1 Labor surplus area concern.

Labor surplus area concern includes:

(a) Persistent labor surplus area concerns which will perform or cause to be performed any contracts awarded to them as labor surplus area concerns substantially in "Areas of Persistent Labor Surplus"; and

(b) Substantial labor surplus area concerns which will perform or cause to

be performed any contracts awarded to them as labor surplus area concerns substantially in "Areas of Substantial Labor Surplus."

A concern shall be deemed to perform a contract substantially in "Areas of Persistent Labor Surplus" if the costs that it incurs on account of manufacturing or production (by itself or its first tier subcontractors) in such areas amount to more than 50 percent of the contract price. A concern shall be deemed to perform a contract substantially in "Areas of Substantial Labor Surplus" if the costs that it incurs on account of manufacturing or production (by itself or its first tier subcontractors) in such areas or in "Areas of Persistent Labor Surplus" amount to more than 50 percent of the contract price.

Example A. ABC Company, manufacturing in a full employment area, bids on a contract at $1,000. ABC Company will incur the following costs:

Direct labor	$200
Overhead	200
Purchase of materials from XYZ, which manufactures the materials in a labor surplus area	510

ABC Company qualifies as a labor surplus area concern.

Example B. DEF Company, manufacturing in a labor surplus area, bids on a contract at $1,000. DEF Company will incur the following costs:

Direct labor	200
Overhead	200
Purchase of materials from UVW, which is located in a labor surplus area but which merely distributes the materials from stocks on hand (the materials having been manufactured by UVW's supplier)	550

DEF Company does not qualify as a labor surplus area concern regardless of whether UVW's supplier manufactures in a labor surplus area.

Example C. GHI Company, manufacturing in a labor surplus area, bids on a contract at $1,000. GHI Company will incur the following costs:

Direct labor	230
Overhead	275
Purchase of materials from RST, which manufactures the materials in a full employment area	425

GHI Company qualifies as a labor surplus area concern.

§ 1.801–2 Labor surplus area.

Labor surplus area means a geographic area which at the time of award is:

(a) Classified by the Department of Labor as an "Area of Substantial Unemployment" (herein referred to as an area of substantial labor surplus) and listed as such by that Department in its publication "Area Trends in Employment and Unemployment"; or

(b) Classified by the Department of Labor as an "Area of Persistent Unemployment" (herein referred to as an area of persistent labor surplus) and listed as such by that Department in its publication "Area Trends in Employment and Unemployment"; or

(c) Not classified as in paragraph (a) or (b) of this section, but which is individually certified as an area of persistent or substantial unemployment by the Department of Labor at the request of a prospective contractor.

§ 1.803 Application of policy.

(a) * * *

(4) Department of Labor certification (see § 1.801–2(c)) shall be considered conclusive with respect to the particular procurement concerned;

* * * * *

§ 1.804–2 Set-aside procedure.

* * * * *

(b) (1) In advertised procurements involving set-asides pursuant to this subpart, each invitation for bids shall contain substantially the following notice. In negotiated procurements, the notice shall be appropriately modified for use with requests for proposals. The notice shall be made a part of each contract under the set-aside portion of the procurement.

NOTICE OF LABOR SURPLUS AREA SET-ASIDE (JUNE 1967)

(a) *General.* A portion of this procurement, as identified elsewhere in the schedule, has been set aside for award only to one or more labor surplus area concerns, and, to a limited extent, to small business concerns which do not qualify as labor surplus area concerns. Negotiations for award of the set-aside portion will be conducted only with responsible labor surplus area concerns (and small business concerns to the extent indicated below) who have submitted responsive bids or proposals on the non-set-aside portion at a unit price no greater than 120 percent of the highest unit price at which an award is made on the non-set-aside portion. Negotiations for the set-aside portion will be conducted with such bidders in the following order of priority:

Group 1. Persistent labor surplus area concerns which are also small business concerns.

Group 2. Other persistent labor surplus area concerns.

Group 3. Substantial labor surplus area concerns which are also small business concerns.

Group 4. Other substantial labor surplus area concerns.

Group 5. Small business concerns which are not labor surplus area concerns.

Within each of the above groups, negotiations with such concerns will be in the order of their bids on the non-set-aside portion, beginning with the lowest responsive bid. The set-aside portion shall be awarded at the highest unit price awarded on the non-set-aside portion, adjusted to reflect transportation and other cost factors which are considered in evaluating bids on the non-set-aside portion except where a responsive bid has been submitted on the non-set-aside portion at a unit price which when so adjusted is lower than the adjusted highest unit price awarded on the non-set-aside portion but could not be accepted because of quantity limitations or other consideration (such as the bidder's responsibility). In the latter case if the quantity limitation or other considerations do not preclude consideration of the unit price of such unaccepted bid at the time of negotiation for the set-aside portion, a quantity of the set-aside portion equal to the quantity of such unaccepted bid shall be offered to eligible concerns in their order of priority at the adjusted unit price of such unaccepted bid. If no eligible bidder will take the entire quantity so offered at the adjusted unit price of the unaccepted bid, then all eligible concerns in their order of priority shall be offered any lesser portion at the same price. (In the event more than one such unaccepted bid is involved, the same procedure shall be applied successively to each such bid on negotiation for the set-aside portion.) Subject to the conditions set forth below any remaining quantity of the set-aside portion shall be offered to eligible concerns in their order of priority at the adjusted highest unit price awarded on the non-set-aside portion. If such an unaccepted bid is submitted by a concern eligible to participate in the set-aside, such concern must accept a quantity of the set-aside portion equal to the quantity of the unaccepted bid at the adjusted unit price of the unaccepted bid before any portion of the set-aside may be awarded to that concern at a higher price. If such an unaccepted bid is submitted by a concern not eligible to participate in the set-aside, a quantity of the set-aside portion equal to the quantity of the unaccepted bid must be awarded at the adjusted unit price of such unaccepted bid before any portion of the set-aside is awarded to any eligible concern at a higher price. The Government reserves the right not to consider token bids or other devices designed to secure an unfair advantage over overbidders eligible for the set-aside portion.

(b) *Definitions.* (1) The term "labor surplus area" means a geographical area which is a persistent labor surplus area or a substantial labor surplus area, or both, as defined below:

(i) "Persistent labor surplus area" means an area which (A) is classified by the Department of Labor as an "Area of Persistent Labor Surplus" (also called "Area of Persistent Unemployment") and is listed as such by that Department in conjunction with its publication "Area Trends in Employment and Unemployment," or (B) is certified as an area of persistent labor surplus by the Department of Labor pursuant to a request by a prospective Contractor.

(ii) "Substantial labor surplus area" means an area which (A) is classified by the Department of Labor as an "Area of Substantial Labor Surplus" (also called "Area of Substantial Unemployment") and which is listed as such by that Department in conjunction with its publication "Area Trends in Employment and Unemployment," or (B) is certified as an area of substantial labor surplus by the Department of Labor pursuant to a request by a prospective Contractor.

(2) The term "labor surplus area concern" includes persistent labor surplus area concerns and substantial labor surplus area concerns as defined below:

(i) "Persistent labor surplus area concern" means a concern that agrees to perform, or cause to be performed, a substantial proportion of a contract in persistent labor surplus areas. A concern shall be deemed to perform a substantial proportion of a contract in persistent labor surplus areas if the costs that the concern will incur on account of manufacturing or production performed in such areas (by itself or its first-tier subcontractors) amount to more than 50 percent of the contract price.

(ii) "Substantial labor surplus area concern" means a concern that agrees to perform, or cause to be performed, a substantial proportion of a contract in substantial labor surplus areas. A concern shall be deemed to perform a substantial proportion of a contract in substantial labor surplus areas if the costs that the concern will incur on account of manufacturing or production performed in substantial and persistent labor surplus areas (by itself or its first-tier subcontractors) amount to more than 50 percent of the contract price.

(3) A "small business concern" is a concern, including its affiliates, which is

independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and can further qualify under the criteria set forth in regulations of the Small Business Administration (Code of Federal Regulations, Title 13, § 121.3–8). In addition to meeting these criteria, a manufacturer or a regular dealer submitting bids or proposals in his own name must agree to furnish in the performance of the contract end items manufactured or produced in the United States, its possessions, or Puerto Rico, by small business concerns: *Provided*, That this additional requirement does not apply in connection with construction or service contracts.

(4) "Unit price" shall include evaluation factors added for the rent-free use of Government property.

(c) *Identification of areas of performance.* Each bidder desiring to be considered for award as a labor surplus area concern on the set-aside portion of this procurement shall identify in his bid the geographical areas in which he proposes to perform, or cause to be performed, a substantial proportion of the production of contract. If the Department of Labor classification of any such area changes after the bidder has submitted his bid, the bidder may change the areas in which he proposes to perform: *Provided*, That he so notifies the Contracting Officer before award of the set-aside portion. Priority for negotiation will be based upon the labor surplus classification of the designated production areas as of the time of the proposed award.

(d) *Agreement.* The bidder agrees that, if awarded a contract as a persistent labor surplus area concern under the set-aside portion of this procurement, he will perform, or cause to be performed, a substantial proportion of the production in areas classified at the time of award, or at the time of performance of the contract, as persistent labor surplus areas; and that if awarded a contract as a substantial labor surplus area concern under the set-aside portion of this procurement, he will perform, or cause to be performed, a substantial proportion of the production in areas classified at the time of award, or at the time of performance of the contract, as persistent labor surplus areas.

(2) In requirements contracts involving a labor surplus area set-aside, add the following to the above clause:

(e) *Requirements contract.* Only one award will be made for each item or subitem of the non-set-aside portion and only one award will be made for each item or subitem of the set-aside portion. For the purpose of equitably distributing orders in accordance with this "Notice of Labor Surplus Area Set-Aside," the Government will apportion the quantities to be ordered as equally as possible between the non-set-aside Contractor and the set-aside Contractor to whom the awards are made.

* * * * *

§ 1.805–3 Required clauses.

* * * * *

(b) * * *

LABOR SURPLUS AREA SUBCONTRACTING PROGRAM (JUNE 1967)

* * * * *

(b) A "labor surplus area concern" is a concern which will perform, or cause to be performed, a substantial proportion of any contract awarded to it in "Areas of Persistent Labor Surplus" or in "Areas of Substantial Labor Surplus," as designated by the Department of Labor. A concern shall be deemed to perform a substantial proportion of a contract in a labor surplus area if the costs that the concern will incur on account of manufacturing or production (by itself or its first-tier subcontractors) in such areas amount to more than 50 percent of the price of such contract.

* * * * *

§ 1.1604 Processing novation agreements and change of name agreements.

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(g) After execution and distribution of an agreement, an administrative change (Standard Form 30) shall be prepared by the processing activity incorporating a summary of the agreement and attaching thereto a complete list of the contracts affected. For single service agreements, three copies of the Standard Form 30 shall be furnished for each contract to the procuring activities concerned, and for multiservice agreements, to the appropriate addressee listed in § 1.1604(c).

* * * * *

3. Subpart Q is revised to read as follows:

Subpart Q—Value Engineering

Sec.

AUTHORITY: The provisions of this Subpart Q issued under sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1.1701 Policy.

(a) Value engineering is concerned with the elimination or modification of anything that contributes to the cost of a contract item or task but is not necessary for needed performance, quality, maintainability, reliability, or interchangeability. Specifically, value engineering as contemplated by this part constitutes a systematic and creative effort, not required by any other provision of the contract, directed toward analyzing each contract item or task to ensure that its essential function is provided at the lowest over-all cost. Over-all cost may include, but need not be limited to, the costs of acquiring, operating, and logistically supporting an item or system.

(b) In order to realize fully the cost reduction potential of value engineering, provisions which encourage or require value engineering shall be incorporated in all contracts, including letter contracts, of sufficient size and duration to offer reasonable likelihood for cost reduction. All such provisions shall offer the contractor a share in cost reductions ensuing from change proposals he submits under such contracts. While most proposals will result from the contractor's value engineering efforts, any proposal submitted by the contractor which meets the documentation and other requirements of the value engineering clauses may be rewardable. In addition, the value engineering provisions are intended to induce major prime contractors to encourage subcontractors to utilize value engineering techniques. Finally, to realize the cost reduction potential of value engineering, it is imperative that value engineering change proposals be processed by all parties as expeditiously as possible.

(c) In addition to the value engineering potential noted above (cost reductions resulting from contract change proposals), it is recognized that a contractor may develop a value engineering-type proposal with regard to a weapon system or end item for which he does not have a current contract, e.g., where the contractor originally developed and produced a weapon system, it is now operational, and the contractor no longer has a production or other contract therefor. In such a case, the value engineering proposal would not come within the provisions of this subpart. Nevertheless, it is desirable that the potential cost reductions resulting from unsolicited proposals not within the scope of value engineering clauses under current contracts be realized by the Government. Accordingly, nothing in this subpart shall be construed to preclude the purchase of unsolicited proposals on a case-by-case basis or other special contractual arrangements, pursuant to Subpart B, Part 9 of this chapter, or 10 U.S.C. 2386, which are necessary to induce contractors to develop such proposals and make them available to the Government.

§ 1.1702 Types of value engineering provisions.

§ 1.1702–1 Incentives.

(a) A Value Engineering Incentive clause permits the contractor to share in cost reductions that ensue from change proposals he submits. Many types of contracts, when properly used, provide the contractor with an incentive to control and reduce costs while performing within the specifications and other contract requirements. However, the practice of reducing the contract price (or fee in the case of cost-reimbursement type contracts) under the Changes

clause tends to discourage contractors from submitting cost reduction proposals requiring a change to the specifications or other contract requirements even though such proposals could be beneficial to the Government. The objective of a value engineering incentive provision is to encourage the contractor to submit such cost reduction proposals. To be acceptable, a value engineering change proposal must involve some change in the contract specifications, purchase description, or statement of work; this may include the elimination or modification of any requirements found to be in excess of actual needs in the areas of, for example, design, components, materials, material processes, tolerances, packaging requirements, technical data requirements, or testing procedures and requirements, and consequent reduction in the contract cost. Furthermore, even when the contract cost may be increased, the incentive provisions encourage contractors to submit value engineering change proposals that are likely to lead to overall savings resulting from significant net reductions in collateral costs of Government-furnished property, operational requirements or logistic support requirements.

(b) Value engineering proposals which satisfy the above requirements shall not be rejected on the ground that they also involve a termination, in whole or in part, of contract line items; moreover, the cost savings resulting from such quantitative reductions shall be shared with the contractor. On the other hand, contractor proposals which concern the quantitative requirements of the Government but do not satisfy the above criteria are not within the intent of the value engineering provisions, and the contractor will not share under this subpart in savings resulting solely from such quantitative proposals.

(c) In all cases, the contractor's share in overall cost savings resulting from the Government's acceptance of a cost reduction proposal shall be determined as provided in the Value Engineering Incentive clause.

§ 1.1702–2 Program requirement.

A Value Engineering Program Requirement clause obligates the contractor to engage in value engineering of the scope and at the level of effort required by the Government as an item of work in the contract schedule. In addition, the clause contains value engineering incentive features which provide for the contractor to share in savings resulting from the acceptance of any value engineering change proposals (as described in § 1.1702–1), whether or not such proposals result from the value engineering program requirement (except when the contract also includes the Incentive clause in accordance with § 1.1702–3(d)). The principal reason for requiring a value engineering program is to get early results (i.e., in the initial stages of design, development, or production), so that specifications, drawings, and production methods will reflect the full benefit of value engineering. The value engineering program requirement, which shall be set forth in the contract schedule as a line item and separately priced, may apply to all or selected phases of contract performance and should be tailored to the particular contract situation.

§ 1.1702–3 Use of incentive and program clauses.

(a) Except as provided in subparagraphs (1) through (6) of this paragraph, a Value Engineering Incentive clause in accordance with § 1.1707 shall be included in all contracts in excess of $100,000, and may in the discretion of the contracting officer be included in contracts not in excess of $100,000:

(1) In cost-reimbursement type contracts other than cost-plus-incentive-fee contracts;

(2) Where this would be inconsistent with a value engineering program requirement included in accordance with paragraph (b) of this section;

(3) Where the design and cost of the item or class of items being procured are primarily controlled by the commercial market;

(4) When the Head of the Procuring Activity has determined that value engineering offers no potential for cost reduction;

(5) In (i) time and material or labor hour contracts, (ii) contracts for architect-engineering, engineering services, research, or exploratory development, (iii) contracts containing provisions for product or component improvement, or (iv) contracts for the production of items with respect to which there is a concurrent contract for product or component improvement—unless, in any of these cases, the contracting officer affirmatively determines that the contract has a clear potential for value engineering cost reductions and that a Value Engineering Incentive clause will provide an effective stimulus to the contractor; or

(6) In contracts for the concept formulation, preliminary design, and contract or system definition phases of a weapon system development program.

(b) (1) Except as provided in subparagraph (2) of this paragraph, a Value Engineering Program Requirement clause in accordance with § 1.1707 shall be included in the following types of contracts if they are in excess of $1 million—and may be included in these types of contracts if they are not in excess of $1 million—unless the Head of a Procuring Activity has determined with respect to a particular contract or class of contracts that the potential for cost reduction does not justify the effort involved in the establishment of a special value engineering program:

(i) Cost-plus-a-fixed-fee contracts;

(ii) Cost-plus-incentive-fee and negotiated fixed-price type contracts for the concept formulation, preliminary design, and contract definition or system definition phases of a weapon system development program—if the contracting officer determines that the contract has a clear potential for value engineering that will be realized only by inclusion of a program requirement;

(iii) In place of the value engineering incentive clause in cost-plus-incentive-fee and negotiated fixed-price type contracts with respect to which the contracting officer determines that the lack of firm specifications, of a precise purchase description, or of a detailed statement of work would be likely to render a value engineering incentive provision incapable of realizing the contract's potential for value engineering cost reduction.

(2) A Value Engineering Program Requirement clause shall not be included in the following types of contracts:

(i) Contracts for architect-engineering, construction, basic research, or exploratory development—unless the contracting officer affirmatively determines that the contract has a clear potential for value engineering cost reductions;

(ii) Contracts containing provisions for product or component improvement or contracts for the production of items with respect to which there is a concurrent contract for product or component improvement—unless the program is restricted to areas not covered by the product or component improvement provisions or contract;

(iii) Contracts for the concept formulation, preliminary design, and contract definition or system definition phases of a weapon system development program—unless the contracting officer determines that the contract has a clear potential for value engineering that will be realized only by inclusion of a program requirement; or

(iv) Formally advertised contracts, or negotiated contracts where award will be made solely on the basis of price competition.

(c) With respect to product or component improvement, if the Head of a Procuring Activity affirmatively determines with respect to a particular contract or class of contracts (e.g., engine production contracts) that a value engineering effort offers greater potential benefits to the Government than product or component improvement effort, a value engineering incentive or program requirement clause shall be included (if authorized by paragraph (a) or (b) of this section) in place of any product or component improvement provisions and instead of any separate contracts for product or component improvement.

(d) When a Value Engineering Program Requirement clause is to be included in the contract and the program requirement is restricted to clearly defined phases of the contract work, a Value Engineering Incentive clause shall also be included in the contract if otherwise authorized by paragraph (a) of this section. The Value Engineering Incentive clause is restricted to those phases of the contract work not covered by the program requirement.

§ 1.1703 Types of savings to be shared with the contractor.

§ 1.1703–1 General.

(a) One of the key problems in exploiting the very large cost reduction potential of value engineering is that of making contractual arrangements that

give the contractor an effective incentive to perform value engineering successfully. An effective incentive arrangement must include three principal elements: first, the contractor must be assured of a fair proportion of any savings realized by the Government as a result of his change proposal; second, he must be assured that this proportion will be applied to a substantial base; and third, he must be assured of an objective evaluation and expeditious processing of his change proposal. Sections 1.1703–2 through 1.1703–4 explain the various types of savings to be shared with the contractor and the different incentive arrangements to accomplish such sharing. Normally, the value engineering clause in a particular contract will provide for the contractor to share in savings realized on the instant contract on future acquisitions within a specified period of time, and in the area of reduced collateral costs.

(b) In choosing an appropriate incentive arrangement, it is Department of Defense policy to provide the contractor with substantial financial incentives to undertake value engineering. This policy reflects the premises that the Government will benefit from any value engineering savings, that definitely assured savings from successful value engineering are likely to be only a part of the overall savings, and that a strong incentive tied to definitely assured savings will induce maximum contractor efforts to realize the full savings potential of value engineering.

§ 1.1703–2 Instant contract savings.

(a) Every value engineering clause shall provide for contractor participation in cost savings realized under the instant contract—i.e., the contract under which the value engineering change proposal was submitted—as a result of the contractor's value engineering change proposal.

(b) For purposes of computing the contractor's share under the instant contract sharing provisions in clause paragraph (d), the "instant contract" shall not include any supplemental agreements to or other modifications of the instant contract, executed subsequent to the acceptance of the particular value engineering change proposal, by which the Government increases the quantity of any item or adds any item, nor shall it include any extension of the instant contract by exercise of an option subsequent to acceptance of the proposal. Such supplemental agreements, modifications, and extensions shall be considered as "future contracts" with respect to which the contractor will share under the future acquisition savings provisions in clause paragraph (j).

(c) Where the contract involved is an estimated requirements or other indefinite quantity type contract, the "instant contract," for purposes of computing the contractor's share under the instant contract sharing provisions in clause paragraph (d), shall include only those orders actually placed by the Government up to the time the particular value engineering change proposal is accepted. All orders placed subsequent to the acceptance of the particular change proposal shall be considered "future contracts" with respect to which the contractor will share under the future acquisition savings provisions in clause paragraph (j).

(d) With respect to orders placed by the Government pursuant to a basic ordering agreement, each order is a separate contract. Accordingly, for purposes of determining the contractor's share under the instant contract sharing provisions in clause paragraph (d), the "instant contract" shall be the order under which the particular value engineering change proposal is submitted. Other orders under the same agreement shall be considered either existing contracts (if awarded prior to acceptance of the proposal) or future contracts (if awarded after acceptance of the proposal), with respect to which the contractor will share under the future acquisition savings provisions in clause paragraph (j).

(e) Where the contract involved is a multiyear contract, the Government is contractually bound for the total multiyear quantity (subject to cancellation). Accordingly, for purposes of determining the contractor's share under the instant contract sharing provisions in clause paragraph (d) the "instant contract" shall be the entire contract for the total multiyear quantity.

(f) The value engineering clauses provide that the contractor and the Government will share in the cost savings realized on the "instant contract" as a result of the contractor's value engineering change proposal. In general, the cost savings to be shared will be determined by subtracting from the total decrease in contract price (or target cost) the sum of (1) the contractor's costs of developing the value engineering proposal, insofar as such are properly direct charges under the contract involved and (2) the contractor's cost of implementing the change. For purposes of the above determination, deductible development costs will normally include those incurred after the contractor has identified a specific value engineering project. Developmental costs shall not be deductible where they are otherwise reimbursable under the contract (i.e., directly pursuant to a Program Requirement clause or indirectly through overhead accounts). Implementation costs are considered to be those costs of incorporating a change which are incurred after the value engineering proposal has been accepted by the Government.

(g) Where the contract involved is a service contract, contractor proposals which eliminate, modify, or substitute new procedures for, contractually required work procedures shall qualify for instant contract savings sharing. Where the service contract is a time and material or labor-hour contract, the "effect of the proposal on the contractor's cost of performance," for purposes of the instant contract sharing paragraph (d) of the clause, shall be determined by (1) multiplying the time per item saved by the elimination, modification, or substitution by the labor hour rate agreed upon for the workers involved, and then (2) multiplying the result by the number of items over which the task has been deleted, and (3) taking into account in the usual manner the contractor's cost of developing the proposal and of implementing the change. (The result under (1) above would be the unit cost reduction for purposes of determining future acquisition savings.)

§ 1.1703–3 Future acquisition savings.

(a) *General.* (1) In addition to providing for contractor sharing in savings realized under the instant contract, value engineering clauses normally shall provide for sharing with the contractor savings on future acquisitions of the item, components, system, or task incorporating the value engineering change, by means of (i) "royalty" payments on actual future procurements within a stated period, or (ii) a "lump sum" payment based on estimated savings on additional quantities expected to be procured subsequently. (See paragraphs (c) and (d) of this section for proper uses of the estimated requirements ("lump sum") and "royalty" sharing methods.) The extension of contractor sharing to future acquisition savings is based on the fact that the value engineering cost savings on a single contract usually represent only a small fraction of the full savings and thus may not provide a sufficient incentive. Nevertheless, in some contracts—for example, those involving more than one year of production of substantial quantities—it may be appropriate to restrict contractor participation to cost savings under that contract. In such cases, if the contracting officer makes an affirmative determination that sharing of savings under only the instant contract will provide an effective value engineering incentive to the contractor, then contractor participation may be limited to cost savings under that contract (see § 1.1708).

(2) The length of the sharing period and the types of sharing arrangements may vary with the circumstances and the incentive for value engineering required in the particular procurement. In negotiated procurements, discussions with the prospective contractors may be beneficial in selecting the most suitable sharing period and method.

(b) *Selecting period for sharing future acquisition savings.* The length of the specified period of sharing future acquisition savings, upon which the estimated requirements or the "royalty" period will be based, shall be at least one year, and may be as much as three years, from the scheduled completion of deliveries under the instant contract or the acceptance of the cost reduction proposal, whichever is later, as determined appropriate by the contracting officer to induce a significant value engineering effort. Circumstances such as the following will normally warrant selection of a period longer than one year:

(1) Acquisition of the item in the future will involve an extended period of manufacture, so that few, if any, deliveries of the item may be expected in

the first year or so of performance under a future contract;

(2) Current contract volume is for limited quantities, but increased production quantities are expected in following years, so that potential savings will increase progressively in succeeding years;

(3) Use of the item being procured or its relationship to other items or systems may require such an extensive period of test and evaluation before any proposed change could be accepted that substantial cost savings under the instant contract are unlikely; or

(4) Complexity of the item being procured would require high initial implementation costs to incorporate a proposed change, so that a substantial incentive would be required in order to encourage change proposals.

(c) *Estimated requirements ("lump sum") sharing method.* Consideration of the following factors, among others, may influence the determination to use the "lump-sum" sharing method, based on estimating future requirements:

(1) The quantity of items to be procured by the contracting Department for the sharing period to be used can be estimated with a reasonable degree of certainty at the time the solicitation for the current contract is prepared, for example—

(i) Where the contract is for items set forth in the Department of Defense Five Year Force Structure and Financial Program; or

(ii) Where extensive historical data exist which indicate stability of requirements over an extended period and from which future requirements can be predicted with reasonable accuracy;

(2) The disclosure of the estimated future requirements would not compromise national security;

(3) Requirements will be procured through a large number of contracts, e.g., a common item with multiple sources where each contract will be for the supply of only a small portion of total requirements;

(4) An identical item is procured by more than one procuring activity or purchasing office so that administrative costs, such as costs of maintaining records of actual purchases, would substantially diminish the overall savings to the Government.

When this estimated future requirements method of sharing future acquisition savings is to be used, the contracting officer shall set forth the estimated requirements for the sharing period in the value engineering clause. In computing these requirements, the quantities to be procured shall be limited to procurements by the contracting Department or procuring activity (where all or practically all of the requirements will be purchased by a particular procuring activity) for substantially the same end item as that called for under the instant contract, and shall be estimated over a one- to three-year period, as considered appropriate in accordance with paragraph (b) of this section. When the estimated requirements represent quantities to be procured by more than one procuring activity, particular care shall be exercised at the time a value engineering change proposal is accepted to assure that copies of the acceptance are expeditiously furnished to all procuring activities involved, so that they may reflect the change in their contracts and thereby avoid duplicate payment to contractors of savings already shared on quantities included in the estimated requirements. The procedures to be followed in determining and paying the contractor's savings share based on estimating future requirements are set forth in the value engineering clause (see § 1.1707–3(a)).

(d) *Royalty sharing method.* The "royalty" sharing method may be more appropriate than estimating future requirements ("lump sum" method) when:

(1) The contracting Department's future requirements for the sharing period cannot be estimated with the degree of certainty required by paragraph (c) of this section, e.g., where historical data indicate that annual requirements may fluctuate widely;

(2) The disclosure of the estimated future requirements would compromise national security;

(3) The use of the item makes it probable that the requirements for the item being procured may substantially change or be canceled by changes in defense concepts and programs;

(4) The item being procured is characterized by a limited number of sources and is centrally procured by a single purchasing office so that records of future procurements can be collected and maintained economically; or

(5) The item being procured is a product of a rapidly developing technology, so that the usefulness of any value engineering change to current specifications may be of relatively short duration.

When the "royalty" sharing method is determined to be appropriate the "royalty" period shall be specified in the value engineering clause. Instructions with the clause provide that when production of the item involves an unusually extended period of time (e.g., ship construction), the clause may be changed to provide that only the date of award of future contracts for the item, rather than the scheduled delivery dates thereunder, must fall within the sharing period in order for the contractor to receive royalties for items accepted by the Government under such future contracts. The procedures to be followed in determining and paying the contractor's "royalty" share are set forth in the value engineering clause (see § 1.1707–3(b)).

§ 1.1703–4 Collateral savings.

In addition to contractor sharing in instant contract and future acquisition savings, the value engineering clause normally shall provide for contractor participation in any ascertainable net reduction in the Government's over-all projected costs including but not limited to cost of operation, maintenance, logistic support, and Government-furnished property, where such collateral savings result from the change proposal submitted by the contractor. This additional incentive enables the contractor to share in collateral savings (less any increase in acquisition costs) whether or not there is any change in the acquisition cost of the item. However, when the Head of the Procuring Activity or his designee determines that the item or class of items being procured offers no reasonable potential for significant collateral savings, the collateral savings provision may be omitted from a contract or class of contracts.

§ 1.1704 Percentage of contractor sharing.

§ 1.1704–1 General.

The precise extent to which the contractor should share savings resulting from decreases in his cost of performance and in future acquisition costs must be tailored to the particular procurement. For advertised contracts, the percentages of contractor sharing shall be stated in the Value Engineering Incentive clause in the invitation for bids. For negotiated contracts, the percentages of contractor sharing shall be stated in the value engineering clause in the request for proposals, although the percentages may be a subject of negotiation prior to award. In two-step formal advertising, although discussion of the appropriate percentages of contractor sharing is permissible in connection with step one, the percentages shall be specified in the Value Engineering Incentive clause in the invitation for bids that is issued at the beginning of step two.

§ 1.1704–2 Value engineering incentive percentages.

(a) *Instant contract savings.* In firm fixed-price contracts, fixed-price contracts providing for escalation, and fixed-price contracts providing for prospective redetermination, the contractor's share in the cost reduction on the instant contract normally should be 50 percent and in no event shall be greater than 75 percent; however, if such contracts are not awarded on the basis of adequate price competition, a contractor's share of less than 50 percent may be appropriate. In an incentive-type contract, if it is determined that costs and savings can be estimated with reasonable accuracy, the contractor's share may be as much as 50 percent; if costs and savings cannot be estimated with reasonable accuracy, his share should be in accordance with the maximum overall cost incentive sharing rate of the contract.

(b) *Future acquisition savings.* Where the value engineering clause provides for contractor sharing in future acquisition savings, the contractor's percentage share should normally be significantly less than his percentage share on the instant contract and shall never exceed it. Normally, the percentage share in future acquisition savings should be from 20 to 40 percent. Other things being equal, a longer period of sharing future acquisition savings (see § 1.1703–3(b)) should make for a lower percentage

share, and vice versa, within the 20–40 percent range.

(c) *Collateral savings.* When a collateral savings provision is included in any contract, the contractor's percentage share of collateral savings in such areas as Government-furnished property (other than Government-furnished material under the instant contract), operations, and logistic support shall be 10 percent of projected savings which it is estimated will accrue to the Government during an average or typical year's use of the item incorporating the change. The contracting officer's determination of the amount of projected collateral savings shall be final and shall not be subject to the Disputes clause. With respect to savings due to a reduction in the amount of Government-furnished material under the instant contract, the contractor's share shall be the same as his share in instant contract savings.

§ 1.1704–3 Value engineering program requirement percentages.

(a) *Instant contract savings.* In a fixed-price type contract other than an incentive contract, the contractor's share in the cost reduction on the instant contract may be as much as 25 percent. In an incentive-type contract, if it is determined that costs and savings can be estimated with reasonable accuracy, the contractor's share in the cost reduction on the instant contract may be as much as 25 percent; if costs and savings cannot be estimated with reasonable accuracy, his share should be in accordance with the maximum overall cost incentive sharing rate of the contract. In cost-plus-a-fixed-fee contracts, the contractor's share of the savings should normally be 10 percent and shall not exceed this figure.

(b) *Future acquisition savings.* Where the clause provides for contractor sharing in future acquisition savings, the contractor's percentage share should normally be significantly less than his percentage on the instant contract and shall never exceed it. In a fixed-price type or cost-plus-incentive-fee contract, a percentage of from 10 to 20 percent would be appropriate. In a cost-plus-a-fixed-fee contract, 5 percent is normal.

(c) *Collateral savings.* See § 1.1704–2(c).

§ 1.1705 Other considerations.

§ 1.1705–1 Submission of identical value engineering change proposals under more than one contract.

Contractors should be encouraged to submit cost reduction proposals under any of their contracts where the likelihood of savings is present even though an identical proposal may have been accepted under another contract with the contractor or another contractor. When identical value engineering change proposals are submitted under more than one contract for substantially the same items, either with the same contractor or with different contractors, and both are accepted, the value engineering clauses provide that (a) instant contract savings shall be paid under each contract, (b) future acquisition savings shall be paid under each contract, (c) future acquisition savings and collateral savings will be paid only to the extent provided for by the contract under which the proposal is first received by the contracting officer and not pursuant to the other contract, and (d) the royalty sharing provision (if any) in the contract under which the proposal is first received will nevertheless not operate with respect to the other contract under which the Government accepts the proposal and pays instant contract savings.

§ 1.1705–2 Revision of performance incentive provisions.

When a value engineering clause is to be included in a contract that will also include performance incentives, the contract shall include an appropriate provision to permit equitable revisions to the performance incentive provisions in the event that a cost reduction proposal is accepted and utilized which substantially affects the basis for computing the performance incentive.

§ 1.1705–3 Cost allowability.

(a) *General.* Since the Value Engineering Incentive clause does not require the contractor to perform value engineering, the inclusion of such a clause should not in itself increase costs to the Government. In contracts containing the Value Engineering Program Requirement clause, the same principle applies except to the extent that the contractor is required to perform value engineering.

(b) *Cost-type contracts.* In accordance with paragraph (a) of this section, value engineering shall not be allowed as a direct charge against cost-type contracts containing the Incentive clause, and shall be allowed as a direct charge against cost-type contracts containing the Program Requirement clause only to the extent proper to cover the required value engineering program. In either case, the cost of value engineering is an allowable indirect charge to the extent that, under Part 15 of this chapter, it is reasonable in the conduct of the contractor's business as a whole and allocable to the particular contract.

(c) *Negotiated fixed-price type contracts.* With respect to negotiated fixed-price type contracts, the normal price negotiation policies and techniques in Subpart H, Part 3 of this chapter, shall be followed in determining whether and to what extent the cost of value engineering may be included in the contract price.

(d) *Developmental costs.* Notwithstanding the provisions of paragraphs (b) and (c) of this section, developmental costs of successful value engineering proposals shall be deductible from overall cost savings in accordance with § 1.1703–2(f) and the provisions of the applicable instant contract sharing provision in § 1.1707–2.

§ 1.1705–4 Effect of value engineering payments.

The sharing of cost savings with a contractor under a value engineering incentive or program arrangement constitutes payment for services rendered and does not constitute profit or fee for purposes of the statutory limitations imposed by 10 U.S.C. 2306(d).

§ 1.1706 Evaluation and acceptance.

(a) The expeditious processing of, evaluation of, and determination as to the acceptability of any value engineering change proposal under a contract (including the determination as to which clause is applicable if the contract contains both a Value Engineering Incentive and a Value Engineering Program Requirement clause) shall be the responsibility of the contracting officer, whose decision shall be final and shall not be subject to the Disputes clause of the contract.

(b) If the contract contains both a Value Engineering Incentive and a Value Engineering Program Requirement clause and the contracting officer determines that a proposal submitted pursuant to the Incentive clause is within the scope of the value engineering program, that proposal shall be treated for all purposes as if it had been submitted pursuant to the Program Requirement clause.

(c) When it is determined that acceptance of a value engineering change proposal will result in overall cost reduction to the Government, the contracting officer shall accept the proposal by giving the contractor written notice thereof reciting acceptance pursuant to the value engineering clause. Where performance under the contract has not yet been completed and application of the proposed changes to the remaining performance is advisable and appropriate, the written notice of acceptance may be given by issuance of a change order. Insufficient time to evaluate and implement a proposal prior to completion of performance of the contract under which it was submitted shall not be a cause for rejection. In such cases, where future acquisition savings or collateral savings would result from incorporating the changes into the requirements, the contracting officer should accept the proposal for incorporation into future procurements by giving written notice of acceptance to the contractor, and the contract shall be modified accordingly.

(d) Before accepting a cost reduction proposal under a value engineering clause providing for contractor sharing in collateral savings or in future acquisition savings based on estimated requirements, the contracting officer must make sure that sufficient funds are available for expenditure under the instant contract to cover any increase in the contract price which will result from such acceptance. When necessary, the contract under which the proposal was accepted shall be modified to provide funds sufficient to cover the savings sharing payments to the contractor.

(e) When a cost reduction proposal has been accepted under a value engineering clause providing for contractor sharing in future acquisition savings on a "royalty" basis, any appropriation under which a contract is awarded incorporating the proposal must provide funds sufficient to cover the royalty payments

which will accrue as a result of the deliveries under the later contract. Although the royalty payments will be made pursuant to the contract under which the cost reduction proposal was accepted, they shall be made from the appropriation supporting the succeeding contract which incorporates the value engineering change.

§ 1.1707 Value engineering clauses.

The appropriate form of the basic clause in § 1.1707–1 shall be used, with the appropriate instant contract sharing provision from § 1.1707–2 and the appropriate future acquisition sharing provision from § 1.1707–3 inserted.

§ 1.1707–1 The basic clause.

(a) *Value engineering incentive.*

VALUE ENGINEERING INCENTIVE (JUNE 1967)

(a) (1) This clause applies to those cost reduction proposals initiated and developed by the Contractor for changing the drawings, designs, specifications, or other requirements of this contract. This clause does not, however, apply to any such proposal unless it is identified by the Contractor, at the time of its submission to the Contracting Officer, as a proposal submitted pursuant to this clause. Furthermore, if this contract also contains a "Value Engineering Program Requirement" clause, this clause applies to any given value engineering change proposal only to the extent the Contracting Officer affirmatively determines that it resulted from value engineering efforts clearly outside the scope of the program requirement; to the extent the Contracting Officer does not affirmatively so determine, the proposal shall be considered for all purposes as having been submitted pursuant to the Value Engineering Program Requirement clause, even if it was purportedly submitted pursuant to this clause.

(2) The cost reduction proposals contemplated are those that:

(i) Would require, in order to be applied to this contract, a change to this contract; and

(ii) Would result in savings to the Government by providing—

(A) A decrease in the cost of performance of this contract, without impairing any of the items' essential functions and characteristics such as service life, reliability, economy of operation, ease of maintenance, and necessary standardized features, or

(B) Items, regardless of the acquisition cost, producing a net reduction in the cost of Government-furnished property, operations, maintenance, or other areas which exceeds any increased acquisition cost, without impairing any of the items' essential functions and characteristics.

(b) As a minimum, the following information shall be submitted by the Contractor with each proposal:

(i) A description of the difference between the existing contract requirement and the proposed change, and the comparative advantages and disadvantages of each;

(ii) An itemization of the requirements of the contract which must be changed if the proposal is adopted, and a recommendation as to how to make each such change (e.g., a suggested revision);

(iii) An estimate of the reduction in performance costs, if any, that will result from adoption of the proposal, taking into account the costs of development and implementation by the Contractor (including any amount attributable to subcontracts in accordance with paragraph (e) below) and the basis for the estimate;

(iv) A prediction of any effects the proposed change would have on collateral costs to the Government such as Government-furnished property costs, costs of related items, and costs of maintenance and operation;

(v) A statement of the time by which a change order adopting the proposal must be issued so as to obtain the maximum cost reduction during the remainder of this contract, noting any effect on the contract completion time or delivery schedule; and

(vi) The dates of any previous submissions of the proposal, the numbers of the Government contracts under which submitted, and the previous actions by the Government, if known.

(c) (1) Cost reduction proposals shall be submitted to the Procuring Contracting Officer (PCO). When the contract is administered by other than the procuring activity, a copy of the proposal shall also be submitted to the Administrative Contracting Officer (ACO). Cost reduction proposals shall be processed expeditiously; however, the Government shall not be liable for any delay in acting upon any proposal submitted pursuant to this clause. The Contractor does have the right to withdraw, in whole or in part, any value engineering change proposal not accepted by the Government within the period specified in the proposal. The decision of the Contracting Officer as to the acceptance of any such proposal under this contract (including the decision as to which clause is applicable to the proposal if this contract contains both a "Value Engineering Incentive" and a "Value Engineering Program Requirement" clause) shall be final and shall not be subject to the "Disputes" clause of this contract.

(2) The Contracting Officer may accept, in whole or in part, either before or within a reasonable time after performance has been completed under this contract, any cost reduction proposal submitted pursuant to this clause by giving the Contractor written notice thereof reciting acceptance under this clause. Where performance under this contract has not yet been completed, this written notice may be given by issuance of a change order to this contract. Unless and until a change order applies a value engineering change proposal to this contract, the Contractor shall remain obligated to perform in accordance with the terms of the existing contract. If a proposal is accepted after performance under this contract has been completed, the adjustment required shall be effected by contract modification in accordance with this clause.

(3) If a cost reduction proposal submitted pursuant to this clause is accepted by the Government, the Contractor is entitled to share in instant contract savings, collateral savings, and future acquisition savings not as alternatives, but rather to the full extent provided for in this clause.

(4) Contract modifications made as a result of this clause will state that they are made pursuant to it.

(d) [Insert the appropriate instant contract sharing provision from § 1–1707.2.]

(e) The Contractor will use his best efforts to include appropriate value engineering arrangements in any subcontract which, in the judgment of the Contractor, is of such a size and nature as to offer reasonable likelihood of value engineering cost reductions. For the purpose of computing any equitable adjustment in the contract price under paragraph (d) above, the Contractor's cost of development and implementation of a cost reduction proposal which is accepted under this contract shall be deemed to include any development and implementation costs of a subcontractor and any value engineering incentive payments to a subcontractor, or cost reduction shares accruing to a subcontractor, which clearly pertain to such proposal and which are incurred, paid, or accrued in the performance of a subcontract under this contract. However, no such payment or accrual to a subcontractor will be permitted, either as a part of the Contractor's development or implementation costs or otherwise, to reduce the Government's share on additional purchases as contemplated by paragraph (j) (if included) of this clause.

(f) (1) In the event that an accepted cost reduction proposal results in a projected net reduction in ascertainable costs in such areas as Government-furnished property (other than Government-furnished material under this contract), operations, or logistic support which exceeds any increase in acquisition cost, the contract price or fee, as applicable, shall be increased by ten percent (10%) of the projected net reduction in ascertainable collateral costs, i.e., collateral savings, estimated to accrue to the Government during an average or typical year of use of the item in which the change is incorporated. The determination of the amount of collateral savings, if any, will be made solely by the Government and shall not be subject to the "Disputes" clause of this contract.

(2) In the event that an accepted cost reduction proposal results in a net reduction in the amount of Government-furnished material under this contract, involving savings to the Government in excess of any increase in cost of performance of this contract, then in addition to any adjustment made pursuant to the "Changes" clause by reason of such increase, the contract price or fee, as applicable, shall be increased by ____ percent (——%)* of the net savings estimated to accrue to the Government in the acquisition of the items under this contract. If the proposal results in a decrease in the cost of performance as well as a net reduction in the amount of Government-furnished material under this contract, an appropriate adjustment in the contract price shall be made pursuant to paragraph (d) in addition to the adjustment provided for by this paragraph (f).

(g) (1) A cost reduction proposal identical to one submitted under any other contract with the Contractor or another contractor may also be submitted under this contract.

(2) If the Contractor submits under this clause a proposal which is identical to one previously received by the Contracting Officer under a different contract with the Contractor or another contractor for substantially the same items and both proposals are accepted by the Government, the Contractor shall share instant contract savings realized under this contract, pursuant to paragraph (d) of this clause, but he shall not share collateral savings or future acquisition savings pursuant to paragraphs (f) and (j) (if included) of this clause.

(h) The Contractor may restrict the Government's right to use any sheet of a value engineering proposal or of the supporting data, submitted pursuant to this clause, in accordance with the terms of the following legend if it is marked on such sheet:

This data furnished pursuant to the Value Engineering clause of contract ——— shall not be disclosed outside the Government, or duplicated, used, or disclosed, in whole or in part, for any purpose other than to evaluate a value engineering proposal submitted under said clause. This restriction does not limit the Government's right to use information contained in this data if it is or has been obtained, or is otherwise available, from the Contractor or from another source, without limitations. If such a proposal is accepted by

*Insert the appropriate percentage, i.e., the Contractor's share, as determined for instant contract sharing under paragraph (d).

the Government under said contract after the use of this data in such an evaluation, the Government shall have the right to duplicate, use, and disclose any data reasonably necessary to the full utilization of such proposal as accepted, in any manner and for any purpose whatsoever, and have others so do.

In the event of acceptance of a value engineering proposal, the Contractor hereby grants to the Government all rights to use, duplicate or disclose, in whole or in part, in any manner and for any purpose whatsoever, and to have or permit others to do so, any data reasonably necessary to fully utilize such proposal.

(i) (1) For purposes of sharing under paragraph (d) above, the term "instant contract" shall not include any supplemental agreements to or other modifications of the instant contract, executed subsequent to acceptance of the particular value engineering change proposal, by which the Government increases the quantity of any item or adds any item, nor shall it include any extension of the instant contract through exercise of an option (if any) provided under this contract after acceptance of the proposal. Such supplemental agreements, modifications, and extensions shall be considered "future contracts" within paragraph (j) (if included) of this clause.

(2) If this contract is an estimated requirements or other indefinite quantity type contract, the term "instant contract" for purposes of sharing under paragraph (d) above shall include only those orders actually placed by the Government up to the time the particular value engineering change proposal is accepted. All orders placed subsequent to the acceptance of the particular change proposal shall be considered "future contracts" within paragraph (j) (if included) of this clause.

(3) If this clause is included in a basic ordering agreement, the "instant contract" for purposes of sharing under paragraph (d) above shall be the order under which the particular value engineering change proposal is submitted. Other orders under the same agreement shall be considered either "existing contracts" (if awarded prior to acceptance of the proposal) or "future contracts" (if awarded after acceptance of the proposal), within paragraph (j) (if included) of this clause.

(4) If this contract is a multiyear contract, the "instant contract" shall be the entire contract for the total multiyear quantity.

(j) [Where future acquisition savings are to be shared with the contractor, insert the appropriate future acquisition sharing provision from § 1.1707-3.]

(b) *Value engineering program requirement.*

VALUE ENGINEERING PROGRAM REQUIREMENT (JUNE 1967)

(a) (1) The Contractor shall engage in a value engineering program in accordance with MIL-V-38352, shall submit progress reports thereon as specified in the Schedule, and shall submit to the Contracting Officer any cost reduction change proposals resulting from the required program. This clause applies to all cost reduction proposals initiated and developed by the Contractor for changing the drawings, designs, specifications, or other requirements of this contract, whether or not such proposals result from the value engineering program requirement. This clause does not, however, apply to any such proposal unless it is identified by the Contractor, at the time of its submission to the Contracting Officer, as a Value Engineering change proposal, nor to any given value engineering change proposal to the extent the Contracting Officer determines the proposal to be rewardable under the "Value Engineering Incentive" clause (if any) of this contract.

(a) (2) through (j) [Same as (a) (2) through (j) of Value Engineering Incentive clause in § 1-1707.1 (a) above.]

§ 1.1707-2 Instant contract sharing provisions (clause paragraph (d)).

The appropriate one of the instant contract sharing provisions in paragraphs (a) through (f) of this section shall be inserted as paragraph (d) of the Value Engineering Incentive clause or Value Engineering Program Requirement clause in § 1.1707-1.

(a) *Firm fixed-price contracts and fixed-price contracts providing for escalation.* Insert the following as paragraph (d) of the Value Engineering Incentive clause or Value Engineering Program Requirement clause in § 1.1707-1.

(d) If a cost reduction proposal submitted pursuant to this clause is accepted and applied to this contract, an equitable adjustment in the contract price and in any other affected provisions of this contract shall be made in accordance with this clause and the "Termination for Convenience," "Changes," or other applicable clause of this contract. The equitable adjustment shall be established by determining the effect of the proposal on the Contractor's cost of performance, taking into account the Contractor's cost of developing the proposal, insofar as such is properly a direct charge not otherwise reimbursed under this contract, and the Contractor's cost of implementing the change (including any amount attributable to subcontracts in accordance with paragraph (e) below). When the cost of performance of this contract is decreased as a result of the change, the contract price shall be reduced by ____ percent (——%)* of the total estimated decrease in the Contractor's cost of performance. When the cost of performance of this contract is increased as a result of the change, the equitable adjustment increasing the contract price shall be in accordance with the "Changes" clause rather than under this clause, but the resulting contract modification shall state that it is made pursuant to this clause. (JUNE 1967)

(b) *Fixed-price contracts providing for prospective price redetermination.* Insert the following as paragraph (d) of the Value Engineering Incentive clause or Value Engineering Program Requirement clause in § 1.1707-1.

(d) If a cost reduction proposal submitted pursuant to this clause is accepted and applied to this contract, an equitable adjustment in the contract price and in any other affected provisions of this contract shall be made in accordance with this clause and the "Termination for Convenience," "Changes," or other applicable clause of this contract. The equitable adjustment shall be established by determining the effect of the proposal on the Contractor's cost of performance, taking into account the Contractor's cost of developing the proposal, insofar as such is properly a direct charge not otherwise reimbursed under this contract and the Contractor's cost of implementing the change (including any amount attributable to subcontracts in accordance with paragraph (e) below). When the cost of performance of this contract is decreased as a result of the change, the contract price shall be reduced by ____ percent (——%)* of the total estimated decrease in the Contractor's cost of performance attributable to the period for which the price has been established; then in any redetermination of price, under the "Price Redetermination" clause of this contract, having an effective date subsequent to the effective date of any change order or notice of partial termination issued pursuant to this clause, the redetermined price shall not be reduced as a consequence of such change order or notice of partial termination by more than ____ percent (——%)* of the estimated decrease in that part of the Contractor's cost of performance which is attributable to the pertinent price redetermination period. When the cost of performance of this contract is increased as a result of the change, the equitable adjustment increasing the contract price shall be in accordance with the "Changes" clause rather than under this clause, but the resulting contract modification shall state that it is made pursuant to this clause. (JUNE 1967)

(c) *Fixed-price incentive (firm target) contracts.* Insert the following as paragraph (d) of the Value Engineering Incentive clause or Value Engineering Program Requirement clause in § 1.1707-1.

(d) If a cost reduction proposal submitted pursuant to this clause and affecting any of the items described in paragraph (a) of the "Incentive Price Revision (Firm Target)" clause of this contract is accepted and applied to this contract, an equitable adjustment in the total target price of such items and in any other affected provisions of this contract shall be made in accordance with this clause and the "Termination for Convenience," "Changes," or other applicable clause of this contract. The equitable adjustment in such total target price shall be established by determining the effect of the proposal on the Contractor's cost of performance, taking into account the Contractor's cost of developing the proposal, insofar as such is properly a direct charge not otherwise reimbursed under this contract, and the Contractor's cost of implementing the change (including any amount attributable to subcontracts in accordance with paragraph (e) below). When the cost of performance of this contract is decreased as a result of the change, (i) the total target cost of the affected items shall be reduced by the full amount of the total estimated decrease in the Contractor's cost of performance, (ii) the total target profit relating to such items shall be increased by ____ percent (——%)** of the total estimated decrease, and (iii) the maximum dollar limit on the total final price of such items shall be decreased by ____ percent (——%)* of the total estimated decrease. When the cost of performance of this contract is increased as a result of the change, the equitable adjustment increasing the contract price shall be in accordance with the "Changes" clause rather than under this clause, but the resulting contract modification will state that it is made pursuant to this clause. (JUNE 1967)

(d) *Fixed-price incentive (successive targets) contracts.* Insert the following as paragraph (d) of the Value Engineering Incentive clause or Value Engineering Program Requirement clause in § 1.1707-1.

(d) If a cost reduction proposal submitted pursuant to this clause and affecting any of

*Insert the appropriate percentage, i.e., the Government's share (see § 1.1704).

**Insert the appropriate percentage, i.e., the Contractor's share (see § 1.1704).

the items described in paragraph (a) of the "Incentive Price Revision (Successive Targets)" clause of this contract is accepted and applied to this contract, an equitable adjustment in the total initial or firm target price of such items and in any other affected provisions of this contract shall be made in accordance with this clause and the "Termination for Convenience," "Changes," or other applicable clause of this contract. The equitable adjustment shall be established by determining the effect of the proposal on the Contractor's cost of performance, taking into account the Contractor's cost of developing the proposal, insofar as such is properly a direct charge not otherwise reimbursed under this contract, and the Contractor's cost of implementing the change (including any amount attributable to subcontract in accordance with paragraph (e) below).

(1) When the cost of performance of this contract decreased as a result of the change, then:

(i) if the proposal is accepted and applied to this contract before the establishment of a firm fixed price in accordance with paragraph (c) of the "Incentive Price Revision (Successive Targets)" clause of this contract, (A) the initial or firm total target cost of the affected items (whichever is in effect at the time of adjustment) shall be reduced by the full amount of the total estimated decrease in the Contractor's cost of performance, (B) the initial or firm total target profit relating to such items (whichever is in effect at the time of adjustment) shall be increased by _____ percent (——%)* of the total estimated decrease (if a firm profit adjustment formula is established in accordance with paragraph (c) of the "Incentive Price Revision (Successive Targets)" clause of this contract, the above percentage may be modified for application to cost reduction proposals, submitted pursuant to this clause which are accepted under this contract after the establishment of said formula), and (C) the maximum dollar limit on the total final price of such items shall be reduced by ____ percent (——%)** of the total estimated decrease; but

(ii) if the proposal is accepted and applied to this contract after the establishment of a firm fixed price in accordance with paragraph (c) of the "Incentive Price Revision (Successive Targets)" clause of this contract, the contract price shall be reduced by ____ percent (——%)** of the total estimated decrease in the Contractor's cost of performance.

(2) When the cost of performance of this contract is increased as a result of the change, the equitable adjustment shall be in accordance with the "Changes" clause rather than under this clause, but the resulting contract modification shall state that it is made pursuant to this clause. (JUNE 1967)

(e) *Cost-plus-incentive-fee contracts.* Insert the following as paragraph (d) of the Value Engineering Incentive clause or Value Engineering Program Requirement clause in § 1.1707–1.

(d) If a cost reduction proposal submitted pursuant to this clause is accepted and applied to this contract, an equitable adjustment in target cost and fee and in any other affected provisions of this contract shall be made in accordance with this clause and the "Termination," "Changes," or other applicable clause of this contract. The equitable adjustment shall be established by determining the effect of the proposal on the Contractor's cost of performance, taking into account the Contractor's cost of developing the proposal, insofar as such is properly a direct charge not otherwise reimbursed under this contract, and the Contractor's cost of implementing the change (including any amount attributable to subcontracts in accordance with paragraph (e) below). When the cost of performance of this contract is decreased as a result of the change, the target cost shall be reduced by the full amount of the total estimated decrease in the Contractor's cost of performance, and the minimum, target, maximum fees shall be increased by ____ percent (——%)* of the total estimated decrease. When the cost of performance of the contract is increased as a result of the change, the equitable adjustment shall be in accordance with the "Changes" clause rather than under this clause, but the resulting contract modification shall state that it is made pursuant to this clause. (JUNE 1967)

(f) *Cost-plus-a-fixed-fee Contracts.* Insert the following as paragraph (d) of the Value Engineering Program Requirement clause in § 1.1707–1.

(d) If a cost reduction proposal submitted pursuant to this clause is accepted and applied to this contract, an equitable adjustment in the fixed fee and in any other affected provisions of this contract shall be made in accordance with this clause and the "Termination," "Changes," or other applicable clause of this contract. The equitable adjustment shall be established by determining the effect of the proposal on the Contractor's cost of performance, taking into account the Contractor's cost of developing the proposal, insofar as such is properly a direct charge not otherwise reimbursed under this contract, and the Contractor's cost of implementing the change (including any amount attributable to subcontracts in accordance with paragraph (e) below). When the cost of performance of this contract is decreased as a result of the change, the fixed fee shall be increased by _____ percent (——%)* of the total estimated decrease in the Contractor's cost of performance. When the cost of performance of this contract is increased as a result of the change, the equitable adjustment shall be in accordance with the "Changes" clause rather than under this clause, but the resulting contract modification shall state that it is made pursuant to this clause. (JUNE 1967)

§ 1.1707–3 Future acquisition sharing provisions (clause paragraph (j)).

The appropriate one of the future acquisition sharing provisions in paragraph (a) or (b) of this section shall be inserted as paragraph (j) of the Value Engineering Incentive clause or Value Engineering Program Requirement clause in § 1.1707–1.

(a) *Estimated requirements ("lump sum") sharing provisions.* Where the estimated requirements ("lump sum") sharing method is to be used, insert the following provision as paragraph (j) of the Value Engineering Incentive clause or Value Engineering Program Requirement clause in § 1.1707–1.

(j) (1) If a cost reduction proposal is accepted under this clause, the Contractor will be paid (in addition to any adjustment under (d) and (f) (if included) above) a reward share of estimated savings to the Government to be realized on additional Government purchases of items utilizing the cost reduction proposal. The number of such items which the Government foresees it will purchase under other contracts is _____ (____).** The Contractor's reward share will be _____ percent (_____%)*** of the estimated savings to the Government. The estimated savings will be arrived at by:

(i) Multiplying (A) the unit cost reduction under this contract* (without deducting any cost of implementation) by (B) the aforesaid number of items which the Government foresees it will purchase under other contracts, and then

(ii) Subtracting the sum of—

(A) The net increases in ascertainable collateral costs to the Government which the Contracting Officer estimates must reasonably be incurred as a result of application of the cost reduction proposal to this and other contracts, plus

(B) Any predictable costs of implementing the cost reduction proposal which the Contracting Officer estimates must reasonably be incurred in its application to other contracts with the Contractor or other contractors, plus

(C) The amount of any increase in the contract price under (d) above which results from application of the cost reduction proposal to this contract.

(2) For the purpose of this paragraph (j), the unit cost reduction* under this contract shall be the Contracting Officer's estimate of the effect which the value engineering change would have had on the Contractor's cost of performance (as well as on the cost of the items to the Government, where the change involves reduction in the amount of Government-furnished material under this contract) if the change had been included in the original specifications under this contract (this estimate should not take into account any costs of developing the proposal or implementing the change), divided by the number of units called for under this contract.

(3) The Contractor's reward share, if any, will be determined promptly after acceptance of each cost reduction proposal and the contract price will be increased accordingly.

(b) *Royalty sharing provision.* Where the royalty sharing method is to be used, insert the following as paragraph (j) of the Value Engineering Incentive clause or Value Engineering Program Requirement clause in § 1.1707–1.

(j) (1) If a cost reduction proposal is accepted under this clause, the Contractor will

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*Insert the appropriate percentage, i.e., the Contractor's share (see § 1.1704).

**Insert the appropriate percentage, i.e., the Government's share (see § 1.1704).

*Insert the appropriate percentage, i.e., the Contractor's share (see § 1.1704).

**Insert the number of units that it is estimated will be purchased during the sharing period (see § 1.1703–3(c)).

***Insert the appropriate percentage, i.e., the Contractor's proportion of estimated savings on additional purchases, in accordance with § 1.1704.

*Whenever, in the judgment of the Contracting Officer, the unit costs under the instant contract will not be fairly representative of the unit costs to be expected under future contracts (as will generally be the case with developmental contracts and may be the case with initial production contracts), this paragraph should be modified by deleting "under this contract" in (j)(1)(A) and by changing the text of (j)(2) to read as follows:

(2) For the purpose of this paragraph (j), the unit cost reduction will be the average amount of the decrease in unit cost of performance (as well as in unit cost to the Government, where the change involves a reduction in Government-furnished material) which the Contracting Officer estimates will result from the utilization of the cost reduction proposal on future purchases of the item.

be paid (in addition to any adjustment under paragraphs (d) and (f) (if included) above) a royalty share of savings realized by the Government on future purchases, if any, of items utilizing the cost reduction proposal. The Contractor's royalty share will be _____ percent (——%)* of the unit cost reduction under this contract** (without deducting any cost of development or implementation) multiplied by the quantity of _____*** which

(i) utilize the cost reduction proposal pursuant to the specifications or other provisions of any other contract of the _____**** which is awarded after acceptance of the cost reduction proposal and

(ii) are originally scheduled for delivery not later than _____ (____) years***** after either the last originally scheduled delivery date for any such item under this contract or the date of acceptance of the cost reduction proposal whichever is later,****** and

However, if (iii) are accepted by the Government under such other contracts, application of the cost reduction proposal reasonably requires the incurrence of any net increase in ascertainable collateral costs to the Government in connection with this or future contracts with the Contractor or other contractors or any predictable implementation costs for future contracts with the Contractor or other contractors, or if application of the cost reduction proposal to this contract results in an increase in the contract price under paragraph (d) above, then the sum of such collateral costs, implementation costs, and price increase will be determined promptly after acceptance of the cost reduction proposal. Then the estimated savings on future contracts (unit cost reduction under the instant contract multiplied by quantity affected under the future contract to which the royalty sharing under this paragraph (j)(1) applies) shall be successively credited against the sum of such collateral costs, implementation costs, and price increase so that no amount shall be payable under this paragraph (j)(1) unless and until the amounts so credited equal such sum.

(2) For purposes of determining the Contractor's royalty share under (1) above, the "unit cost reduction" * under this contract is the Contracting Officer's estimate of the effect which the value engineering change would have had on the Contractor's cost of performance (as well as on the cost of the items to the Government, where the change involves reduction in the amount of Government-furnished material under this contract) if the change had been included in the original specifications under this contract (this estimate shall not take into account any costs of developing or implementing the change), divided by the number of units called for under this contract.

(3) If a cost reduction proposal is accepted under this clause, the Contractor will also be paid a royalty share of savings realized by the Government on existing contracts, if any, utilizing the cost reduction proposal. This royalty share will be ____ percent (__%)** of the unit cost reduction under each contract of the _____*** which is in existence at the time of acceptance of the cost reduction proposal, multiplied by the quantity of _____**** which

(i) Utilize the cost reduction proposal pursuant to the specifications or other provisions of such existing contracts, and

(ii) Are accepted by the Government under such existing contracts.

(4) For purposes of determining the Contractor's royalty share under (3) above, the "unit cost reduction" under each existing contract is the total amount of the decrease in cost of performance of that contract (as well as in the cost of the items to the Government, where the change involves a reduction in Government-furnished material under that contract) which the Contracting Officer estimates will actually result from utilization of the cost reduction proposal on that contract, divided by the total number of items on which the cost reduction proposal is actually utilized under that contract.

(5) The amount of the unit cost reduction will be determined promptly after acceptance of each cost reduction proposal.

(6) The royalty shares to which the Contractor is entitled under (1) above shall be paid by the Government to the Contractor at the time the future contract is awarded, on the express condition that to the extent that the Government does not, in fact, receive delivery of and accept all items on which the royalty share is paid, the Contractor warrants that he will reimburse the Government the proportionate share of his royalty payment.* The royalty shares to which the Contractor is entitled under (3) above shall be paid by the Government to the Contractor from time to time and in reasonable increments as they accumulate and no payable amount will remain unpaid for more than six (6) months.

(7) Notwithstanding any other provision of this paragraph (j), the Contractor shall not be paid a royalty share of savings realized on those future or existing contracts for substantially the same items under which an identical cost reduction proposal is submitted by this Contractor or another contractor and accepted by the Government.

§ 1.1708 Instant contract only sharing provision.

(a) When contractor participation in cost savings is to be limited to savings under the instant contract only (see § 1.1703-3(a)(1)), the appropriate value engineering clause in § 1.1707 shall be modified by deleting the last sentence of paragraph (e) thereof and by modifying the appropriate paragraph (d) thereof to provide that the contractor's share in savings resulting from decreases in the contractor's cost of performance shall be computed on the total estimated decrease in the cost of performance after deducting any net increase in ascertainable collateral costs to the Government which must reasonably be incurred as a result of application of the cost reduction proposal to this contract.

(b) Example 1: If clause paragraph (d) in § 1.1707-2(a) is used (firm fixed-price contract or fixed-price contract providing for escalation), language such as the following shall be substituted for the third sentence thereof:

When the cost of performance of this contract is decreased as a result of the change, the contract price shall be reduced by the following amount: the total estimated decrease in the Contractor's cost of performance less ____ percent (——%)* of the difference between the amount of such total estimated decrease and any net increase in ascertainable collateral costs to the Government which must reasonably be incurred as a result of application of the cost reduction proposal to this contract.

(c) Example 2: If clause paragraph (d) in § 1.1707-2(c) is used (fixed-price incentive (firm target), contract), language such as the following shall be substituted for the third sentence thereof:

When the cost of performance of this contract is decreased as a result of the change, (i) the total target cost of the affected items shall be reduced by the full amount of the total estimated decrease in the Contractor's cost of performance, (ii) the total target profit relating to such items shall be increased by ____ percent (——%)* of the difference between the total estimated decrease and any net increase in ascertainable collateral costs to the Government which must reasonably be incurred as a result of application of the cost reduction proposal to this contract, and (iii) the maximum dollar limit on the total final price of such items shall be decreased by ____ percent (——%)** of the total estimated decrease.

§ 1.1709 Exclusion of collateral savings provision.

Where the Head of the Procuring Activity or his designee has determined

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*Insert the appropriate percentage, i.e., the Contractor's proportion of savings on additional purchases, in accordance with 1-1704.

**Whenever, in the judgment of the Contracting Officer, the unit costs under the instant contract will not be fairly representative of the unit costs to be expected under future contracts (as will generally be the case with developmental contracts and may be the case with initial production contracts), this paragraph should be modified by deleting "under this contract" from the second sentence of paragraph (j)(1) and by changing the first sentence of (j)(2) to read as follows:

For purposes of determining the Contractor's royalty share under (1) above, the unit cost reduction will be the average amount of the decrease in unit cost of performance (as well as in unit cost to the Government, where the change involves a reduction in Government-furnished material) which the Contracting Officer estimates will result from the utilization of the cost reduction proposal on future purchases of the item.

***Insert the types of items considered by the Government to be substantially the same end items as those purchased under this contract.

****Insert the appropriate contracting Department or procuring activity (or activities).

*****Insert the length of time of the royalty period, e.g., the appropriate number of years in accordance with 1-1703.3(b).

******Where the contract is for items which characteristically require an unusually extended period of time for production (e.g., ship construction), it may be necessary, in order to provide sufficient incentive under the royalty sharing provision, to provide for a royalty on items accepted under all contract awarded within the sharing period, even if the scheduled delivery date is outside the sharing period. Accordingly, if the contracting officer determines this to be the case, he may delete the following words from (i) and (ii)—"after acceptance of the cost reduction proposal, and (ii) are originally scheduled for delivery"—and renumber (iii) as (ii).

*(See Footnote **, under (1) above.)

**Insert the appropriate percentage, i.e., the contractor's proportion of savings on additional purchases, in accordance with 1-1704.

***Insert the appropriate contracting Department or procuring activity (or activities).

****Insert the types of items considered by the Government to be substantially the same end items as those purchased under this contract.

* When the contracting officer, in his discretion, believes it preferable in order best to protect the interests of the Government, he may delete this sentence and add "(1) and" before "(3)" in the next sentence.

* Insert the appropriate percentage, i.e., the contractor's share (see § 1.1704).

** Insert the appropriate percentage, i.e., the Government's share (see § 1.1704).

that the item or class of items being procured offers no reasonable potential for significant collateral savings, the Value Engineering clause in § 1.1707 shall be modified by deleting subparagraph (a)(2)(ii)(B) and paragraph (f) thereof.

§ 1.1710 Royalty payment notice for future acquisition contract documents.

In order to provide guidance on the proper citation of appropriations, insert the following notice on the contract documents covering each additional purchase of items on which royalty payments will be payable, in accordance with a Value Engineering Incentive or Value Engineering Program Requirement clause prescribing the "royalty" method for sharing future acquisition savings. The notice should be inserted directly following the citation of appropriation and accounting data or, if space does not permit such insertion, the notice should be referred to there.

Notice of value engineering royalty payments. Award of this contract* obliges the Government to pay "royalties," in accordance with the Value Engineering provisions of Contract No. ------,** to the Contractor under that contract. These royalty payments, which are a share of the value engineering savings realized by the Government on this contract as a result of utilizing cost reduction proposals submitted under such Value Engineering provisions, are to be made from appropriations currently available for the procurement of items under this contract in the manner provided by such Value Engineering provisions. To the extent that the Government does not, in fact, receive delivery of and accept all items on which the royalty share is paid, the Government is entitled to reimbursement of a proportionate share of the royalty payment from the Contractor to whom it was paid.

PART 2—PROCUREMENT BY FORMAL ADVERTISING

4. New subparagraph (24) is added to § 2.201(b), as follows:

§ 2.201 Preparation of invitation for bids.

* * * * *

(b) * * *

(24) To insure timely distribution of Material Inspection and Receiving Reports (DD Forms 250), the name and address of the Status Control Activity/Inventory Control Manager and the purchasing office (when other than the purchasing office issuing the contract) shall be included in the contract schedule or as an attachment to the contract.

* * * * *

When applicable (see clause paragraph (j)(6), footnote, in (§ 1.1707-3(b)), change "Award of this contract" to "Acceptance of items under this contract" and delete the last sentence of this notice.

**Insert the number of the contract under which the pertinent Value Engineering change proposal was accepted.

PART 3—PROCUREMENT BY NEGOTIATION

5. A new subparagraph (66) is added to § 3.501(b); § 3.808-2(b)(1) is revised; and new paragraph (f) is added to § 3.808-4, as follows:

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

* * * * *

(b) * * *

(66) To insure timely distribution of Material Inspection and Receiving Reports (DD Forms 250), the name and address of the Status Control Activty/Inventory Control Manager and the purchasing office (when other than the purchasing office issuing the contract) shall be included in the contract schedule or as an attachment to the contract.

* * * * *

§ 3.808-2 Weighted guidelines method.

* * * * *

(b) *Exceptions.* (1) Under the following circumstances, other methods for establishing profit objectives may be used. Generally, it is expected that such methods will accomplish the two features of the weighted guidelines methods set forth in paragraph (a)(1) of this section. These circumstances are:

(i) Architect-engineering contracts;

(ii) Personal or professional service contracts;

(iii) Management contracts, e.g., for maintenance or operation of Government facilities;

(iv) Termination settlements;

(v) Engineering services, labor-hour, time-and-material, and overhaul contracts providing for payment on a man-hour, man-day or man-month basis, and where the contribution by the contractor constitutes the furnishing of personnel rather than the output of an integrated research, engineering, or manufacturing organization; and

(vi) Cost-reimbursement construction contracts.

* * * * *

§ 3.808-4 Profit factors.

* * * * *

(f) The weighted guidelines method was designed for arriving at profit or fee objectives for other than nonprofit organizations. However, if appropriate adjustments are made to reflect differences between profit and nonprofit organizations, the weighted guidelines method can be used as a basis for arriving at fee objectives for nonprofit organizations. Therefore, the policy of the Department of Defense is to use the weighted guidelines method, as modified in subparagraph (2) of this paragraph, to establish fee objectives which will stimulate efficient contract performance and attract the best capabilities of nonprofit organizations to defense oriented activities. The modifications should not be applied as deductions against historical fee levels, but rather, to the fee objective for such a contract as calculated under the weighted guidelines method.

(1) For purposes of this paragraph, nonprofit organizations are defined as those business entities organized and operated exclusively for charitable, scientific or educational purposes, no part of the net earnings of which inure to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation or participating in any political campaign on behalf of any candidate for public office, and which are exempt from Federal income taxation under Section 501 of the Internal Revenue Code.

(2) For contracts with nonprofit organizations where fees are involved, the following adjustments are required in the weighted guidelines method.

(i) A special factor of −3% shall be assigned in all cases.

(ii) The weight range under "Contractor's Assumption of Contract Cost Risk" shall be −2% to −1% in lieu of 0% to 7% for contracts with those nonprofit organizations or elements thereof identified by the Secretary of Defense or the Secretary of a Department (or their respective designees) as receiving sustaining support on a cost-plus-a-fixed-fee basis from a particular Department or Agency of the Department of Defense.

(iii) The weight ranges for "Record of Contractor's Performance" and "Selected Factors" shall be halved, i.e., −1% to +1% rather than −2% to +2%. The purpose of this accommodation is to maintain the internal scale of the weighted guidelines when one or both of the adjustments indicated above are applied.

PART 4—SPECIAL TYPES AND METHODS OF PROCUREMENT

6. Section 4.117 is revised to read as follows:

§ 4.117 Contractor performance evaluation program.

The Contractor Performance Evaluation Program is a procedure for determining and recording the effectiveness of advanced-development (with measurable contractual commitments), engineering-development, and operational-systems-development and production contractors in meeting the performance, schedule, and cost provisions of their contracts. The program requires project managers within the Military Departments to submit periodic Contractor Performance Evaluation Reports (see DD Form 1446 series) for all such development contracts whose projected cost for a single year will exceed $2 million or whose projected overall cost will exceed $10 million and for all production contracts that follow or are concurrent with the development contracts evaluated (until firm specifications susceptible to price competition are in use), if the projected costs exceeds $5 million for a single year or if the projected overall cost

exceeds $20 million. After review or certification by the appropriate Departmental Contractor Performance Evaluation Group (see DD Form 1447 series), the report is submitted to the contractor and then transmitted, with the contractor's comments, to the Director of Contractor Performance Evaluation, Office of the Assistant Secretary of Defense (Installations and Logistics), for storage in a central data bank and use by Source Selection Advisory Councils or other persons or groups acting in similar capacity, contracting officers in determining fees or profits and the Renegotiation Board (see § 1.319(f)). The central data bank is maintained at the Defense Documentation Center of the Defense Supply Agency, Cameron Station, Alexandria, Va. 22314. Detailed procedures for this program are set forth in the Department of Defense Guide to Contractor Performance Evaluation (Development and Production).

§ 4.502 [Amended]

7. In § 4.502, the reference "§ 6.101(c)" is changed to read "§ 6.001(c)".

8. Section 4.503–1 is revised; the first sentence of § 4.503–5 is revised; §§ 4.507–2 and 4.507–3 are revised; and § 4.507–4 is revoked, as follows:

§ 4.503–1 General.

Procedures for procurement by barter are set forth below. These procedures are also authorized for use when a purchasing office elects to utilize barter in connection with procurement of a foreign end product (see §§ 6.001(a) and 6.101 (a) and (c) of this chapter) from sources (contractors) within the United States for use outside the United States in anticipation of or in connection with authorization for foreign end product purchase under applicable balance of payment directives. In such instances, these procedures shall be used as a guide, adapted to the extent appropriate for the particular procurement.

§ 4.503–5 Step four—invitations for bids and request for proposals.

Upon receipt of approval from the CCC, the purchasing office shall issue an invitation for bids or a request for proposals, furnishing telegraphic notice thereof to the CCC. * * *

§ 4.507–2 Description.

The principal distinguished features of these special barter payment arrangements are:

(a) Contracting for supplies and services is effected by procuring activities in the same manner as if there were no special barter arrangements;

(b) Defense suppliers have no payment arrangements with barter contractors;

(c) Defense suppliers will not assign to the CCC monies due or to become due under contracts;

(d) Barter contractors are selected by the CCC;

(e) Barter transactions proceeds are provided by the interested barter contractor to the disbursing officer to effect payments to defense suppliers;

(f) Payment arrangements between the procurement agency and the barter contractor is made a part of the contract between the barter contractor and CCC; and

(g) As barter transaction proceeds are deposited to the account of the military disbursing officer, equivalent amounts are immediately remitted by the military disbursing officer to the CCC.

§ 4.507–3 Other requirements.

Each service will submit to CCC an annual schedule of barter payment arrangement requirements by country and by recommended time phasing and will further state:

(a) That the contemplated procurement of supplies and services appear susceptible to barter;

(b) That it has been or will be properly determined that all supplies or services to be procured under separate agreement are not returnable to the United States for procurement under applicable balance of payments directives;

(c) That the CCC, by open competition, select a barter contractor who will provide a stated amount of dollars (and no other currency) to the military disbursing officer and who will receive for export surplus agricultural commodities from the CCC; that it will further be the responsibility of the contracting officer or disbursing officer to instruct the barter contractor where and how to make the necessary monthly payments;

(d) That the dollars to be provided by the barter contractor will be made available in stated monthly installments and will be deposited into a depository selected by the military disbursing officer (Withdrawals from this depository will be made only by or on the direction of a designated military disbursing officer without restriction, for payment of materiel and services earned by and payable to defense suppliers.); and

(e) That the designated military disbursing office will pay to the Treasurer of the Commodity Credit Corporation by check, at the time funds are received by the military disbursing office from the barter contractor, an amount equal to the sum of the funds so received.

§ 4.507–4 Agreement with CCC. [Revoked]

PART 5—INTERDEPARTMENTAL AND COORDINATED PROCUREMENT

9. New § 5.1107–4 is added, as follows:

§ 5.1107–4 Authorization for exceeding MIPR estimates.

Each MIPR shall indicate on its face whether or not the total MIPR estimate may be exceeded by the purchasing office, and if affirmative, by what amount. The aditional amount shall not be more than $20,000, or 10 percent of the total estimated MIPR amount, whichever is less.

PART 7—CONTRACT CLAUSES

10. Sections 7.104–45, 7.203–27, 7.204–32, 7.303–32, 7.402–28, 7.606–11, 7.702–42, 7.703–34, 7.704–27, and 7.1102–2(b)(2) are revised to read as follows:

§ 7.104–45 Value engineering program requirement.

In accordance with the requirements of §1.1702 of this chapter, insert the clause set forth in § 1.1707–1(b) of this chapter.

§ 7.203–27 Payment for overtime premiums.

In accordance with the requirements of § 12.102 of this chapter, insert the contract clause set forth in § 12.102–6 of this chapter.

§ 7.204–32 Value engineering.

In accordance with the requirements of § 1.1702 of this chapter, insert the applicable clause set forth in § 1.1707 of this chapter.

§ 7.303–32 Value engineering program requirement.

In accordance with the requirements of § 1.1702 of this chapter, insert the clause set forth in § 1.1707–1(b) of this chapter.

§ 7.402–28 Payment for overtime premiums.

In accordance with the requirements of § 12.102 of this chapter, insert the contract clause set forth in § 12.102–6 of this chapter.

§ 7.606–11 Payment for overtime premiums.

In accordance with the requirements of § 12.102 of this chapter, insert the clause set forth in § 12.102–6 of this chapter.

§ 7.702–42 Payment for overtime premiums.

In accordance with the requirements of § 12.102 of this chapter, insert the contract clause set forth in § 12.102–6 of this chapter.

§ 7.703–34 Payment for overtime premiums.

In accordance with the requirements of § 12.102 of this chapter, insert the contract clause set forth in § 12.102–6 of this chapter.

§ 7.704–27 Payment for overtime premiums.

In accordance with the requirements of § 12.102 of this chapter, insert the contract clause set forth in § 12.102–6 of this chapter.

§ 7.1102–2 Requirements contracts.

* * * * *

(b) Requirements.

* * * * *

(2) When subsistence requirements for both troop issuance and resale have been included in the same Schedule and it is contemplated that similar products will be procurred on a "brand name" basis, include the following paragraph (h) in the clause set forth above:

(h) The requirements referred to in this contract are for items to be manufactured according to Government specifications, and notwithstanding anything to the contrary

stated herein, the Government may procure similar products by "brand name" for resale purposes from other sources.

* * * * *

PART 9—PATENTS, DATA, AND COPYRIGHTS

11. Section 9.202–3(b) is revised to read as follows:

§ 9.202–3 **Procedures.**

* * * * *

(b) *Establishing the Government's rights to use technical data acquired.* All technical data specified in a contract or subcontract for delivery thereunder shall be acquired subject to the rights established in the appropriate Rights in Technical Data clauses set forth in this subpart. Except as provided in § 1.1707 and subpart I, Part 18 of this chapter, no other clauses, directives, standards, specifications or other implementation shall be included, directly or by reference, to enlarge or diminish such rights. The Government's acceptance of technical data subject to limited rights does not impair any rights in such data to which the Government is otherwise entitled or impair the Government's right to use similar or identical data acquired from other sources.

* * * * *

PART 10—BONDS, INSURANCE, AND INDEMNIFICATION

12. Section 10.201–2(d) is revised to read as follows:

§ 10.201–2 **Individual sureties.**

* * * * *

(d) *Justification.* The contracting officer, in evaluating bonds and consents of surety underwritten by individual sureties, must first ascertain that all documents, including the Affidavits of Individual Surety required by Instruction No. 4b on the reverse of Standard Form 24, "Bid Bond," and Instruction No. 3b on the reverse of Standard Form 25, "Performance Bond," and Standard Form 25–A, "Payment Bond," have been completely filled out and are properly executed. The contracting officer must next ascertain that each individual surety, underwriting a bond or consent of surety which increases the penal amount of a bond previously furnished, justifies his net worth "in a sum not less than the penalty of the bond" as required by Instruction No. 3 on the reverse of Standard Form 28, "Affidavit of Individual Surety." Since individual sureties are jointly and severally liable in the event of default by the principal, each individual surety must list on Standard Form 28 a net worth at least equal to the total penal amount of the bond or consent of surety. Example: If performance and payment bonds on a construction contract have penal amounts of $4,000 and $2,000, respectively, each individual surety must show a net worth of at least $6,000 to have the contracting officer accept his underwriting of such bonds. Normally net worth will be the amount indicated by the individual surety on line g, block 7, of Standard Form 28. However, the contracting officer is expected to consider all relevant information furnished by the individual surety on Standard Form 28 and make an independent determination of the individual surety's net worth based on the contracting officer's own best judgment. Example: Normally the "fair value" of real estate is a more realistic figure than the "assessed value" for taxation purposes. However, there may be situations where the reverse is true, for the purpose of determining net worth, in which case the contracting officer may determine net worth is a figure than that entered on line g, block 7 of Standard Form 28. The contracting officer also should scrutinize closely the information entered in block 10 on Standard Form 28 as the amount of outstanding bond obligation of an individual surety may have a substantial bearing on the financial position of such individual surety. The contracting officer may determine that the total amount entered in block 10 should be deducted from the net worth figure entered on line g, block 7, to arrive at a more realistic net worth or he may determine to deduct nothing, or only a portion of the amount entered in block 10 if upon inquiry he discovers that the contracts on which the bonds were written are completed in part and suppliers and materialmen paid in part. Affidavits should be scrutinized closely by a contracting officer in any case where an individual surety is underwriting a bond for a principal for whom that surety has underwritten other outstanding bonds. If the contracting officer cannot make a determination of net worth on the basis of information furnished on Standard Form 28, he should require the individual surety to furnish additional information. As a general rule, the contracting officer should not require extrinsic evidence of an individual surety's net worth (other than Standard Form 28) unless Standard Form 28 is not filled out completely or properly, or unless the contracting officer has reason to believe that the individual surety's statements on Standard Form 28 do not reflect his true net worth.

* * * * *

PART 11—TAXES

13. In § 11.403–1, the first sentence of paragraph (a) is revised to read as follows:

§ 11.403–1 **General.**

(a) *Use of clauses.* Tax agreements have been made with Belgium, Republic of China, Denmark, France, Federal Republic of Germany (including West Berlin), Greece, Iceland, Italy, Japan, Republic of Korea, Luxembourg, the Netherlands, Norway, the Philippines, Portugal, Spain, Turkey, the United Kingdom, and Yugoslavia, under which the United States expenditures for the common defense are exempt from certain specified taxes of the countries in which these expenditures are made. * * *

PART 12—LABOR

14. Sections 12.102, 12.102–1, 12.102–2, 12.102–3, 12.102–4, 12.102–5, and 12.102–6 are revised, and new § 12.102–7 is added, as follows:

§ 12.102 **Overtime.**

§ 12.102–1 **Definitions.**

As used throughout §§ 12.102–12.102–7:

(a) "Normal workweek" and "normal workday" mean, generally, a workweek of 40 hours and a workday of 8 hours, respectively: *Provided*, That in any area outside the United States, its possessions, and Puerto Rico, a workweek longer than 40 hours, or a workday longer than 8 hours, will be considered normal (1) if such workweek or workday does not exceed that which is normal for such area, as determined by local custom, tradition, or law and (2) if hours worked in excess of 40 in such workweek, or 8 in such workday, are not compensated at a premium rate of pay.

(b) "Overtime" means time worked by a contractor's employee in excess of the employee's normal workweek or normal workday.

(c) "Overtime premium" means the difference between the contractor's regular rate of pay to an employee for the shift involved and the higher rate paid for overtime. It does not include shift premium which is the difference between the compensation paid to an employee at the contractor's regular rate of pay for the base shift and that paid at the regular rate of pay for extra-pay shift work.

§ 12.102–2 **Policy.**

It is the policy of the Department of Defense that all contracts will be performed, so far as practicable, without the use of overtime, particularly as a regular employment practice, except where lower overall costs to the Government will result. Contractors should utilize whatever work schedule results in the lowest overall cost to the Government consistent with contract delivery and performance requirements. Extra-pay shifts and multi-shift work should be scheduled, as required, to achieve these objectives. In the negotiation of contracts, overtime premiums will be recognized in establishing a fixed price or estimated cost only to the extent consistent with the needs of the Government for the supplies or services being procured.

§ 12.102–3 **Approval of overtime premiums.**

(a) Approval of overtime premiums is required:

(1) By the contracting officer under time and material and labor-hour contracts (see paragraph (a)(3) of the clause set forth in § 7.901–6 of this chapter); and

(2) By the approving official (see § 12.102–4(e)), (i) prior to execution of cost reimbursement type contracts containing the clause set forth in § 12.102–6, for any overtime to be included in paragraph (d) of the clause, and (ii) prior to modification of such a contract

for any increase in the overtime included in paragraph (d) of the clause.

(b) Approval of overtime premiums under contracts other than those referenced in paragraph (a) of this section shall not be required.

§ 12.102–4 Approval of overtime premiums in certain cost-reimbursement type contracts.

(a) To prevent uneconomic use of overtime, at Government expense, the clause set forth in § 12.102–6 shall be included in all cost-reimbursement type contracts in excess of $100,000, except cost-reimbursement type contracts for the operation of vessels and cost-plus-incentive-fee contracts having a cost incentive which provides for a swing from target fee of at least ±3 percent and a contractor's share of cost of at least 10 percent. Whenever this clause is used, the procedural requirements of this section shall be followed.

(b) An amount for overtime premiums at Government expense may be included in paragraph (d) of the clause set forth in § 12.102–6 when the use of overtime has been approved by an official designated as provided in paragraph (e) of this section. Only overtime premiums for work in those departments, sections, etc., of the contractor's plant which have been individually evaluated and the necessity for overtime confirmed, will be considered for approval, and then only for overtime premiums not reimbursable under the exceptions contained in paragraph (a) (ii) of the clause. Approval may be granted when such official determines in writing that overtime is necessary:

(1) To meet delivery or performance schedules, and such schedules are determined to be consistent with essential military objectives;

(2) To make up for delays beyond the control and without the fault or negligence of the contractor; or

(3) To eliminate foreseeable production bottlenecks of an extended nature which cannot be eliminated in any other way.

(c) When, during negotiation, it becomes apparent that overtime will be required during the performance of the contract and the contract will contain the clause in § 12.102–6, the PCO shall secure from the contractor a request substantially in accordance with the request procedures in paragraph (c) of such provision for all overtime to be used during the life of the contract, to the extent that it can be estimated with reasonable certainty. If the contemplated overtime premium could affect the costing of other work performed by the contractor or is significant in amount, the PCO may avail himself of the advisory services of the cognizant Defense Contract Audit Agency office to determine the proper accounting treatment of such premium. The PCO shall request from the appropriate official designated, as provided in paragraph (e) of this section, approval for overtime premiums at Government expense. Upon receipt of such approval, the PCO shall complete paragraph (d) of the clause.

(d) During contract performance, requests for overtime, submitted pursuant to the clause in § 12.102–6, will be submitted to the ACO who shall evaluate the need for such overtime and forward the request, with his comments, as expeditiously as possible to the PCO. Thereupon, the PCO, if he desires that the requested overtime be approved in whole or in part, shall, unless a prior authorization is sufficient to cover the overtime requested, request the approval of the appropriate official designated as provided in paragraph (e) of this section and, as expeditiously as possible, modify paragraph (d) of the clause to reflect the approval.

(e) The Director of Procurement, Office of the Assistant Secretary of the Army (Installations and Logistics), for the Army; the Deputy Chief of Naval Material (Procurement), for the Navy; the Director of Procurement Policy, Headquarters, USAF, for the Air Force; and the Executive Director for Procurement and Production, for the Defense Supply Agency, are authorized, without power of delegation, to designate without power of redesignation, officers and civilian officials for the purpose of approving overtime premiums at Government expense. Such approval may be for an individual contract, project, or program, or for a plant, division, or company, as most practicable, and shall ordinarily be prospective, but may be retroactive when justified by the circumstances. Where two or more purchasing offices have current contracts at a single facility, and the approval of overtime by one purchasing office will affect the performance or cost of contracts of another, the approving official will obtain the concurrence of other appropriate approving officials and seek agreement as to the contracts under which overtime premiums will be approved. If the approving officials do not agree within a reasonable time as to the action to be taken, a decision shall be obtained through normal channels. Ordinarily, in the absence of evidence to the contrary, a purchasing office may rely on the contractor's statement that such approval will not affect the performance, or payments in connection with any contract of another purchasing office.

§ 12.102–5 Contract administration.

(a) The cost of overtime premiums under the clause set forth in § 12.102–6, and all overtime premiums under cost-reimbursement type contracts which do not contain the clause set forth in § 12.102–6, shall be allowed only to the extent the amount thereof is reasonable and properly allocable to the work under the contract, in accordance with § 15.201 of this chapter.

(b) In administration of contracts under which overtime has been approved pursuant to § 12.102–4, the ACO and the cognizant audit activity shall review periodically the use of such overtime to assure that it is reasonable and properly allocable to work under the contract.

§ 12.102–6 Payment of overtime premiums clause.

The following clause shall be used when required by § 12.102–4(a).

PAYMENT FOR OVERTIME PREMIUMS (JUNE 1967)

(a) Allowable cost shall not include any amount on account of overtime premiums except when (i) specified in (d) below or (ii) paid for work—

(A) Necessary to cope with emergencies such as those resulting from accidents, natural disasters, breakdowns of production equipment, or occasional production bottlenecks of a sporadic nature;

(B) By indirect labor employees such as those performing duties in connection with administration, protection, transportation, maintenance, standby plant protection, operation of utilities, or accounting;

(C) In the performance of tests, industrial processes, laboratory procedures, loading or unloading of transportation media, and operations in flight or afloat, which are continuous in nature and cannot reasonably be interrupted or otherwise completed; or

(D) Which will result in lower overall cost to the Government.

(b) The cost of overtime premiums otherwise allowable under (a) above shall be allowed only to the extent the amount thereof is reasonable and properly allocable to the work under this contract.

(c) Any request for overtime, in addition to any amount specified in (d) below, will be for all overtime which can be estimated with reasonable certainty shall be used for the remainder of the contract, and shall contain the following:

(i) Identification of the work unit, such as the department or section in which the requested overtime will be used, together with present workload, manning and other data of the affected unit, sufficient to permit an evaluation by the Contracting Officer of the necessity for the overtime;

(ii) The effect that denial of the request will have on the delivery or performance schedule of the contract;

(iii) Reasons why the required work cannot be performed on the basis of utilizing multi-shift operations or by the employment of additional personnel; and

(iv) The extent to which approval of overtime would affect the performance or payments in connection with any other Government contracts, together with any identification of such affected contracts.

(d) The Contractor is authorized to perform overtime, in addition to that performed under (a)(ii), to the extent that the overtime premium does not exceed*----------

§ 12.102–7 Construction contracts.

See § 18.111 of this chapter regarding expediting actions involving additional costs.

15. The introductory text of § 12.202 is revised, and §§ 12.302(a) and 12.306 are revised, as follows:

§ 12.202 Applicability.

The requirement set forth in § 12.201 applies, except as stated below, to all contracts involving the employment of labor within the United States. The require-

*Insert the amount, in dollars, agreed to during negotiations as representing the overtime premiums applicable to overtime not reimbursable under the exceptions contained in (a)(ii) of the clause. If it was agreed that the contract could be performed without the use of additional overtime, insert "Zero."

ment does not prohibit the employment of persons on parole or probation, Federal prisoners authorized by the Attorney General under 18 U.S.C. 4082(c)(2) to work at paid employment during the term of their imprisonment, or persons who have been pardoned or who have served their terms. Furthermore, the requirement does not apply to the following kinds of contracts:

* * * * *

§ 12.302 Applicability.

* * * * *

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

* * * * *

§ 12.306 Variations and tolerances.

(a) *Firefighters and fireguards.* The following variation in the application of the Contract Work Hours Standards Act to firefighters and fireguards has been authorized by the Solicitor of Labor (see 29 CFR 5.14(d)):

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

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

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

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

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

(b) *Eniwetok, Kwajalein and Johnston Island.* Work performed on Eniwetok Atoll, Kwajalein Atoll and Johnston Island is covered by the following tolerance granted by the Solicitor of Labor by letter dated January 20, 1967, to the Department of Defense.

Beginning February 1, 1967, and ending January 31, 1969, the employment in excess of forty hours per week of laborers and mechanics engaged in work on contracts subject to the Contract Work Hours Standards Act on Eniwetok Atoll, Kwajalein Atoll, and Johnston Island shall not be deemed to result in any liability for unpaid damages under the Contract Work Hours Standards Act on the part of any contractor or subcontractor employing such employees, so long as such employees at work in such locations are paid overtime wages at the required rates for all hours worked on such contracts in any workweek in excess of 8 in any workday or in excess of 44 in the workweek during the period from February 1, 1967, through January 31, 1968, inclusive, and in excess of 8 in any workday or in excess of 42 in the workweek during the period beginning February 1, 1968, and ending January 31, 1969, and provided such employees are paid such overtime compensation as may be required by any other applicable law or collective bargaining agreement.

A notice of this tolerance, which constitutes an exception as provided in the § 12.303 clause shall be included in all solicitations involving affected work.

PART 16—PROCUREMENT FORMS

16. In § 16.102–2, paragraphs (c)(2)(x) and (d) are revised; § 16.103 (a) and (d) is revised; new §§ 16.200, 16.201, and 16.202 are added; and § 16.401–1(i) is revised, as follows:

§ 16.102–2 Award/Contract (Standard Form 26).

* * * * *

(c) *Short form negotiated supply and services contracts.* * * *

(2) * * *

(x) Where inspection and acceptance are at origin, where contract administration is performed at origin, where delivery at multiple destinations is required, or where otherwise appropriate, the material inspection and receiving clause (see § 7.104–62 of this chapter) may be inserted in the schedule.

* * * * *

(d) Long form negotiated supply and services contracts. (1) Except as provided in paragraphs (b) and (c) of this section, Award/Contract (Standard Form 26) shall be used with Standard Form 32 (General Provisions (Supply Contract)) (see § 16.205) or with required nonpersonal services clauses, and any other forms containing contract provisions which are prescribed by this subchapter or Departmental procedures, for entering into negotiated fixed-price contracts to which Subpart A, Part 7 of this chapter is applicable.

(2) Except as provided in paragraph (b) of this section, Award/Contract (Standard Form 26) shall be used with DD ASPR Form 748 (General Provisions—Cost Reimbursement Supply Contracts) (see § 16.204) and any other forms containing contract provisions which are prescribed by this subchapter or Departmental procedures for entering into negotiated cost-reimbursement type contracts to which Subpart B, Part 7 of this chapter is applicable.

* * * * *

§ 16.103 Amendment of solicitation/modification of contract (Standard Form 30).

* * * * *

(a) *General.* This section prescribes a single form for (1) amendment of solicitations (whether advertised or negotiated), and (2) modification of contracts (including purchase and delivery orders entered into on DD Form 1155 (see § 3.608–4 of this chapter.) Use of this form is optional for amendment of solicitation for the procurement of construction.

* * * * *

(d) *Modification of construction contracts.* When used to modify a contract for construction, this form may be altered to provide for the contractor's written acknowledgment of the change orders. (See § 16.405–3 for instructions relative to modifying a contract for construction.)

§ 16.200 Scope of subpart.

This subpart prescribes additional forms for use where appropriate in conjunction with negotiated procurements for supplies or services.

§ 16.201 Contractor Performance Evaluation Report (DD Form 1446 Series).

DD Form 1446 Series and DD Form 1447 are prescribed for use in accordance with § 4.117 of this chapter.

§ 16.202 Contractor Cost Reduction Program Report (DD Form 1514).

DD Form 1514 is prescribed for use in accordance with § 3.101 of this chapter.

§ 16.401–1 General.

* * * * *

(i) Standard Form 30—Amendment of Solicitation/Modification of Contract. (The use of this form is optional for amendment of a solicitation.)

* * * * *

17. New § 16.405–1 is added; § 16.405–3 is revised; and new §§ 16.604, 16.803–3, and 16.803–4 are added, as follows:

§ 16.405–1 Performance Evaluation—Architect-Engineer Professional Services Contractor (DD Form 1413).

DD Form 1413 is prescribed for use in accordance with § 18.403–4 of this chapter.

§ 16.405–3 Contract modification forms.

(a) *Modifications pursuant to provisions of contract.* Modifications affecting the price or time for performance of a construction contract may be made pursuant to the "Changes," "Changed Conditions" and "Termination for Default—Damages for Delay-Time Extensions" clauses of the contract and shall be accomplished on Standard Form 30. Although such modifications may be issued unilaterally by the contracting officer, usually an agreement with the contractor

is obtained prior to the issuance of the formal contract modification. The reason for the proposed modification should be stated e.g., reasons for changes, existence of changed conditions, causes of delay and excusability. If the modification is pursuant to the "Changes" clause, the details of the change should be set forth. If the time of performance is increased or decreased, the extension or decrease should be stated definitely or a statement made that the time for performance remains unchanged. If the contract price is increased or decreased the increase or decrease should be stated definitely or a statement made that the contract price remains unchanged. The contractor should be requested to indicate his acceptance on Standard Form 30. Three copies of Standard Form 30 should be sent to the contractor with instructions to return the original and one copy.

(b) *Supplemental agreements.* Amendment of Solicitation/Modification of Contract (Standard Form 30) shall be used to formalize contract modifications providing for work not within the scope of the contract except that provision shall be made for consent of surety in accordance with the format set forth in § 10.111–2 of this chapter.

§ 16.604 Requisition and Invoice/Shipping Document (DD Form 1149).

DD Form 1149 is prescribed for use in accordance with § 5.1108–1 of this chapter.

§ 16.803–3 Service contracts.

(a) *Notice of intention to make a service contract and response to notice (Standard Form 98).* Standard Form 98 is prescribed for use in accordance with § 12.1005(a) of this chapter.

(b) *Notice of award of contract (Standard Form 99).* Standard Form 99 is prescribed for use in accordance with § 12.1005(b)(2) of this chapter.

§ 16.803–4 Employer Information Report EEO–1 (Standard Form 100).

Standard Form 100 is prescribed for use in accordance with § 12.806–4 of this chapter.

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

18. Section 18.206 and the introductory text of § 18.211 are revised, as follows:

§ 18.206 Amendment of invitation for bids.

See §§ 2.208, 16.401–1(i), and 18.704–2 of this chapter. When an amendment will require additional time for bidders to prepare bids, the time for bidding shall be appropriately extended, except in emergencies, and consideration shall be given to notifying bidders by telephone or telegraph of the forthcoming amendment to minimize disruption of their bid preparations. Where such an amendment is issued within a period of ten days prior to the date set for bid opening, a minimum of ten days lead time except in emergencies, shall be allowed prospective bidders to prepare new or revised bids. The nature of any emergency preventing a ten day lead time will be documented.

§ 18.211 Notice of award.

Award shall be made to the successful bidder as provided in § 2.407–1 of this chapter. If a notice of award is issued, it shall:

* * * * *

[Rev. 23, ASPR, June 1, 1967] (Sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

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

[F.R. Doc. 67-9849; Filed, Aug. 22, 1967; 8:45 a.m.]

SUBCHAPTER P—RECORDS

[OASD (Admin) Instruction 73]

PART 286a—AVAILABILITY OF INFORMATION TO THE PUBLIC

The Deputy Assistant Secretary of Defense (Administration) approved the following on August 14, 1967:

Sec.
286a.1 Purpose.
286a.2 Scope.
286a.3 Policy.
286a.4 Responsibilities.
286a.5 Methods by which information shall be made available to the public.
286a.6 Procedures.
286a.7 Documentary material which may be withheld from public disclosure.
286a.8 Information to be published in the FEDERAL REGISTER.
286a.9 Informational material which will be available for inspection and copying.
286a.10 Definition of a record.
286a.11 Identification and marking "For Official Use Only".

AUTHORITY: The provisions of this Part 286a issued under sec. 301, 552, Title 5, United States Code.

§ 286a.1 Purpose.

The purpose of this part is to implement the provisions of DoD Directive 5400.7 (32 F.R. 9666) and to establish policies and procedures governing the availability of information to the public.

§ 286a.2 Scope.

(a) This part is applicable to all organizational entities of the Office of the Secretary of Defense, the Organization of the Joint Chiefs of Staff and to other activities assigned to OSD for administrative support and governs the release of all records in the custody of these organizations, wherever located. It applies only to releasing information to the general public and is not applicable to request from:

(1) Members of Congress
(2) General Accounting Office
(3) Other Federal agencies and the courts for release and authentication of records

(b) This part will not be interpreted to conflict with or abrogate any responsibilities assigned to the Assistant Secretary of Defense (Public Affairs), ASD (PA).

§ 286a.3 Policy.

(a) The maximum amount of information concerning operations and activities shall be made available to the public, consistent with the provisions of this part.

(b) Records and other documents or related material shall be withheld from the public only if authorized by § 286a.7.

(c) Unclassified information within a category normally exempt from public disclosure shall be made available to the public when its release is consistent with statutory requirements and when it is determined that no significant purpose would be served by withholding the information.

§ 286a.4 Responsibilities.

(a) The requester is responsible for:

(1) Describing the record sought with sufficient particularity to enable the information or record to be located with a reasonable amount of effort.

(2) Paying all costs associated with locating and producing copies of requested informational materials, if appropriate.

(3) Complying with the procedures, as provided for in this instruction, for inspecting and copying material and/or obtaining copies of requested records.

(b) The Office of the Assistant Secretary of Defense (Administration) is responsible for:

(1) Establishing a suitable facility where the public may inspect and copy informational material.

(2) Indexing and making available for inspection and copying all material published or referenced in the FEDERAL REGISTER and the informational materials as required by § 286a.5(b).

(3) Serving as the central contact office for the receipt of all written or in-person requests for records and/or inspection and copying of material.

(4) Forwarding requests, received from organizational entities, to have material referenced in the FEDERAL REGISTER, to the Director of the Federal Register.

(5) Forwarding requests for information from the public to the appropriate organizational entity having primary responsibility for the material.

(6) Collecting any fees entailed in searching for and reproducing requested materials.

(c) Heads of organizational entities are responsible for:

(1) Making the initial determination, in conjunction with the Office of the General Counsel, as to the availability of any record requested by the public.

(2) Ensuring that informational material or records that are exempt from public disclosure are properly identified and protected.

(3) Consulting with other agencies, components, or organizational entities which have a significant interest in the content of the requested document before determining whether to make available.

(4) Advising OASD(PA) in advance whenever a record containing potentially newsworthy material is to be released or to withhold any record when it is likely that the withholding action will be contested. Additionally, OASD(PA) will be advised of all requests received from news media for release of records.

(5) Referring requests for a record originated by another agency, component or organizational entity directly to that agency, component or organizational entity.

(6) Referring requests for material primarily concerning a Member of Congress or a Congressional Committee to the Assistant to the Secretary of Defense (Legislative Affairs) for appropriate handling.

(7) Forwarding requests for informational materials received from the public and which have not been processed through the OASD(A), to the Director, Correspondence and Directives Division for appropriate control and distribution.

(d) The Office of the Assistant Secretary of Defense (Public Affairs) is responsible for providing guidance to organizational entities on public information policies as assigned by DoD Directive 5122.5 (26 F.R. 7111).

(e) The Office of the General Counsel is responsible for serving as the appellate level within OSD in those instances in which the requester seeks reconsideration of a previously denied request or initiates legal action to compel the release of a record.

§ 286a.5 Methods by which information shall be made available to the public.

Essentially, DoD Directive 5400.7 established three methods by which information, which must be published or disclosed, will be made available to the public. For ease of reference, these three methods are:

(a) *Publication in the Federal Register.* (1) Subject to the exemptions as provided for in § 286a.7 and in accordance with the provisions of this part and OSD Administrative Instruction 41, "DoD Directives System—Preparation and Processing of Directives System Issuances",[1] each organizational entity, covered by this part, shall publish in the FEDERAL REGISTER, unless already available to affected persons elsewhere in published form and incorporated by reference in the FEDERAL REGISTER, an informative, current description for the guidance of the public, of where, how and by what authority it performs any of its functions. In deciding which information to publish in the FEDERAL REGISTER consideration shall be given to the fundamental objective of informing all interested persons of how to deal effectively with the organizational entity. Section 286a.8 lists the kinds of information that must be published or referenced in the FEDERAL REGISTER.

(2) No member of the general public can be required to resort to, or be adversely affected by, any material not published as required by § 286a.8 unless he has an actual and timely notice of the content of that material.

(b) *Making information available for inspection and copying at an appropriate location.* Subject to the exemptions set forth in § 286a.7, the information as described in § 286a.9 will be available for public inspection and copying in Room 3D949, the Pentagon.

(c) *Request for a record from the public.* (1) Subject to the exemptions set forth in § 286a.7 and the procedural requirements of § 286a.6, any record in the possession of an organizational entity shall be made available upon the request of any person. Copies of records which are published in accordance with § 286a.6 (a) or made available for inspection and copying in accordance with paragraph (b) of this section shall also be given to those who request them, where practicable. For the definition of the term "record", see § 286a.10.

(2) In order for a record to be considered "identifiable" it must exist at the time of the request. There is no obligation to "create" a record for the purpose of satisfying a request for information. When the information requested exists in the form of records at more than one location, normally the applicant will be informed of the cost of compiling the records, and given the option of either paying the compilation costs or of going directly to the designated sources for obtaining the information. Only if compiling records is not burdensome or disruptive to the operations of the Office of the Secretary of Defense will the agency be required to project the cost of and actually undertake compilation.

(3) Each organizational entity should avoid creating procedural obstacles when internal Department of Defense organizational questions arise, particularly where reorganization or transfer of functions contributes to an improperly directed request. Personnel shall make all reasonable efforts to assist private persons in directing requests for information to the appropriate authorities.

§ 286a.6 Procedures.

(a) FEDERAL REGISTER:

(1) The head of the organizational entity will:

(i) Forward material which is to be published in the FEDERAL REGISTER § 286a.8 in accordance with OSD Administrative Instruction No. 41.

(ii) Submit requests to have material referenced in the FEDERAL REGISTER to the Director, Correspondence and Directives Division.

(2) The Director, Correspondence and Directives Division, will:

(i) Provide assistance to organizational entities in accordance with OSD Administrative Instruction No. 41.

(ii) Forward requests to have material referenced in the FEDERAL REGISTER to the Director of the Federal Register.

(b) Information available for inspection and copying:

(1) The head of the organizational entity will:

(i) Review all informational materials as described in § 286a.9 and determine which should be available for public inspection and copying.

(ii) Transmit selected material to the Director, Correspondence and Directives Division.

(2) The Director, Correspondence and Directives Division, will index and maintain the material.

(3) The requester will:

(i) Submit in person or by mail a request to inspect and copy material, as provided for in § 286a.9, and/or material published in the FEDERAL REGISTER, to the Director, Correspondence and Directives Division, OASD(A), Room 3D949, the Pentagon, Washington, D.C. 20301.

(ii) Pay the Director, Correspondence and Directives Division, the cost of reproducing or locating any referenced material, if copies are requested, in accordance with the established fee schedule, DoD Instruction 7230.7 (32 F.R. 6025).

(4) The Director, Correspondence and Directives Division, will:

(i) Provide the requested material to the requester when personal inspection and copying is to be made at the Inspection and Copying Facility.

(ii) Notify the requester of the cost of providing the material, if the request was submitted by mail.

(5) The requester will:

(i) When in person request is made, inspect and/or copy requested material in Room 3D949, the Pentagon.

(ii) Forward the fee to the Director, Correspondence and Directives Division, OASD(A), the Pentagon, Washington, D.C. 20301, when the request was submitted by mail.

(6) The Director, Correspondence and Directives Division, will:

(i) Reproduce copies of any requested material made by in-person requesters and collect authorized fee if appropriate.

(ii) Reproduce copies of requested material and forward them to the requester.

(iii) Deposit the collected fees with the Director, Budget and Finance Division, OASD(A) in accordance with instructions issued by that office.

(c) Upon the request of any person for a record:

(1) The requester will submit a request in person or by mail, in order to obtain a copy of a record, to the Director, Correspondence and Directives Division, Office of the Assistant Secretary of Defense (Administration), Room 3D949, the Pentagon, Washington, D.C. 20301.

(2) The Director, Correspondence and Directives Division, will:

(i) Return the request to the requester if the record sought has not been sufficiently described to permit identification, and provide the requester with a brief explanation of the nature of the inadequacy.

(ii) Refer any request for a record originated by another DoD component or Federal agency to that component or agency and inform the requester.

(iii) Forward identifiable requests to the organizational entity having primary interest.

(iv) Maintain a control system on requests to insure that requests are an-

[1] Filed as part of original document.

swered within a reasonable period of time.

(3) The head of the organizational entity, will:

(i) Determine, in conjunction with the Office of the General Counsel, whether or not requested records can be released.

(ii) Coordinate with OASD (Public Affairs), as required by § 286a.4(c)(4).

(iii) Forward any request for a record originated by another agency, component, or organizational entity directly to that agency, component, or organizational entity and provide the Director, Correspondence and Directives Division, a copy of the transmittal memorandum.

(iv) Consult with other agencies, components or organizational entities, having a significant interest in the content of the requested record prior to determining its availability.

(v) Forward records to the Director, Correspondence and Directives Division, for transmittal to the requester, or in cases where a burdensome search is involved, forward an estimate of the time required to locate and obtain the records.

(vi) Notify the Director, Correspondence and Directives Division, in writing, citing the specific exemption (§ 286a.7), for withholding a record from public disclosure.

(vii) Identify those records which are exempt from public disclosure and when deemed necessary annotate records with proper marking (§ 286a.11).

(4) The Director, Correspondence and Directives Division, will:

(i) Notify the requester that the record is available upon payment of any charge, as authorized by DoD Instruction 7230.7 (32 F.R. 6025), entailed in locating or reproducing the record. This fee shall be paid prior to the release of the record and can be paid either by check payable to "The Treasurer of the United States" or in cash.

(ii) Inform the requester of the specific exemption under which the requested record is considered unavailable.

(5) The requester will:

(i) Forward the fee, if appropriate, to the Director, Correspondence and Directives Division, OASD(A), the Pentagon, Washington, D.C. 20301.

(ii) If desirable, personally examine the record in Room 3D949, the Pentagon. A fee will only be assessed for those costs entailed in locating the record or in reproducing the record if copies are requested.

(iii) Submit a written appeal for reconsideration on a denial of a record to the Director, Correspondence and Directives Division, OASD(A), the Pentagon, Washington, D.C. 20301.

(6) The Director, Correspondence and Directives Division, will:

(i) Forward the record to the requester upon receipt of the fee or in cases where the requester has indicated the willingness to pay the cost associated with the locating and compiling of the record, notify the organizational entity to locate and compile the record.

(ii) Forward appeals to the Office of the General Counsel, OSD.

(iii) Deposit the collected fee with the Director, Budget and Finance Division, OASD(A) in accordance with instructions issued by that office.

(7) The Office of the General Counsel will:

(i) Consult with the Head of the Organizational Entity involved and jointly determine the disposition of the appeal.

(ii) Notify the originator of the appeal as to the final decision.

(iii) Provide an information copy of the final decision to the Director, Correspondence and Directives Division and the OASD(PA).

§ 286a.7 Documentary material which may be withheld from public disclosure.

(a) Documentary material which would otherwise have to be made available under § 286a.5 may be withheld from public disclosure if it comes within a specific exemption as listed below. Even exempted material, however, should be made available upon request of any member of the public, if in the judgment of the releasing authority, no significant purpose would be served by withholding it under an applicable exemption and its release is not inconsistent with statutory requirements.

(b) The following types of records may be withheld from public disclosure:

(1) Those requiring protection in the interest of national defense or foreign policy under the provisions of DoD Directive 5210.47, "Security Classification of Official Information", December 31, 1964 [2], or by Executive order.

(2) Those containing rules, regulations, orders, manuals, directives, and instructions relating to the internal personnel rules or to the internal practices. Examples include:

(i) Operating rules, guidelines and manuals for DoD investigators, inspectors, auditors, or examiners, and schedules or methods which cannot be disclosed to the public without substantial prejudice to the effective performance of a significant function of the Department of Defense. Some of these materials would reveal:

(*a*) Negotiating and bargaining techniques.

(*b*) Bargaining limitations and positions.

(*c*) Inspection schedules and methods.

(*d*) Audit schedules and methods.

(ii) Personnel and other administrative matters such as examination questions and answers used in training courses or in the determination of the qualifications of candidates for employment, entrance to duty, advancement or promotion.

(3) Those containing information which statutes authorize or require be withheld from the public. The authorization or requirement may be found in the terms of the statute itself or in Executive orders or regulations authorized by, or in implementation of, the statute. Examples include:

(i) Trade, technical and financial information provided in confidence by businesses.

(ii) National Security Agency information.

(iii) Any records containing information relating to inventions which are the subject of patent applications on which Patent Secrecy Orders have been issued.

(4) Those containing information which are received from anyone including an individual, a foreign nation, an international organization, a State or local government, a corporation, or any other organization with the understanding that it will be retained on a privileged or confidential basis or similar commercial or financial records which the organizational entity develops internally if they are in fact the kinds of records which are normally considered privileged or confidential. Such records include documents containing:

(i) Information customarily considered privileged or confidential under the rules of evidence in the Federal courts, such as information coming within the doctor-patient, lawyer-client and priest-penitent privileges.

(ii) Commercial or financial information received in confidence in connection with loans, bids, or proposals, as well as other information received in confidence or privileged, such as trade secrets, inventions, and discoveries, or other proprietary data.

(iii) Statistical data and commercial or financial information concerning contract performance, income, profits, losses and expenditures, if received in confidence from a contractor or potential contractor.

(iv) Information such as research data, formulae, designs, drawings, and other technical data and reports which

(*a*) Are significant as items of valuable property acquired in connection with research, grants, or contracts.

(*b*) Would likely be held in confidence if owned by private parties.

(v) Personal statements given in the course of inspections or investigations, where such statements are received in confidence from the individual and retained in confidence.

(vi) Information obtained by the government through questionaires or other inquiries and which would not be customarily released to the public by the person from whom it was obtained, such as release of information sought for the purpose of solicitation.

(5) Except as provided in subdivision (ii) of this subparagraph, internal communications within and among agencies and components.

(i) Examples include:

(*a*) Staff papers containing staff advice, opinions or suggestions.

(*b*) Information received or generated by a component preliminary to a decision or action including draft versions of documents where premature disclosure would harm the authorized appropriate purpose for which the records are being used.

[2] Filed as part of original document. Copies available in 3B200, Pentagon, 20301.

(c) Advice, suggestions, or reports prepared on behalf of the Department of Defense by boards, committees, counsels, groups, panels, conferences, commissions, task forces, or other similar groups that are formed by a component to obtain advice and recommendations.

(d) Records of DoD component evaluation of contractors and their products which in effect constitute recommendations or advice and could be used improperly to the advantage or to the detriment of private interests.

(e) Advance information on such matters as proposed plans to procure, lease, or otherwise acquire and dispose of materials, real estate, facilities, or functions when such information would provide undue or unfair competitive advantage to private personal interests.

(f) Records which are exchanged among agency personnel or within and among components or agencies preparing for anticipated legal proceedings before any federal, state or military court or before any regulatory body.

(g) Reports of inspection, audits, investigations, or surveys which pertain to safety, security, or the internal management, administration, or operation of the Department of Defense.

(ii) If any such intra- or interagency information requested would routinely be made available through the discovery process in the course of litigation with the agency, then it should not be withheld from the general public. If, however, the information would only be made available through the discovery process by special order of the court based on the particular needs of a litigant balanced against the interests of the agency in maintaining its confidentiality, then the record or document should not be made available to a member of the general public.

(6) Information in personnel and medical files, as well as information in similar files that, if disclosed to a member of the public would result in a clearly unwarranted invasion of personal privacy.

(i) Examples of files similar to personnel and medical files include:

(a) Those compiled to evaluate or adjudicate the suitability of candidates for civilian employment and the eligibility of individuals, civilian, military, or industrial, for security clearances.

(b) Files containing reports, records, and other material pertaining to personnel matters in which administrative action including disciplinary action may be taken.

(ii) In determining whether the release of information would result in a clearly unwarranted invasion of privacy, consideration should be given, in cases such as those involving alleged misconduct, to the relationship of the alleged misconduct to an individual's official duties, the amount of time which has passed since the alleged misconduct and the degree to which the individual's privacy has already been invaded. Thus, the release of information concerning alleged misconduct which is closely related to official duties, which has occurred recently, and which has already been exposed to the public is less likely to constitute a clearly unwarranted invasion of personal privacy.

(iii) When the sole and exclusive basis for withholding information is protection of the personal privacy of an individual, the information should not be withheld from him or from his designated legal representative. An individual's personnel, medical, or similar files may be withheld from him or from his designated legal representative for reasons other than the protection of his personal privacy when valid Civil Service Commission regulations or other valid regulations so authorize.

(iv) In applying the standard of a clearly unwarranted invasion of personal privacy, the individual's right of privacy should be balanced against the public right to know. An invasion of privacy need not be seriously harmful in order to qualify as clearly unwarranted. If the release of information does not increase public understanding of governmental activity, the invasion is more likely to qualify as unwarranted.

(7) Investigatory files, compiled for the purpose of enforcing civil, criminal, or military law, including Executive orders, or regulations validly adopted pursuant to law (5 U.S.C. 301).

(i) Examples include:

(a) Statements of witnesses and other material based on the information developed during the course of the investigation and all materials prepared in connection with related Government litigation of adjudicative proceedings.

(b) Lists of firms or individuals suspended under procurement regulations when the lists are compiled in connection with investigations or irregularities.

(ii) The right of individual litigants to investigatory files currently available by law is not diminished.

(8) Those contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of any agency responsible for the regulation or supervision of financial institutions.

(9) Those containing geological and geophysical information and data (including maps) concerning wells.

§ 286a.8 Information to be published in the Federal Register.

(a) The central and field organization of the organization and the established places at which, the officers from whom, and the methods whereby the public may secure information, make submittals or requests, or obtain decisions.

(b) The procedures by which the organizational entity conducts its business with the public, both formally and informally.

(c) The rules of procedure which must be followed, the description of forms which must be completed, the source from which forms may be obtained, and instructions on the scope and content of papers, reports or examinations required to be submitted pursuant to such rules of procedure.

(d) Directives, instructions, regulations, manuals, policy memoranda, statements or interpretations of policies and other substantive rules of general applicability affecting the public.

(e) The requirement for publication in the FEDERAL REGISTER may be satisfied by reference in the FEDERAL REGISTER to other publications readily available to the class of persons affected and containing the information which must otherwise be published in the FEDERAL REGISTER.

(1) In order to be eligible for incorporation by reference the matter must be in the nature of published data, criteria, standards, specifications, techniques, illustrations, or other published information reasonably available to members of the class affected thereby.

(2) Incorporation by reference is not acceptable as a complete substitute for promulgating in full, text material required to be published by this Instruction.

(3) Incorporation by reference is acceptable as a means of avoiding unnecessary repetition within the promulgated document of published information already reasonably available to the class affected. Examples include:

(i) Construction standards promulgated by a professional association of architects, engineers, or builders.

(ii) Code of ethics promulgated by professional organizations.

(iii) Forms and formats publicly or privately published and readily available to the persons required to use them.

§ 286a.9 Informational material which will be available for inspection and copying.

The following information, subject to the exemptions set forth in § 286a.7 will be made available for public inspection and copying.

(a) Final opinions (including concurring and dissenting opinions) and orders in adjudications that may be cited, used, or relied upon as precedents in future adjudications.

(b) Statements of policy and interpretations of less than general applicability affecting the public but not published in the FEDERAL REGISTER.

(c) Administrative staff manuals and instructions, or portions thereof, which establish Department of Defense policy or interpretations of policy that are determinative of the rights of members of the public. This provision does not apply to instructions for employees on the tactics and techniques to be used in performing their duties, or to instructions relating only to the internal management of the agency. Examples of manuals and instructions not normally made available are:

(1) Those issued for audit and inspection purposes or those which prescribe operational tactics, standards of performance, or criteria for defense, prosecution, or settlement of cases.

(2) Operations and maintenance manuals and technical information concerning munitions, equipment and systems.

(d) Identfying details which if revealed would create a clearly unwarranted invasion of personal privacy may be deleted from any final opinion, order, statement of policy, interpretation, staff manuals, or instruction, made available

for inspection and copying. In every such case, the justification for the deletion must be fully explained in writing. However, on organizational entity may publish in the FEDERAL REGISTER a description of the basis upon which it will delete identifying details of particular types of documents in order to avoid clearly unwarranted invasions of privacy. In appropriate cases the component may refer to this description rather than write a separate justification for the deletion.

(e) No order, opinion, statement of policy, interpretation, staff manual, or instruction issued, promulgated, or adopted after July 4, 1967, which is not indexed and either made available or published, may be relied upon, used, or cited as precedent against any member of the public unless he has actual and timely notice of its terms. If the order, opinion, statement of policy, interpretation, staff manual, or instruction was issued, promulgated, or adopted before July 4, 1967, it need not be indexed but must be made available in accordance with § 286a.5.

(1) In determining whether an order, opinion, statement of policy, interpretation, staff manual or instruction is likely to be used or relied upon as precedent, the primary test shall be whether it is intended to provide binding guidance for decisions or evaluations by subordinates or for future decisions by the same authority in adjudications of cases affecting the public, where similar facts or issues are presented.

(2) With regard to the precedential effect of an adjudication, opinions and orders of the Boards of Review exemplify the type that shall be made available for inspection and copying, since they may be relied upon, used or cited in future adjudications. By contrast, orders and opinions resulting from adjudications in subject areas such as those involving internal personnel (including military personnel) proceedings and security proceedings are not required to be made available to the general public for inspection and copying since they are not relied upon, used or cited in future adjudications.

§ 286a.10 Definition of a record.

(a) In determining whether documentary material qualifies as a "record", consideration should be given to the following definition of a record as used for records disposal purposes:

(b) "[It] includes all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by any agency of the United States Government in pursuance of federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data contained therein."

(1) The term "records" does not include objects or articles such as structures, furniture, paintings, sculpture, three-dimensional models, vehicles equipment, etc., whatever their historical value or value as "evidence".

(2) Records are not limited to permanent or historical documents but include contemporaneous documents as well.

(3) The term "records" is to be construed with the purposes of freedom of information in mind, so as to include all data relevant to governmental activity which may reasonably be so designated.

§ 286a.11 Identification and marking "For Official Use Only".

(a) Records which are not classified under DoD Directive 5210.47, authorized by § 286a.7 and this part to be withheld from general public disclosure and which for a significant reason should not be given general circulation shall be considered as being "For Official Use Only" (FOUO).

(b) The marking or absence of the marking "For Official Use Only" does not relieve the head of the organizational entity of his responsibility to review the requested record for the purpose of determining whether an exemption under § 286a.7 is applicable.

(c) A record that is considered "For Official Use Only" may be marked "For Official Use Only" when such marking is deemed necessary to ensure that all persons having access to the record are aware that it should not be publicly released and should not be handled indiscriminately. Individual folders, records, and files covering specific kinds of subject matter, normally falling within the exemptions of § 286a.7, such as personnel and medical files, bids, proposals, and the like, which are covered by rules and regulations specifying what may be released publicly, do not require the "FOUO" marking unless transmitted under circumstances where marking is essential to ensure protection of the information involved.

(i) The marking shall not be used on records which are classified under DoD Directive 5210.47, but, if otherwise proper under this part, may be applied to information or material which has been declassified.

(ii) Information contained in a technical document for which a determination has been made that a distribution statement is appropriate shall not be marked "FOUO". DoD Directive 5200.20, "Distribution Statements (other than Security) on Technical Documents", March 29, 1965.[1]

(d) Material which is considered "For Official Use Only" must be safeguarded from general disclosure irrespective of whether the material is physically marked with the term "For Official Use Only".

(e) Whenever necessary to assure proper understanding, individual paragraphs which contain FOUO information shall be marked with the symbol "FOUO". In classified documents, this marking should be applied only to paragraphs which contain FOUO information and do not contain classified information.

(f) Supplementary instructions regarding markings, safeguarding, and transmitting FOUO material may be issued by the Assistant Secretary of Defense (Administration).

MAURICE W. ROCHE,
Director, Correspondence and Directives Division.

[F.R. Doc. 67-9886; Filed, Aug. 22, 1967; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter VI—Farm Credit Administration

SUBCHAPTER D—FEDERAL INTERMEDIATE CREDIT BANKS AND PRODUCTION CREDIT ASSOCIATIONS

PART 640—FEDERAL INTERMEDIATE CREDIT BANKS

Subpart B—Loans and Discounts

NOTES GIVEN TO MERCHANTS NOT ELIGIBLE

Part 640 of Title 12 of the Code of Federal Regulation is amended by revoking § 640.227 *Notes given to merchants not eligible* (31 F.R. 16249).

(Sec. 209, 42 Stat. 1459, as amended; 12 U.S.C. 1101)

HAROLD T. MASON,
Acting Governor,
Farm Credit Administration.

[F.R. Doc. 67-9888; Filed, Aug. 22, 1967; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 7723; Amdt. No. 37-13]

PART 37—TECHNICAL STANDARD ORDER AUTHORIZATION

Turn-and-Slip Indicator—TSO-C3b

The purpose of this amendment is to revise the Technical Standard Order (TSO) for "Turn-and-Bank Indicator" contained in § 37.113 of the Federal Aviation Regulations. This action was published as a Notice of Proposed Rule Making (31 F.R. 14599, November 16, 1966) and circulated as Notice No. 66-39 dated November 7, 1966.

Notice 66-39 proposed to amend TSO-C3a by adopting the industry-accepted title "Turn-and-Slip Indicator" and by making other changes with regard to the indicator face, power variations, radio interference and magnetic disturbance limitations, and performance standards relating to instrument sensitivity and environmental conditions. The Notice also proposed to add a safeguard against fire hazards due to improper operation of the instrument and further to delete from the present TSO as being unnecessary, standards relating to qualification testing, dual markings, dielectric standards, and case leakage.

A number of comments were received in response to the Notice. These generally

favored the proposed action, although in some instances they contained recommendations for further changes. The comments, together with the changes to the proposal resulting therefrom are discussed in detail hereinafter.

One commentator noted that instruments meeting this technical standard order would probably be too expensive for most general aviation airplanes and would be of much higher quality than necessary. It was this commentator's concern that if the FAA were to use this TSO as a guide in certifying turn-and-slip indicators approved as part of the airplane type design, the cost effect would be the same as if all indicators were required to be TSO-approved in the first place.

In this connection, the applicability paragraph, § 37.113(a) of the proposal, makes it clear that the standards set forth in the TSO are those that an instrument must meet in order to be identified with the applicable TSO marking. Furthermore, FAR § 21.305 provides that articles (i.e., materials, parts or appliances) may be approved, among other ways, either under a TSO or in conjunction with the type certification procedures for a product. These are separate and distinct methods of approval. Approval of an instrument in conjunction with the type certification of an aircraft does not require a showing of compliance with the TSO applicable to that instrument.

It was recommended that the data requirements proposed in § 37.113(c) be amended to require the manufacturer to submit his overhaul manual and parts lists in addition to the items there stated. Such a requirement, while it may have merit, would present a substantive change which is beyond the scope of the Notice. However, it might well be considered as a general requirement having potential applicability to all TSO's. Accordingly, while the recommendation must be rejected insofar as the present rule-making action is concerned, it is being given further consideration by the FAA.

In response to various recommendations, section 1, Purpose, of the TSO has been rewritten, following the format of other recently issued TSO's to state more clearly that the TSO provides standards applicable to the indicators which are to be approved under the TSO. Insofar as the proposed section 1 contained information relative to turn-and-slip indicator usage as an aid to the pilot, such information has been incorporated into the section of the TSO covering its scope.

With reference to the clause in proposed section 3.2(a) that would permit an indicator means other than a pointer, one commentator suggested it be rewritten since section 3.3(f)(1) was limited to a pointer. Another commentator wanted to know what means other than a pointer may be used, and requested definition of "conforming to the standards of this TSO".

The FAA agrees with the first of the foregoing comments to the extent that proposed section 3.3(f)(1) seemingly excluded any means other than a pointer. Such, however, was not the intent, and section 3.2(a) was purposely drafted to allow industry to develop improved presentations through the use of indices other than conventional pointer-ball arrangements. Suitable changes, as discussed below, have been made to proposed section 3.3(f)(1) [now section 3.3(e)(1)] to bring it into conformity with the broader intent of section 3.2(a). With regard to the other comments, the FAA does not wish to prescribe or limit the means that would be acceptable in meeting the intent of the TSO. The FAA encourages the development of new, presently undefined and, hopefully, superior presentations. However, any such new indicating means must also be shown to meet all of the applicable requirements of the TSO, in other words, must conform to the standards of this TSO.

A number of comments were directed to the power variation requirements proposed in section 3.2(b). With respect to the request that we clarify "rated D.C. voltage", it should be pointed out that it was intended that the applicant would select the voltage for which his instrument is rated and which would be marked on the instrument name plate and set forth in the required operating instructions and equipment limitations. This would constitute the rated voltage and would inform the user concerning the need for compatibility in the electrical system to assure a supply of properly rated power to the terminals of the instrument. In this connection, section 37.113(b) has been revised to make it clear that voltage is included in the electrical rating required to be marked on instruments.

Another commentator stated that the term "function properly" as used in section 3.2(b) and the term "must function" as used in section 4 should be defined more clearly and asked what degree of accuracy this means. Although these terms are used in the current TSO, the FAA agrees that the requirement could be expressed more clearly. In this regard, the requirements of sections 3.2(b) and 4 have been changed to make it clear that the terms "function properly" and "must function" mean that the instrument must provide reasonably reliable and useful indications of aircraft turning and slip motions under the extremes of the power variation and environmental conditions specified in these sections.

Changes to the numerical values of the permissible electrical power variations proposed in section 3.2(b) were also recommended on the ground that such changes would bring the requirements into agreement with military standards alleged to reflect the capability of present day electrical systems. The comment, however, presented no justification for the recommendation nor is the FAA aware of any compelling reasons to change the standard to agree with the military specification. The power variation limits as proposed are consistent with limits used throughout the TSO system and are being retained.

Comments were also received recommending that the term "proper operation" as used in connection with the requirement covering power malfunction indication in proposed section 3.2(c), be defined. It was suggested that reference to the power variations set forth in proposed section 3.2(b) should be used to establish the power level for proper operation. It was intended that power malfunction indication be given when power levels drop below the value required for dependable indications of aircraft motions (i.e., the power limits set forth in section 3.2(b)). Accordingly, section 3.2(c) has been amended to make it clear that the warning indication of power insufficiency must appear when power being supplied is below the lower limits stated in section 3.2(b). The FAA likewise agrees with a further suggestion that the first sentence of section 3.2(c) be deleted inasmuch as means for indicating adequacy of power in Type I instruments are usually part of a system installation provided by the aircraft manufacturer rather than an integral part of the instrument itself. The FAA does not agree, however, with another contention that power malfunction indicators, in all but AC-powered instruments, are of insufficient value to warrant their cost. It was the position of this commentator that power loss is only one possible mode of failure, others being spin bearing or motor brush failure, and that the best indication of failure, regardless of mode, is a "dead needle". We might agree that if all failures were of the type that produced instantaneous stoppage of gyros, a dead needle might provide adequate warning. However, the intent of section 3.2(c), as the catchline suggests, is to provide indication of power malfunction in which case there would be a slow, probably imperceptible, loss of gyro performance during a relatively long "run down" time which could produce improper indications before the needle actually goes dead.

With respect to the proposed section 3.3 design requirements, one commentator recommended addition of a standard that would specify the direction of rotor rotation. The commentator, however, presented no substantiation or theory that would relate the direction of rotation to improved performance or more reliable indications. Standards for turn-and-bank indicators to date have not specified the direction of rotation and the FAA is not aware that the direction of rotation is significant insofar as safe operation of the instrument is concerned. The recommendation has, therefore, not been accepted.

The FAA must reject a suggestion that the maximum operating temperature of external surfaces be limited to 200° F. instead of 200° C. as proposed. No reasons or substantiating data were presented to support the more severe standard, and the FAA believes that 200° C. is adequate to protect against ignition of fluids and vapors likely to be liberated in the cockpit.

With reference to the radio interference design requirements, one commentator noted that proposed section 3.3(b) and Figure 1 did not specify the conditions under which the conducted

and radiated noise levels were to be measured and, in fact, that there are many ways in which to make the measurements and yet remain within limiting values. Further investigation also indicates that the criteria as it was proposed is frequency-limited to 25 MCS and affords no protection to aeronautical equipment operating above that value. The FAA, therefore, believes that the matter requires further study in order to develop a more effective standard that will be applicable to all aircraft instruments and equipment. Proposed 3.3(b) and Figure 1 have, accordingly, been deleted and succeeding paragraphs relettered.

The FAA agrees with a recommendation that the field intensity and size of magnet, required to measure magnetic effect, be specified, and section 3.3(c) has been amended accordingly. However, an accompanying suggested detailed test procedure in this regard is not required and has not been adopted.

While there may be some merit in a recommendation that would permit a 20-degree visibility limit for instruments using wedge lighting, the 30-degree criteria has been the standard for many years and is applicable to all instruments. While in certain instances, 30 degrees may be determined to be overly restrictive, any change in this regard must be considered with a view towards its applicability to all instruments and is, therefore, beyond the scope of this particular rule-making action. Section 3.3 (d), [now section 3.3(c)], has been retained as proposed.

A number of comments were directed toward the slip indicator damping characteristics proposed in section 3.3(e)(1) [now section 3.3(d)(1)]. One commentator stated his belief that since the 0.2 second response time was indicative of aircraft capable of high roll rates, there was need for a damping fluid having a smaller range of viscosity. In this connection, however, the 0.2 second response time, which corresponds to an airplane roll rate of 60 degrees per second, continues the existing standard of many years which has been found reasonable based on all available test data. Moreover, manufacturers have never indicated a problem with respect to obtaining suitable fluids. With respect to the low temperature damping characteristics, the FAA agrees with other comments pointing up the incompleteness of the standard as proposed. As proposed, section 3 requires that with the slip indicator exposed to a temperature of −30° C., the time for the slip indicator to move from the zero position to the rest position must not exceed 4 seconds. It was suggested that a more valid test would result if the regulation required that the instrument be exposed without operating to a temperature of −30° C. for 3 hours. The FAA is aware that the temperature of the instrument must be −30° C. in order to obtain the test data desired and this is what was intended by the proposal. Therefore, rather than establish a time limit for cold soaking, the FAA considers it appropriate to clarify the requirement by specifying that the test must be conducted with the temperature stablized at −30° C. The FAA does not agree with a final comment that soak temperatures depend on instrument location since the purpose of the requirement is to ensure proper operation in an aircraft immediately following lengthy parking during low temperature conditions.

One of the comments concerning the turn indicator characteristics set forth in proposed section 3.3(f) [now section 3.3(e)], pointed out that the proposal would tend to restrict development of new and different presentations that may prove better than existing displays. It was this commentator's suggestion that actual deflection dimensions be left open but that the tolerances for the deflection at specific turn rates should apply. In this connection it was earlier noted in the discussion of section 3.2(a) that the intent was to encourage development of devices other than conventional pointer-ball arrangements. Accordingly, section 3.3(f)(1) [now section 3.3(e)(1)] has been amended to delete the restrictive words "pointer" and "needle", and to add a provision for instruments that may have new display features.

The FAA has rejected a recommendation that proposed section 3.3(f)(1) include a requirement that the instrument have the inscription "2 min turn" or "4 min turn", as appropriate, placed on the dial face. Such a requirement is not necessary in the interest of safety and would result in dial clutter which could be distracting during emergency situations. Likewise, no action has been taken on a suggestion that bank angle be included as part of the turn indicator sensitivity requirement since it is not justified by any safety considerations. If there is a bank angle limitation on a particular instrument calibration, that limitation would appear in the information furnished by the manufacturer under § 37.113(c)(2)

Two commentators took exception to the proposed damping requirements of section 3.3(f)(2) [now section 3.3(e)(2)]. One expressed the thought that the standard should not give specific numbers in order that future instruments could have the damping or time constants tailored to fit specific aircraft types. The other simply said that "most pilots" prefer a 4- to 10-second time period, instead of the 2 to 4 seconds as proposed. The FAA agrees with neither of these views. The values proposed permit a sufficiently wide range of instrument damping to accommodate all current and foreseeable aircraft using this type instrument. Limits of some finite value are needed to ensure that safe and usable indications are displayed to the pilot under a variety of operational conditions. Heavy damping up to 10 seconds could make the instrument so sluggish that it would be virtually useless to the pilot of a modern airplane. The 2- to 4-second range has proven satisfactory in FAA type certification testing and operational experience of all kinds, and we have been furnished no data to substantiate the longer times.

We agree with one comment to the effect that proposed section 3.3(f)(3)(i) and (ii) [now section 3.3(e)(3)(i) and (ii)] are ambiguous as to their requirement for an adequate indication when the instrument is started under reduced power. Therefore, to clarify this matter, the note following these two subparagraphs has been amended to correlate the reduced power conditions stated in section 3.3(e)(3) specifically with the sensitivity and damping requirements of section 3.3(e)(1) and (2).

It was noted earlier in connection with slip indicator low temperature damping characteristics that instrument location has no bearing on the required soak temperature which is set at −30° C. For consistency, and since there is no sound reason for distinguishing pressurized and unpressurized areas insofar as environmental temperature conditions are concerned, section 4.1(a) has been further amended to provide a uniform −30° C. functioning limit applicable to all instruments qualified under this TSO.

Several commentators noted the typographical error in the value of maximum acceleration for turbine engine powered aircraft in section 4.1(c) which has been corrected to read 0.25g.

The FAA does not agree with the recommendation that section 5 be rewritten to delete the requirement for demonstration of conformity with all the performance standards of section 3. No reason was given for this recommendation. However, in response to a further comment, proposed section 5 has been amended to clarify the relation between compliance testing and the environmental conditions specified in section 4.

After further consideration of section 6, Individual Performance Tests, the FAA believes it unnecessary to require that each instrument off a production line be tested for compliance with visibility requirements and with slip indicator and turn indicator characteristics requirements where a system of quality control would assure such compliance. Accordingly, section 6 has been relaxed to require tests or checks as necessary to assure that individual instruments function properly and meet the minimum performance requirements.

Other minor changes of an editorial or clarifying nature have been made to the TSO as it was proposed. They are not substantive, however, and do not impose any additional burden on regulated persons.

Interested persons have been afforded the opportunity to participate in the making of this amendment and all relevant material submitted has been fully considered.

This amendment is made under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), and 1421).

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 37.113 of Part 37 of the Federal Aviation Regulations is amended to read as

hereinafter set forth, effective September 22, 1967.

Issued in Washington, D.C., on August 16, 1967.

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

§ 37.113 Turn-and-slip indicator (TSO–C3b).

(a) *Applicability.* This TSO prescribes the minimum performance standards that instruments measuring rate-of-turn and slip (formerly turn-and-bank indicators) must meet in order to be identified with the applicable TSO marking. New models of equipment that are to be so identified and that are manufactured on or after the effective date of this section, must meet the minimum performance standards set forth at the end of this section.

(b) *Marking.* In addition to the markings required by § 37.7, the equipment must also be marked with the instrument's operational power rating (electrical voltage and frequency, air pressure).

(c) *Data requirements.* In accordance with § 37.5, the manufacturer must furnish the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, in the region in which the manufacturer is located the following technical data:

(1) Seven copies of the manufacturer's operating instructions, equipment limitations, installation procedures (including applicable instrument mounting angle restrictions).

(2) Information regarding specialized procedures employed in the calibration of the instrument, such as the instrument slip angle.

(3) One copy of the manufacturer's test report.

(d) *Previously approved equipment.* Turn-and-slip indicators (formerly identified as turn-and-bank indicators), approved prior to the effective date of this section may continue to be manufactured under the provisions of the original approval.

FEDERAL AVIATION ADMINISTRATION STANDARD

TURN-AND-SLIP INDICATOR

1. *Purpose.* This document provides minimum performance standards and test procedures for turn-and-slip indicators which are to be approved under this TSO.

2. *Scope.* This standard covers instruments incorporating or utilizing components that can sense aircraft angular motions and lateral accelerations to indicate aircraft flight path information in regard to rate-of-turn and slip motions. It provides for three basic type of turn-and-slip indicators as follows:

Type I—Driven by air pressure;

Type II—Driven electrically by Direct Current; and

Type III—Driven electrically by Alternating Current.

3. *Performance requirements.*

3.1 *General.*

(a) *Materials.* Materials must be of a quality demonstrated to be suitable and dependable for use in aircraft instruments.

(b) *Environmental conditions.* The instrument must be capable of performing its intended function and not be adversely affected during or following prolonged exposure to the environmental conditions as stated under § 4. Where optional environmental conditions are set forth in the condition selected must be declared as an equipment limitation.

3.2 *Detail requirements.*

(a) *Indicating means.* Rate-of-turn may be indicated by means of a pointer, deflecting in the direction of turn, or by any other means conforming to the standards of this TSO. Slip may be indicated by means of a ball, free to move in a curved transparent tube, or any other means conforming to the standards of this TSO.

(b) *Power variation.* The instrument must provide reasonably reliable and useful indications of aircraft turning and slip motions when operating under rated power conditions with variation of—

(1) Plus or minus 30 percent of rated differential air pressure;

(2) Plus or minus 15 percent of rated DC voltage; or

(3) Plus or minus 10 percent of rated AC voltage and ±5 percent of rated frequency.

(c) *Power malfunction indication.* For Types II and III indicators, means must be incorporated in the instrument to indicate when the electrical power being supplied is outside the lower limit of power variations specified in paragraph (b) of this section. Power malfunction must be indicated in a positive manner.

3.3 *Design requirements.*

(a) *Fire hazard.* The instrument must be designed to safeguard against fire hazards to the aircraft in the event of malfunction or failure. Under normal conditions, the maximum operating temperature of external surfaces of the instrument must not exceed 200° C. due to self-heating.

(b) *Magnetic effect.* The instrument must not generate an electromagnetic field which will introduce a magnetic course error corresponding to a maximum of 5 degrees deflection of a free magnet approximately 1½ inches long, in a magnetic field with a horizontal intensity of 0.18±0.01 gauss when the instrument is held in various positions on an east-west line with its nearest part 12 inches from the center of the magnet.

(c) *Visibility.* Turn-and-slip indications must be visible from any point within the frustum of a cone, the side of which makes an angle of at least 30 degrees with the perpendicular to the dial and the small diameter of which is the aperture of the instrument case. The distance between the dial and the cover glass must be a practical minimum. At the extreme positions of the slip indicator, at least ½ of the indicator must be visible from a point 12 inches directly in front of the zero position.

(d) *Slip indicator characteristics.* The slip indicator must operate freely when the instrument is rotated about its longitudinal axis with the dial vertical. The range of slip angle indications must be at least 8 degrees either side of vertical. With the instrument in its normal position for mounting, the position of the indicator must be zero ±1/32 inch.

(1) *Damping.* While operating at room temperature, the time for the slip indicator to move from the zero position of the slip indication to the rest position must not be less than 0.2 seconds following a sudden rotation of the instrument from a position of 12 degrees bank through the vertical to 12 degrees opposite bank. With the temperature of the instrument stabilized at −30° C. this time must not exceed 4 seconds.

(2) *Slip indicator filling.* Instruments using a liquid as a damping medium for the slip indicator must be so designed and filled that no part of an air bubble will be visible from a point 12 inches directly in front of the instrument when the instrument is rotated to an angle of roll of 45°.

(e) *Turn indicator characteristics.*

(1) *Sensitivity.*

(i) When the instrument is operating at room temperature under rated power and subjected to the turning rates specified in Column A, the turn indicator deflection, in inches, must be within the limits of either Column B or C. The indicator movement must be smooth.

Column A	Column B	Column C
Rate of turn (degrees per minute)	Deflection of indicator (inches)	
0	0±0.015	0±0.015
36	1/32±1/64	1/16±1/64
90	5/64±1/32	5/32±1/32
180	5/32±1/32	5/16±1/16
360	5/16±1/16	5/16±1/8

NOTE.—Column B values pertain to instruments set to indicate a standard rate of turn (180° per minute) with one indicator unit deflection. Column C provides double this displacement for instruments providing increased sensitivity.

(ii) For instruments possessing display features such that the dimensional characteristics prescribed by Columns B and C of subparagraph (1) do not apply, the applicant may demonstrate that the instrument can reliably indicate the prescribed rates of turn (Column A) with clarity and accuracy equivalent to that specified in Column B or C.

(2) *Damping.* The time for the turn indicator or index to return to the zero mark without crossing the zero mark must be at least 2, but not more than 4 seconds, when the instrument is—

(i) Suddenly stopped after being rotated about its vertical axis at a rate that causes full-scale pointer or index deflection; and

(ii) Operated at room temperature under rated power in a normal attitude position.

(3) *Turn indicator starting.* When started by the application of the instrument's rated power, rated performance must be reached in 3 minutes or less. When started under reduced power—

(i) For Type I indicators, the gyro must start to rotate and continue to run on a pressure differential not to exceed 50 percent of rated value. After no more than 5 minutes operation at this reduced power, the instrument must be able to provide an adequate indication of aircraft turning motions.

(ii) For Types II and III indicators, the gyro must start to rotate and continue to run on an applied power not to exceed 80 percent of the rated voltage and at rated frequency. After no more than 5 minutes' operation at this reduced power, the instrument must be able to provide an adequate indication of aircraft turning motions.

NOTE.—When the instrument is operated under the reduced power conditions of § 3.3(e)(3), the sensitivity and damping requirements of § 3.3(e) (1) and (2) do not apply.

4. *Environmental conditions.* The following ranges of environmental conditions are appropriate:

(a) *Temperature.* The instrument must provide reasonably reliable and useful indications of aircraft turn-and-slip motions over the range of ambient temperature of −30° C. to 50° C. and must not be adversely affected by exposure to temperatures of −65° C. to 70° C.

(b) *Altitude.* The instrument must provide reasonably reliable and useful indications of aircraft turn-and-slip motions from −1,000 feet standard altitude up to the maximum declared operating altitude. It must not be

adversely affected following exposure to extremes in ambient pressure of 50 and 3 inches of mercury absolute.

(c) *Vibration.* The instrument must provide reasonably reliable and useful indications of aircraft turn-and-slip motions and must not be adversely affected when subjected to vibrations as follows:

Instrument panel mounted (vibration isolated)	Frequency cycles per second	Maximum double amplitude (inches)	Maximum acceleration
Reciprocating engine-powered aircraft.	5–80	0.020	1.5g
Turbine engine-powered aircraft.	5–55 55–1,000	0.020	0.25g

(d) *Humidity.* The instrument must provide reasonably reliable and useful indications of aircraft turn-and-slip motions and must not be adversely affected following exposure to any relative humidity in the range of 0 to 95 percent at a temperature of approximately 70° C.

5. *Compliance testing.* As evidence of compliance with this standard, the manufacturer must perform evaluation tests on prototype instruments to demonstrate proper design, reliability in performance of its intended functions, and conformity with all of the performance standards of section 3. Tests must be performed to demonstrate compliance with the environmental conditions specified in § 4.

6. *Individual performance tests.* The manufacturer must conduct tests or checks of each instrument as may be necessary to assure that it will function properly and will individually meet the minimum performance requirements of section 3.3(c), 3.3(d), and 3.3(e) (1) and (2) of this TSO.

[F.R. Doc. 67-9871; Filed, Aug. 22, 1967; 8:47 a.m.]

[Docket No. 8015; Amdt. 39-466]

PART 39—AIRWORTHINESS DIRECTIVES

Allison-Aero Products Models A6441FN-606, A6441FN-606A Propellers

Paragraph (b) of Amendment 39-439 (32 F.R. 9219), AD 67-20-1 requires, on or before November 1, 1967, modification of Allison-Aero Products Models A6441FN-606 and A6441FN-606A propellers by the replacement of the master gear retention bolts with higher strength bolts bearing Part No. 6859722.

Subsequent to the issuance thereof, it has come to the attention of the Federal Aviation Administration that the replacement bolts, Part No. 6859722, have a larger diameter washer face than the original bolts, which, when installed as required by AD 67-20-1, can cause interference between the washer face on the bolt head, and the adjacent corner radius on the bolt mounting flange of the pitch lock housing. Since this condition can increase stress in the replacement bolts resulting from asymmetrical loading, the manufacturer has issued Commercial Propeller Bulletin No. 63-317 requesting operators to substitute Part No. 6859722 bolts with Part No. 6859881 bolts. These latter bolts have a smaller diameter washer face to avoid interference. The manufacturer advises that Part No. 6859881 bolts will be available in sufficient quantities to meet the schedules of the operators of the propellers in question by November 1, 1967, and that the operators have agreed to install these bolts on or before November 1, 1967. Amendment of paragraph (b) of AD 67-20-1 is now required in order to make installation of Part No. 6859881 bolts mandatory.

Since immediate action is required in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedures Act is not practicable, and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-439 (32 F.R. 9219) AD 67-20-1, is amended as follows:

Revise Paragraph (b) so that it now reads as follows:

(b) On or before November 1, 1967, remove the eight master gear retention bolts and install eight P/N 6859881 bolts as replacements, as outlined in Allison's Commercial Propeller Bulletin, CPB No. 63-317.

This amendment becomes effective August 23, 1967.

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

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

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67-9859; Filed, Aug. 22, 1967; 8:46 a.m.]

[Airspace Docket No. 67-CE-68]

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

Alteration of Control Zone

On Pages 8301 and 8302 of the FEDERAL REGISTER dated June 9, 1967, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend Section 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the control zone at Flint, Mich.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0001 e.s.t., October 12, 1967.

This amendment is made under the authority of section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Kansas City, Mo., on August 3, 1967.

EDWARD C. MARSH,
Director, Central Region.

Redesignate the Flint, Mich., control zone as that airspace within a 5-mile radius of Flint, Mich., Bishop Airport (latitude 42°57'55" N., longitude 83°44'30" W.), and within 2 miles each side of the Flint VORTAC 052°, 075°, 187°, 219°, 280° and 351° radials extending from the 5-mile radius zone to 8 miles NE, E, S, SW, W, and N of the VORTAC.

[F.R. Doc. 67-9860; Filed, Aug. 22, 1967; 8:46 a.m.]

[Airspace Docket No. 67-SO-66]

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

Alteration of Control Zone

On July 7, 1967, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (32 F.R. 9986) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Fort Stewart, Ga., control zone.

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 Fort Stewart, Ga., control zone is amended to read:

FORT STEWART, GA.

Within a 5-mile radius of Liberty AAF (lat. 31°53'20" N., long. 81°33'45" W.); within a 1.5-mile radius of Liberty County Airport (lat. 31°47'22" N., long. 81°38'15" W.); within 2 miles each side of the 231° bearing from the Liberty RBN, extending from the 5-mile radius zone to 8 miles southwest of the RBN; within 2 miles each side of the 049° bearing from the Stewart RBN, extending from the 5-mile radius zone to 2 miles northeast of the RBN.

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

Issued in East Point, Georgia, on August 10, 1967.

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

[F.R. Doc. 67-9861; Filed, Aug. 22, 1967; 8:46 a.m.]

[Airspace Docket No. 67-SW-21]

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

Alteration of Control Zones

On June 17, 1967, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (32 F.R. 8722) stating that the Federal Aviation Administration proposed to alter the Dallas, Tex. (Love Field), and (Redbird Airport) control zones.

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

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.

In § 71.171 (32 F.R. 2087) the Dallas, Tex. (Love Field), control zone is amended, in part, by deleting "* * * within 2 miles each side of the Addison VOR 334° radial, extending from the arc of a 5-mile radius circle centered at Addison Airport to 6 miles northwest of the VOR; and within 2 miles each side of the 159° bearing from the Duncanville RBN, extending from the arc of a 5-mile radius circle centered at Redbird Airport to 6 miles south of the RBN;" and substituting therefor, "* * * within 2 miles each side of the Addison VOR 334° radial, extending from the arc of a 5-mile radius circle centered at Addison Airport to 6 miles northwest of the VOR; within 2 miles each side of the Love Field No. 2 ILS localizer southeast course, extending from the arc of a 5-mile radius circle centered at Love Field to the Runway 31L OM; and within 2 miles each side of the 159° bearing from the Duncanville RBN, extending from the arc of a 5-mile radius circle centered at Redbird Airport to 8 miles south of the RBN; * * *."

In § 71.171 (32 F.R. 2087) the Dallas, Tex. (Redbird Airport), control zone is amended, in part, by deleting "* * * and within 2 miles each side of the 159° bearing from the Duncanville RBN, extending from the 5-mile radius zone to 6 miles south of the RBN; * * *" and substituting therefor, "* * * and within 2 miles each side of the 159° bearing from the Duncanville RBN, extending from the 5-mile radius zone to 8 miles south of the RBN; * * *."

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

Issued in Fort Worth, Tex., on August 10, 1967.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 67-9862; Filed, Aug. 22, 1967; 8:46 a.m.]

[Airspace Docket No. 67-EA-6]

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

Alteration of Control Zone and Transition Area

On page 6846 of the FEDERAL REGISTER for May 4, 1967, the Federal Aviation Administration published a rule which altered the Presque Isle, Maine, control zone and 700-foot-floor transition area and was made effective on April 27, 1967.

In the publication of the rule however and probably because of misleading verbiage in the preamble, the rule was published in the Proposed Rule Making section of the FEDERAL REGISTER instead of the Rules and Regulations section.

Since this republication is clarifying in nature, there is no substantial effect upon the public and therefore notice and procedure may be dispensed with and the amendment may be made effective in less than 30 days.

In view of the foregoing the amendment is hereby re-adopted effective upon publication in the FEDERAL REGISTER.

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

Issued in Jamaica, N.Y., on August 8, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the Presque Isle, Maine, control zone all after the word "Sprague ville" and insert in lieu thereof "RBN 169° bearing extending from the 5-mile radius zone to 7 miles south of the RBN. This control zone is effective from 0800 to 2000 hours local time, Sunday through Friday; 0800 to 1730 hours, local time Saturday; and during specific times established in the Notices to Airmen."

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the Presque Isle, Maine, Transition Area the phrase "Sprague ville R.R. south course extending from the 8-mile radius area to 8 miles south of the R.R.", and insert in lieu thereof "Sprague ville RBN 169° bearing extending from the 8-mile radius area to 8 miles south of the RBN."

[F.R. Doc. 67-9863; Filed, Aug. 22, 1967; 8:46 a.m.]

[Airspace Docket No. 67-WE-38]

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

Alteration of Control Zone and Transition Area

On July 8, 1967, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (32 F.R. 10103) which would amend Part 71 of the Federal Aviation Regulations by altering the controlled airspace in the Yuma, Ariz., area. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed airspace actions.

One objection to the proposed airspace actions was received from the Department of Airports, County of Riverside; however, this objection was subsequently withdrawn.

Subsequent to the publication of the Notice of Proposed Rule Making, it was determined that the geographic coordinates of the Yuma MCAS/Yuma International Airport, Yuma, Ariz., had changed. Since this change is minor in nature, notice and public procedure hereon are unnecessary, and the new coordinates are incorporated in the Final Rule.

In consideration of the foregoing, the proposed regulations are hereby adopted subject to the following changes:

In the text of the descriptions of the Yuma, Ariz., control zone and transition area delete "(latitude 32°39'23" N., longitude 114°36'20" W.)", and substitute "(latitude 32°39'10" N., longitude 114°-36'20" W.)" therefor.

Effective date. These amendments shall be effective 0001 e.s.t., November 9, 1967.

Issued in Los Angeles, Calif., on August 14, 1967.

ARVIN O. BASNIGHT,
Director, Western Region.

In § 71.171 (32 F.R. 2147) the Yuma, Ariz., control zone is amended as follows:

YUMA, ARIZ.

Within a 5-mile radius of Yuma MCAS/Yuma International Airport within 2 miles each side of the Yuma VORTAC 181° radial extending from the 5-mile radius zone to 2 miles south of the VORTAC, and within 2 miles each side of the 044° bearing from the MCAS Yuma RBN, extending from the 5-mile radius zone to 8 miles northeast of the RBN.

In § 71.181 (32 F.R. 2273) the Yuma, Ariz., transition area is amended as follows:

YUMA, ARIZ.

That airspace extending upward from 700 feet above the surface, within an 11-mile radius of Yuma MCAS/Yuma International Airport within 2 miles each side of the Yuma VORTAC 181° radial, extending from the 11-mile radius area to 21 miles south of the VORTAC; that airspace extending upward from 1,200 feet above the surface, within 12 miles west and 11 miles east of the Yuma VORTAC 351° radial, extending from the north edge of V-66 to 20 miles north of the VORTAC, within 5 miles north and 8 miles south of the Yuma VORTAC 087° radial, extending from the VORTAC to 14 miles east of the VORTAC, within 11 miles east and 8 miles west of the Yuma VORTAC 180° radial, extending from the VORTAC to the United States/Mexico border; and that airspace northwest of Yuma, extending upward from 4,000 feet MSL, bounded on the north by the arc of an 18-mile radius circle centered on the Blythe, Calif., Airport (latitude 33°37'15" N., longitude 114°43'00" W.), on the east by the west edge of V-135, on the south by the north edge of V-66, and on the northwest and west by lines 5 miles northwest and west of and parallel to the Imperial and Blythe, Calif., VORTAC's, 064° and 187° radials respectively; excluding that portion outside the United States.

[F.R. Doc. 67-9864; Filed, Aug. 22, 1967; 8:46 a.m.]

[Airspace Docket No. 66-EA-10]

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

Alteration of Transition Area

On page 4845 of the FEDERAL REGISTER for March 23, 1966, the Federal Aviation Administration promulgated a rule which altered the Rutland, Vt., 700-foot-floor transition area and was made effective on March 23, 1966, the date of publication in the FEDERAL REGISTER.

In the publication of the rule however and probably because of misleading verbiage in the preamble, the rule was published in the Proposed Rule Making section of the FEDERAL REGISTER instead of the Rules and Regulations section.

Since this republication is clarifying in nature, there is no substantial effect

upon the public and therefore notice and procedure may be dispensed with and the amendment may be made effective in less than 30 days.

In view of the foregoing the amendment is hereby re-adopted effective upon publication in the FEDERAL REGISTER.

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

Issued in Jamaica, N.Y. on August 8, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the text of the 700-foot floor Rutland, Vt., transition area, the phrase, "43°31'46" N., 72°56'54" W. of Rutland Airport, Rutland, Vt., and within 2 miles each side of the Rutland 158° bearing extending from the 5-mile radius area to the RBN.", and insert in lieu thereof, the phrase, "43°31'55" N., 72°57'00" W. of Rutland Airport, Rutland, Vt., and within 5 miles east and 8 miles west of a 344° bearing from Rutland, Vt., RBN extending from the RBN to 12 miles north of the RBN."

[F.R. Doc. 67-9865; Filed, Aug. 22, 1967; 8:46 a.m.]

[Airspace Docket No. 67-CE-30]

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

Alteration of Transition Area

On Pages 4428 and 4429 of the FEDERAL REGISTER dated March 23, 1967, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Peru, Ind.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following changes:

(1) The Bunker Hill AFB coordinates recited in the Peru, Ind., transition area redesignation as "latitude 40°39'38" N., longitude 86°08'31" W." are changed to read "latitude 40°39'40" N., longitude 86°08'30" W."

(2) The Logansport, Ind., Municipal Airport coordinates recited in the Peru, Ind., transition area redesignation as "latitude 40°42'40" N., longitude 86°22'-35" W." are changed to read "latitude 40°42'35" N., longitude 86°22'45" W."

These amendments shall be effective 0001 e.s.t., October 12, 1967.

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

Issued in Kansas City, Mo., on August 8, 1967.

JOHN A. HARGRAVE,
Acting Director, Central Region.

Redesignate the Peru, Ind., transition area as that airspace extending upward from 700 feet above the surface within a 15-mile radius of Bunker Hill AFB, Peru, Ind. (latitude 40°39'40" N., longitude 86°08'30" W.); within 8 miles southeast of the Kokomo, Ind., VORTAC 040° radial extending from the VORTAC to 12 miles northeast of the VORTAC; within 5 miles southwest and 8 miles northeast of the Kokomo VORTAC 131° radial extending from the VORTAC to 12 miles southeast of the VORTAC; within a 5-mile radius of Logansport, Ind., Municipal Airport (latitude 40°42'-35" N., longitude 86°22'45" W.); and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 40°07'00" N., longitude 86°00'-00" W.; to latitude 40°07'00" N., longitude 86°33'00" W.; to latitude 41°00'00" N., longitude 86°33'00" W.; to latitude 41°00'00" N., longitude 85°50'00" W.; to latitude 40°30'00" N., longitude 85°50'-00" W.; thence to point of beginning, excluding the portion that coincides with the Marion, Ind., transition area.

[F.R. Doc. 67-9866; Filed, Aug. 22, 1967; 8:46 a.m.]

[Airspace Docket No. 67-SO-68]

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

Alteration of Transition Area

On July 11, 1967, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (32 F.R. 10212), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Birmingham, Ala., 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 § 71.181 (32 F.R. 2148) the Birmingham, Ala. 1200-foot transition area (32 F.R. 3675) is amended as follows: "* * * thence southwest along the southeast boundary of V-209 to a 19-mile radius arc centered on the Tuscaloosa, Ala., VOR; thence clockwise along this arc to long. 87°30'00" W.; thence north along long. 87°30'00" W. to point of beginning, excluding that portion that coincides with R-2101 and the Gadsden, Ala., transition area * * *." is deleted and "* * * thence southwest along the southeast boundary of V-209 to long. 88°00'00" W.; thence north along long. 88°00'00" W., to the north boundary of V-18; thence northeast along the north boundary of V-18 to a 19-mile radius arc centered on the Tuscaloosa, Ala., VORTAC; thence clockwise along this arc to long. 87°30'00" W.; thence north along long. 87°30'00" W. to point of beginning, excluding that portion that coincides with R-2101 and the Gadsden, Ala., transition area * * *" 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 10, 1967.

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

[F.R. Doc. 67-9867; Filed, Aug. 22, 1967; 8:46 a.m.]

[Airspace Docket No. 67-CE-60]

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

Designation of Transition Area

On Page 8303 of the FEDERAL REGISTER dated June 9, 1967, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate the transition area at Perryville, Mo.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0001 e.s.t., October 12, 1967.

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

Issued in Kansas City, Mo. on August 3, 1967.

EDWARD C. MARSH,
Director, Central Region.

Designate the Perryville, Mo., transition area as that airspace extending upward from 700 feet above the surface within an 8-mile radius of Perryville, Mo., Municipal Airport (latitude 37°51'-55" N., longitude 89°51'45" W.) and within 2 miles each side of the Farmington, Mo., VORTAC 057° radial extending from the 8-mile radius area to 15 miles northeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within an area beginning at the intersection of lines 5 miles southwest of and parallel to the Farmington VORTAC 336° and 120° radials, thence northwest along a line 5 miles southwest of and parallel to the Farmington VORTAC 336° radial to and clockwise along the arc of a 13-mile radius circle centered on the Farmington VORTAC, to and northwest along a line 5 miles southwest of and parallel to the Farmington VORTAC 120° radial, to the point of beginning, and within 5 miles each side of the Farmington VORTAC 057° radial extending from the 13-mile radius area to 15 miles northeast of the VORTAC.

[F. R. Doc. 67-9868; Filed, Aug. 22, 1967; 8:46 a.m.]

[Airspace Docket No. 67-CE-61]

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

Designation of Transition Area

On Pages 8302 and 8303 of the FEDERAL REGISTER dated June 9, 1967, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Lawrence, Kans.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change: The Lawrence Municipal Airport coordinates recited in the Lawrence, Kans., transition area designation as "latitude 39°00'00" W., longitude 95°13'00" N." are changed to read "latitude 39°00'35" N., longitude 95°13'00" W."

This amendment shall be effective 0001 e.s.t., October 12, 1967.

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

Issued in Kansas City, Mo., on August 4, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

Designate the Lawrence, Kans., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Lawrence Municipal Airport (latitude 39°00'35" N., longitude 95°13'00" W.); and within 2 miles each side of the Topeka, Kans., VORTAC 117° radial extending from the 5-mile radius area to 13 miles southeast of the VORTAC.

[F.R. Doc. 67-9869; Filed, Aug. 22, 1967; 8:46 a.m.]

[Airspace Docket No. 67-WE-28]

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

Amendment to Federal Register Document

On June 9, 1967, F.R. Doc. 67-6443 was published in the FEDERAL REGISTER (32 F.R. 8302) amending Part 71 of the Federal Aviation Regulations by redesignating the Boise, Idaho, transition area. This action will be effective October 12, 1967.

As a result of renumbering of certain airways in the Boise area, V-138 was redesignated V-500; however, V-138 was used to designate a portion of the Boise, Idaho, transition area. Accordingly, action is taken herein to amend the FEDERAL REGISTER document to reflect the correct airway number.

Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary, and it may be made effective immediately.

In consideration of the foregoing, F.R. Doc. 67-6443 is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth:

Delete "* * * V-138 * * *" in the text describing that portion of the Boise, Idaho, transition area floored at 9,000 feet MSL, and substitute "* * * V-500 * * *" therefor.

Issued in Los Angeles, Calif., on August 14, 1967.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.171 (32 F.R. 2160) the Boise, Idaho, transition area is amended by deleting all after "* * * 55 miles northwest of the VORTAC;" and substituting therefor, "and that airspace northwest of Boise bounded on the northwest by the McCall, Idaho VORTAC 221° radial, on the east by the west edge of V-253 and on the southwest by a line 8 miles northwest of and parallel to the Boise VORTAC 319° radial; that airspace southeast of Boise extending upward from 9,000 feet MSL bounded on the north by the south edge of V-500 on the east by the west edge of V-293 and on the southwest by the northeast edge of V-4; and that airspace extending upward from 10,500 feet MSL southeast of V-507, within 5 miles each side of the Rome, Oreg., VORTAC 056° radial extending from 46 miles northeast of the VORTAC to the Boise 40-mile radius area".

[F.R. Doc. 67-9870; Filed, Aug. 22, 1967; 8:47 a.m.]

[Airspace Docket No. 67-SO-13]

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

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Federal Airways and Jet Routes Designation of Control Area

On July 18, 1967, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (32 F.R. 10516) stating that the Federal Aviation Administration was considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would alter VOR Federal airway Nos. 7, 22, 35, 97, and 241, and Jet Route No. 2. In addition, it was proposed to designate control area for those portions of Jet Route Nos. 41 and 43 that extend outside the United States. These actions are necessary due to the relocation of the Tallahassee, Fla., VORTAC and the Albany, Ga., VOR, to be effective October 12, 1967.

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

As stated in the notice, the agency was considering excluding the airspace of V-7 between the main and alternate airway from Cross City, Fla., to Dothan, Ala. This would eliminate a dual designation of 1,200 feet AGL airspace with the Tallahassee, Fla., transition area. Subsequent to publication of the Notice, it was determined that it would be more advantageous from a records keeping and aeronautical charting standpoint to retain the 1,200 feet AGL control area in the airway description and revoke the 1,200 feet AGL portion of the transition area. Accordingly, action is taken herein to retain this control area in the description of V-7. Action to revoke the 1,200 feet AGL portion of the Tallahassee transition area is being processed as Airspace Docket No. 67-SO-58.

Since the altered description of V-7 is editorial in nature and will result in no change in assigned airspace, the Administrator has determined that Notice and public procedure thereon is unnecessary.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0001 EST, October 12, 1967, as hereinafter set forth.

1. Section 71.123 (32 F.R. 2009, 5412, 7125) is amended as follows:

a. In V-7 all between "12 AGL Cross City, Fla.;" and "12 AGL Dothan, Ala.," is deleted and "12 AGL Greenville, Fla.;" is substituted therefor.

b. In V-22 all after "12 AGL Marianna, Fla.;" is deleted and "12 AGL Tallahassee, Fla.; 12 AGL Greenville, Fla.; 18 miles, 6 miles wide, 12 AGL Taylor, Fla.; 12 AGL Jacksonville, Fla." is substituted therefor.

c. In V-35 all between "INT St. Petersburg 316° and Cross City 185° radials;" and "12 AGL Athens, Ga.;" is deleted and "12 AGL Greenville, Fla.; 12 AGL Albany, Ga., including a 12 AGL west alternate via Tallahassee, Fla.; 12 AGL Macon, Ga., including a 12 AGL west alternate via INT Albany 013° and Macon 227° radials;" is substituted therefor.

d. In V-97 all between "12 AGL Tallahassee, Fla.," and "12 AGL INT Atlanta 007°" is deleted and "including a 12 AGL east alternate from INT LaBelle 313° and Lakeland, Fla., 175° radials to INT St. Petersburg 331° and Lakeland 307° radials via Lakeland and from INT of St. Petersburg 331° and Cross City, Fla., 201° radials to Tallahassee, via Cross City and also a 12 AGL west alternate from St. Petersburg to INT St. Petersburg 331° and Cross City 201° radials via INT St. Petersburg 316° and Cross City 201° radials; 12 AGL Albany, Ga.; 12 AGL Atlanta, Ga., including a 12 AGL east alternate via INT Albany 013° and Rex, Ga., 174° radials and the INT of Rex 174° and Atlanta 147° radials;" is substituted therefor, and "The portion outside the United States has no upper limit." is deleted from the end of the description.

e. In V-241 "and Atlanta 174° radials." is deleted and "and Atlanta 175° radials." is substituted therefor.

2. Section 71.161 (32 F.R. 2062) is amended as follows:

J-41 "From Key West, Fla., to Tallahassee, Fla.," is added.

J-43 is amended to read as follows:

J-43 From St. Petersburg, Fla., to Tallahassee, Fla.

3. Section 75.100 (32 F.R. 2341, 7820) is amended as follows:

In J-2 "Tallahassee, Fla., 288° radials;" is deleted and "Tallahassee, Fla., 290° radials;" is substituted therefor.

(Sec. 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 18, 1967.

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

[F.R. Doc. 67-9913; Filed, Aug. 22, 1967; 8:50 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[10 Gen. Rev. of Export Regs., Amdt. 37]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

General Policy of Denial; Copper Commodities

Part 373 of the Code of Federal Regulations is amended as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–1963 Comp.)

Effective date: August 18, 1967.

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

Purpose and effect of amendment. In order to assist copper producers whose operations are being hampered by copper industry strikes in which they are not involved, the Export Regulations are revised to modify the general policy of denial in effect with respect to exports of unrefined copper commodities. The Export Regulations now provide that an application for a license to export to Country Groups T and V unrefined copper commodities submitted by, or on behalf of, a producer may be approved where the unrefined copper is to be exported for the purpose of being refined abroad, and the refined copper produced from these commodities by the foreign refinery, less the charges made by the foreign refinery, or an equivalent amount of refined copper will be imported into the United States for consumption. Quantities of unrefined copper that cannot be exported for the above purpose, not to exceed eighty percent of the remainder of a producer's monthly production, may be licensed for export and consumed abroad.

If strike conditions prevail in the domestic copper industry after November 15, 1967 which make copper processing facilities unavailable to producers, consideration will be given to approval of applications for licenses to export one hundred percent of current production of unrefined copper commodities.

A person or firm participating in exports under the provisions of the revised Export Regulations is required to forward each week a report of his current production and stock level(s) for unrefined copper commodities to the Office of Export Control.[1]

Accordingly, the Export Regulations are amended in the following respects:

Section 373.20(a)(2), "Exceptions to General Policy of Denial," is redesignated § 373.20(a)(2)(i), "Shipments Not Commercially Processable in the United States." Paragraphs (a)(2)(i), (ii), and (iii) are redesignated paragraphs (a)(2)(i)(*a*), (*b*), and (*c*).

2. The following § 373.20(a)(2)(ii) is added:

(ii) *Shipments for which processing facilities are not available due to strike conditions.*—(*a*) *Unrefined copper commodities to be refined abroad and returned.* Consideration will be given to approval of applications received from, or on behalf of, copper producers covering the proposed export to Country Groups T and V of commodities described in subparagraph (1) of this paragraph where the refined copper produced abroad from these commodities, less the customary charges made by the foreign refinery, or an equivalent amount of refined copper will be imported into the United States for consumption. Such applications shall cover commodities which cannot be processed commercially in the United States due to the unavailability of processing facilities caused by strike conditions in the domestic copper industry. An application for a license to export unrefined copper commodities under the provisions of this § 373.20(a)(2) shall include the following certification:

I (We) certify that there are no domestic facilities available for processing the commodities described on this application. The refined copper produced from these commodities, less the customary charges made by the foreign refinery, or an equivalent amount of refined copper will be imported into the United States for consumption.

(*b*) *Other exports of unrefined copper commodities.* Where an applicant is unable to export all of his production of the commodities described in subparagraph (1) of this section for the months of July, August, September, and/or October 1967 under the provisions of subdivision (i) of this subparagraph (2), consideration will be given to approval of applications for licenses to export no more than 80 percent of the remainder of each month's production to Country Groups T and V. Such applications shall include the following certification:

I (We) certify that I (we) have exported (or am (are) exporting) unrefined copper commodities in accordance with the provisions of § 373.20(a)(2) of the *Comprehensive Export Schedule* and that I (we) am (are) unable to negotiate a contract under which the commodities described on this application could be exported under the provisions of § 373.20(a)(2). There are no domestic facilities available for processing the commodities described on this application.

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

Where an applicant is unable to export any of his production of the commodities described in subparagraph (1) of this paragraph for the months of July, August, September, and/or October 1967 under the provisions of subdivision (i) of this subparagraph (2), consideration will be given to approval of applications for licenses to export no more than 80 percent of each month's production to Country Groups T and V. Such applications shall include the following certification:

I (We) certify that I (we) have not exported unrefined copper commodities in accordance with the provisions of § 373.20(a)(2) of the *Comprehensive Export Schedule* and that I (we) am (are) unable to negotiate a contract under which the commodities described on this application could be exported under the provisions of § 373.20(a)(2). There are no domestic facilities available for processing the commodities described on this application.

If strike conditions prevail in the domestic copper industry after November 15, 1967 which make copper processing facilities unavailable to producers, consideration will be given to approval of applications for licenses to export to Country Groups T and V 100 percent of current production of commodities described in subparagraph (1) of this paragraph.

(*c*) *Reporting requirement.* A person or firm participating in exports under the provisions of this § 373.20(a)(2) shall forward each week a report of his current production and stock levels for the commodities described in subparagraph (1) of this paragraph to the Office of Export Control (Attn: 862), U.S. Department of Commerce, Washington, D.C. 20230.

[F.R. Doc. 67-9885; Filed, Aug. 22, 1967; 8:47 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

NONDUPLICATION OF SCHOOL BENEFITS

In § 3.667, paragraph (c) is amended and paragraph (f) is added to read as follows:

§ 3.667 School attendance.

* * * * *

(c) *Ending dates.* Except as provided in paragraph (b) of this section, benefits may be authorized through the last day of the month in which a course was or will be completed. (38 U.S.C. 3012(b)(7))

* * * * *

(f) *Nonduplication.* Pension, compensation or dependency and indemnity compensation may not be authorized:

(1) After a child has elected to receive educational assistance under 38

U.S.C. chapter 35 (see § 3.707 and § 21.3023 of this chapter); or

(2) Based on an educational program in a school where the child is wholly supported at the expense of the Federal Government, such as a service academy.

(72 Stat. 1114; 38 U.S.C. 210)

This VA Regulation is effective date of approval.

Approved: August 16, 1967.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 67-9880; Filed, Aug. 22, 1967; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 742—CODE OF ETHICAL CONDUCT

Subpart E—Employees Required To Submit Statements

In F.R. Doc. 67-9564 appearing at page 11793 in the issue for Wednesday, August 16, 1967, the words "Executive Assistant to the Deputy Postmaster General in § 742.735-52(d)(2)" are corrected to read "Executive Assistants to the Deputy Postmaster General."

(5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

AUGUST 17, 1967.

[F.R. Doc. 67-9858; Filed, Aug. 22, 1967; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 6—Department of State

[Dept. Reg. 108.565]

PART 6-1—GENERAL

PART 6-75—DELEGATIONS OF PROCUREMENT AUTHORITY

Miscellaneous Amendments

Parts 6-1 and 6-75, Chapter 6, Title 41 of the Code of Federal Regulations are amended as follows:

1. Part 6-1, § 6-1.258 is amended to read:

§ 6-1.258 Service contracts.

§ 6-1.258-1 Nonpersonal service contracts.

(a) Nonpersonal service contracts are those providing for services to be rendered to the Government, by individuals or organizations, under which:

(1) The Government does not directly supervise the maner of performance of the work and, in the case of organizations, does not reserve the right of selection or dismissal of individual employees; and

(2) The services are of such a nature that:

(i) They are not usually performed by employees; or

(ii) they may be more practicably and economically procured by contract.

(b) The types of services that are usually rendered by employees may vary from country to country. Therefore Contracting Officers, both within and outside the United States, should consult their respective Personnel units for guidance in making this determination.

§ 6-1.258-2 Personal service contracts.

(See section 912.7-2a, Volume 3, Foreign Affairs Manual.)

(63 Stat. 111, 377 as amended; 23 U.S.C. 2658, 40 U.S.C. 471 note)

2. Part 6-75, § 6-75.205, paragraph (a) is amended to read:

§ 6-75.205 Diplomatic and consular posts located outside the United States.

(a) The authority to execute, award, and administer contracts for the expenditure of funds involved in the acquisition of supplies, equipment, publications, and nonpersonal services, and for the sale of personal property is delegated to the Chief of Mission, Prinicipal Officer, Administrative Officer, and General Services Officer.

* * * * *

(Act of May 26, 1949 (63 Stat. 111; 22 U.S.C. 2658, 22 U.S.C. 811a), as amended; General Services Administration Delegation of Authority No. 410, March 30, 1962)

IDAR RIMESTAD,
Deputy Under Secretary for Administration.

JULY 11, 1967.

[F.R. Doc. 67-9878; Filed, Aug. 22, 1967; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Parts 8, 25]

CUSTOMS INVOICES

Requirements for Entry of Imported Merchandise; Production of Missing Documents

On February 27, 1965, notice was published in the FEDERAL REGISTER (30 F.R. 2616) that interested parties would be afforded an opportunity to be heard with regard to revisions of the special customs invoice (customs Form 5515) which were to become effective July 1, 1965.

A public hearing was held on March 30, 1965, and on April 27, 1965, a notice was published in the FEDERAL REGISTER (30 F.R. 5862) that the Bureau had determined that further revision of the form was desirable and that pending such further revision, the unrevised edition of customs Form 5515 would be acceptable. The July 1, 1965, effective date for the use of the revised customs Form 5515 was thus suspended pending further consideration.

After careful consideration of all submissions received and all views and comments expressed at the hearing, it has been decided to dispense with the special customs invoice (customs Form 5515) and require in its place a "Customs Invoice" which shall consist of a commercial invoice setting forth all information required by section 481(a) of the Tariff Act of 1930 (19 U.S.C. 1481(a)) and on which there shall be endorsed certain certifications required to be made by the seller or shipper and by the purchaser or consignee or their agents.

It is also proposed to provide that the time allowed for the production of a required customs invoice or a commercial invoice not produced on the date of entry be 60 days instead of 6 months as now allowed for the production of special customs or commercial invoices, and to increase the minimum amount of liquidated damages which may be assessed for nonproduction of the required invoice from $25 to $100.

Accordingly, notice is hereby given that under the authority of sections 623, 624, 481, 484 of the Tariff Act of 1930, as amended (19 U.S.C. 1623, 1624, 1481, 1484), it is proposed to amend the regulations as set forth in tentative form below:

§ 8.9 Entry without required invoice.

If an invoice required under § 8.15 is not available in proper form at the time of entry, the entry shall be accepted only if—

* * * * *

(c) Such person or his agent gives a bond on customs Form 7551 or 7553, or other appropriate form, for the production of the required invoice within 60 days from the date of entry of the merchandise.[1]

§ 8.13 Customs invoice; incomplete invoice; general requirements supplemented.

(a) A customs invoice shall be a commercial invoice executed by the seller or shipper (or the agent of either) setting forth the information pertaining to the transaction in the detail specified in paragraph (b) of this section. The purchaser (or his agent), or the consignee (or his agent) of merchandise obtained otherwise than by purchase or agreement to purchase, shall certify that such invoice is complete and correct and that there is no other invoice differing from the invoice so certified. When any such invoice is signed by an agent, he shall state thereon the name of his principal.

(b) Every customs invoice shall set forth:

(1) The name and address of the seller or person from whom the goods were obtained, and of the purchaser or consignee.

(2) The name and address of the manufacturer or producer whenever such goods are sold or offered for sale for exportation to the United States by the said manufacturer or producer, and the said manufacturer or producer is not the seller or shipper named on the invoice.

(3) The date when and the city and country where the goods were sold or shipped, and the port of entry to which the merchandise is destined.

(4) A complete description of the merchandise including:

(i) Quantity, quality, and type.

(ii) Manufacturer's or seller's numbers or symbols, if any.

(iii) Importer's or purchaser's numbers or symbols, if any.

(iv) Marks and numbers on shipping packages.

(v) Contents of each individual package.

(5) Invoice unit price, or in the case of nonpurchased goods, the value for each item or in the absence of such value, the unit price that the manufacturer, seller, shipper, or owner would have received, or was willing to receive, for the goods in the currency of the purchase or transaction.

(i) All discounts granted.

(ii) All commissions paid or agreed to be paid.

(iii) The currency of the transaction, and the rate of exchange if fixed or agreed.

(6) Invoice totals and an itemized statement of packing costs and all other costs, charges, and expenses, stating whether they are included in such invoice total.

(7) All rebates, drawbacks, bounties, or other grants allowed upon exportation of the goods, separately itemized, and stating by whom granted.

(8) The current unit price at which the goods are being sold in the home market, if different from invoice prices. (See certificate under § 8.14(a).)

(9) The current price at which the goods are being sold for export to the United States, if different from invoice prices. (See certificate under § 8.14(a).)

* * * * *

Part 8 is amended to add a new § 8.14 as follows:

§ 8.14 Customs invoice certification.

(a) A customs invoice shall have endorsed thereon the following certificate signed and dated by the seller or shipper or the agent of either:

I certify that all statements contained herein are complete and correct and represent the complete transaction and that there is no separate or different invoice. Unless otherwise noted herein, the goods have been sold or agreed to be sold; no rebates, bounties, drawbacks or other grants are to be received; and the current home market and current export price(s) are no different than the invoice price(s).

Signature of seller or shipper or agent of either

Date

(b) A customs invoice shall have the following certificate endorsed thereon or attached thereto, signed and dated by the purchaser or his agent, for merchandise obtained by purchase or agreement to purchase, or by the consignee or his agent, for merchandise obtained otherwise than by purchase or agreement to purchase:

I certify that I have read the certificate of the seller or shipper endorsed on this invoice and have no reason to believe that the statements contained therein are not correct and complete. I further certify that I am familiar with the provisions of section 8.14(c) of the Customs Regulations (19 CFR 8.14(c)); that from my personal knowledge of this transaction, except as disclosed on the invoice or set forth immediately below, there were no (1) discounts or additions, (2) commissions, (3) assists, (4) special relationships, or (5) special considerations of any kind, whether written, oral, explicit or implicit, as defined in that section. This merchandise was obtained by ☐ purchase or agreement to purchase ☐ otherwise than by purchase or agreement to purchase.

Signature of purchaser or consignee or agent of either

Date

(c) A full disclosure of the following items, insofar as they may relate to the

price(s) shown in the invoice, must be made:

(1) *Discounts or additions.* Any reductions from or additions to the normal, base gross, list or other price that were used in arriving at the invoice price(s) which are not clearly evident from the invoice.

(2) *Commissions.* Any commission of whatever nature paid or agreed to be paid to any party in connection with the transaction(s).

(3) *Assists.* Any material, labor, tools of production, or other consideration of determinable value furnished to the manufacturer or seller by the purchaser or any other party to the transaction.

(4) *Special relationship.* Any special relationship such as common ownership or control, exclusive agency, or distributorship.

(5) *Special considerations.* Any warranty, guarantee, advertising or other special allowance, royalties, patents, or other factors.

Section 25.17(b) is amended to read as follows:

§ 25.17 Nonproduction of documents; failure to redeliver packages; sums to be collected.

* * * * *

(b) When a required customs invoice or commercial invoice is not produced on the date of entry or within 60 days thereafter, unless such production is waived under the provisions of § 8.15(d) of this chapter, the bond charge for the production thereof may be canceled upon the payment of $100 liquidated damages, provided the person who made the entry submits an application for relief from the full amount of the charge, explaining in detail why the customs invoice or commercial invoice could not be produced within the prescribed period, and the district director of customs is satisfied by such application or otherwise that the failure to produce the invoice within the prescribed period was due to causes wholly beyond the control of the person making the entry and not to any purpose of the foreign seller or shipper to withhold information required by law, regulation, or special instruction to be shown on the invoice.

* * * * *

Title 19, Chapter I of the Code of Federal Regulations, will be further amended to substitute the words "customs invoice" for the words "special customs invoice" wherever the latter term is used therein and to delete references therein to customs Form 5515, Special Customs Invoice. Additionally, it is proposed to delete § 8.13 (f) and (i).

Prior to final action on the proposal, consideration will be given to relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, and received not later than 60 days from the date of publication of this notice in the FEDERAL REGISTER. No hearings will be held.

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

Approved: August 7, 1967.

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

[F.R. Doc. 67-9905; Filed, Aug. 22, 1967; 8:49 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 512]

REVIEW COMMITTEES FOR PUERTO RICO AND THE VIRGIN ISLANDS

Notice of Proposed Rule Making

Under authority provided in the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U.S.C. 201), Reorganization Plan No. 6 of 1950 (3 CFR, 1949–1953 Comp., p. 1004), and Secretary's Order No. 16–67, 29 CFR Part 512 is proposed to be revised in the manner set forth below. The purpose of the proposed revision is to adapt the procedures set forth in the current Part 512 to the provisions of the Fair Labor Standards Amendments of 1966 (P.L. 89–601) for minimum wage increases to become effective during 1968 in industries operating in Puerto Rico and the Virgin Islands.

Interested persons may submit written data, views, and arguments concerning the proposed revision within 30 days of its publication in the FEDERAL REGISTER. Such submissions may be filed with the Administrator, Wage and Hour and Public Contracts Divisions, United States Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C. 20210.

The revised 29 CFR Part 512 would read as follows:

PART 512—REVIEW COMMITTEES FOR PUERTO RICO AND THE VIRGIN ISLANDS

Sec.

AUTHORITY: The provisions of this Part 512 issued under sec. 6, 52 Stat. 1062, as amended; 29 U.S.C. 206; 5 U.S.C. 301.

§ 512.1 Scope and application.

Section 6(c)(2)(B) of the Fair Labor Standards Act of 1938, as amended, requires, with respect to employees in Puerto Rico and the Virgin Islands, that, effective April 2, 1968, the rate or rates applicable to them under the latest industry wage order issued prior to February 1, 1967, be increased by 28 per centum, unless such rate or rates are superseded by a rate or rates prescribed in a wage order issued pursuant to the recommendations of a review committee appointed under section 6(c)(2)(C). The regulations in this part provide the procedure for applications for the appointment of such review committees, as well as the procedure to be observed by such committees in the conduct of investigations and hearings and in formulating their recommendations, and the procedure for the promulgation of wage orders giving effect to their recommendations.

§ 512.2 Statutory requirements prerequisite for appointment of review committees.

Under the terms of the governing statute, authority to appoint a review committee for the purpose provided in § 512.1, arises only where application is made to the Secretary of Labor in writing, by any employer or group of employers employing a majority of the employees in an industry in Puerto Rico or the Virgin Islands, for the appointment of a review committee to recommend the minimum rate or rates to be paid such employees in lieu of the rate or rates resulting from the percentage increase described in § 512.1. Such application shall be filed neither earlier than December 3, 1967 nor later than February 1, 1968. Appointment of a review committee pursuant to such application is authorized only if the Secretary of Labor has reasonable cause to believe, on the basis of financial and other information contained in the application, that compliance with the increase of 28 per centum referred to in § 512.1 will substantially curtail employment in such industry. The governing statute provides that the Secretary's decision on such application shall be final.

§ 512.3 Industry.

Only one application for each industry shall be received. The definition of each industry shall conform to one of the definitions under the first section entitled "Definition," in Parts 601 to 699, both inclusive, and Part 720 of this chapter, excluding, however, Parts 694, 695, and 697 of this chapter. In the case of industries in the Virgin Islands, the definition of an industry shall conform to one of the lettered paragraphs of § 694.1 of this chapter. Every employer who joins a group of employers in filing an

application must sign it. Signers on behalf of business organizations should be the employer's chief executive officer in charge of all its operations in the industry in Puerto Rico or the Virgin Islands, as the case may be, or an officer with supervisory authority over such chief executive. Each such application should be complete in one document. Where, however, substantial reason compels a particular employer to join a group of employers in filing an application by a separate document and if it meets the requirements provided in §§ 512.3 to 512.9, it will be received, considered, together with the presentation of the other employers in the group, and the employer will be accorded status as an applicant under § 512.13.

§ 512.4 Publication.

Each application and the financial and other information contained therein shall become a matter of public record. Such documents will, upon appointment of the review committee, be referred to it in accordance with section 5(d) of the Fair Labor Standards Act of 1938.

§ 512.5 Identification and filing date.

Each application shall separately state for each employer participating in it, his name and address (in Puerto Rico or the Virgin Islands as the case may be), the products produced and services rendered by the employees to whom the application relates, and the applicable wage order and any classification or classifications applicable to such employees, all as defined in Parts 601 through 699, both inclusive, and Part 720 of this chapter. The application shall be filed during the period prescribed by § 512.2. No clarification, supplemental, or additional data filed outside the period prescribed by § 512.2 may be considered. If the application is sent by airmail between Puerto Rico or the Virgin Islands and the mainland, such filing shall be deemed timely if postmarked within the period prescribed by § 512.2. The original and two copies of the application shall be filed at the Office of the Administrator of the Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210, and one copy shall be filed at the Office of the Regional Director of the Wage and Hour Division, U.S. Department of Labor, Seventh Floor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, P.R. 00908.

§ 512.6 Majority of employees in the industry.

In order to provide the information necessary to determine whether the employer or employers applying for appointment of a review committee employ a majority of the employees in the industry, the application shall show the number of employees subject to the wage order for such industry who are employed by each such employer for the payroll week which includes November 12, 1967. In addition to this information, such information on employment during another specific payroll week may be submitted if the application shows that employers employing a majority of the employees in the industry and participating in the application agree upon such week as the most recent payroll week considered to be normal, and if the application presents facts which establish that employment during such other week is, because of factors such as seasonality or temporary abnormal conditions, more representative than the employment during the week which includes November 12, 1967. The name and address of each employing establishment in the industry which has not joined in the application shall also be stated, together with the estimated number of employees employed by it in the workweek which includes November 12, 1967, and such other week as may be selected for counting employees of employers joining in the application. Employers filing information on employment in establishments operated by other employers in their industry who have not joined in the application shall supply the best information they are able to discover on this question and identify its source.

§ 512.7 Information to be submitted.

The application shall set forth separately for each employer participating in such application the financial and other information with respect to his operations which he relies upon to establish reasonable cause for believing that compliance with the minimum wage rate or rates resulting from the percentage increase referred to in § 512.1 will substantially curtail employment in the industry. If such information is not set forth in such pertinent detail as will permit the Secretary to conclude that there is reasonable cause to believe that such curtailment of employment will result, he is not authorized to appoint a review committee. It is therefore recommended that each application contain information in at least the detail required by Part 511 of this chapter as a prerequisite to becoming a party to a proceeding before a special industry committee.

§ 512.8 Financial information.

With respect to financial information, each application shall provide pertinent, unabridged profit and loss statements and balance sheets for a representative period of years (not less than three) covering the operations of each employer in the industry joining in such application, and include the most recent year or fraction thereof for which such data are available. Such financial statements (except those relating to the most recent fiscal period that are for less than a full fiscal year and those that are for a year ending less than 90 days prior to the filing of the application) shall be certified by an independent certified public accountant, or verified by the employer to whom they relate, as conforming to, and being consistent with, the corresponding income tax returns covering the same years, so that the application presents all the detail in such returns that is pertinent to the question of whether the 28 per centum increase referred to in § 512.1 will substantially curtail employment in the industry. The names of individuals or business organizations with whom transactions were accomplished, and minor details which are not pertinent to the appointment of a review committee, need not be revealed.

§ 512.9 Payroll and employment data.

Each applicant shall present separately for each participating employer payroll data for the week or weeks identified in § 512.6 showing the following information for all employees employed by him in the industry in classifications subject to the 28 per centum increase referred to in § 512.1: (a) For employees other than learners and apprentices working under special minimum wage certificates and homeworkers—(1) the number of employees paid minimum wages and (2) the number of employees in each interval of straight-time earnings (the intervals should be 2½ cents and the lowest interval should begin with and include the lowest appropriate multiple of 5 cents); (b) for learners and apprentices—the number of employees in each straight-time interval of earnings; and (c) for homeworkers—(1) the number of homeworkers and (2) the total amount of wages paid to homeworkers. In addition to the foregoing, there shall be submitted for each participating employer for every worker employed by him, on one of the copies to be filed with the Administrator pursuant to § 512.5, the following: The wage rate at which the worker is employed, his hours worked in the workweek, his total earnings, and his straight-time hourly earnings as computed from the weekly straight-time earnings and hours of work. In reporting payroll data on homeworkers, only the number of homeworkers and the total amount paid to each need be shown. Those employees who are learners or apprentices working under special certificates shall be identified as such in the data. In addition to the foregoing payroll data, there should be stated for each participating employer the number of employees other than learners and apprentices and homeworkers, the number of learners and apprentices, and the number of homeworkers employed by him in the workweeks which included the following dates: August 12, 1965, November 12, 1965, February 12, 1966, May 12, 1966, August 12, 1966, November 12, 1966, February 12, 1967, May 12, 1967, August 12, 1967 and November 12, 1967.

§ 512.10 Other information.

Other information which the participants in the application deem necessary or appropriate for consideration on the question of whether the 28 per centum wage increase referred to in § 512.1 will substantially curtail employment in the industry shall be supplied in the application. Among the types of data which may be considered pertinent, are those revealing (a) employment and labor conditions and trends in Puerto Rico or the Virgin Islands, as the case may be, and on the mainland, particularly after the effective date of the most recent applicable wage order, including such items as present and past employment, present

wage rates, perquisites, and fringe benefits, changes in average hourly earnings or wage structure, provisions of collective bargaining agreements, hours of work, labor turnover, absenteeism, productivity, learning periods, rejection rates and similar factors; (b) market conditions and trends in Puerto Rico or the Virgin Islands, as the case may be and on the mainland, including changes in the volume and value of production, market outlets, price changes, style factors, consumer demand, and similar marketing factors; (c) comparative production costs in Puerto Rico or the Virgin Islands, as the case may be, with such costs on mainland and in foreign countries, together with the conditions responsible for the differences.

§ 512.11 Action on application.

Each application under this part will be considered promptly after receipt, and decisions thereon will be promptly communicated to employers participating in the application. On approval of any such application, an order of appointment of a review committee for the industry to which it relates will be published in the FEDERAL REGISTER. Approval of an application shall not, in proceedings before a review committee, be considered as evidence that any specific rate or rates which may be applicable or may be made applicable under any provision of the Act to employees in the industry concerned will or will not cause substantial curtailment of employment therein.

§ 512.12 Review committee procedure.

The provisions of sections 5 and 8 of the Fair Labor Standards Act of 1938 relating to special industry committees are applicable to review committees appointed pursuant to this part. Part 511 of this chapter, entitled "Wage Order Procedure for Puerto Rico, the Virgin Islands, and American Samoa" shall govern the procedure of review committees and the general method for issuance of wage orders pursuant to their recommendations, except insofar as Part 511 of this chapter may be inconsistent with this part or the Fair Labor Standards Amendments of 1966 (Public Law 89-601).

§ 512.13 Effective date of the 28 per centum increase or the review committee wage order.

Except as provided in § 512.14, the 28 per centum increase in minimum wage rates or the superseding minimum rate or rates prescribed in a wage order issued pursuant to the recommendations of a review committee, as referred to in § 512.1, shall become effective April 2, 1968, and shall remain in effect only for so long as and insofar as such minimum wage rate or rates have not been superseded by a wage order fixing a higher minimum wage rate or rates (but not in excess of $1.60 an hour) hereafter issued by the Secretary of Labor pursuant to the recommendations of a special industry committee. However, no special industry committee shall hold any hearing within 1 year after a minimum wage rate or rates for an industry have been recommended to the Secretary by a review committee to be paid in lieu of the rates increased by 28 percent, as referred to in § 512.1.

§ 512.14 Surety undertaking.

(a) *Eligibility for relief.* In the event a review committee has been appointed as provided in § 512.11 and its deliberations have not resulted in a wage order effective on or before the effective date referred to in § 512.13, the 28 per centum increase shall go into effect on the effective date prescribed in that section, except with respect to the employees of an employer who filed a timely application under § 512.5 to the extent that he qualifies for relief under paragraph (b) of this section.

(b) *Conditions of relief.* Each employer eligible for relief as provided in paragraph (a) of this section is hereby relieved, subject to the following conditions, from the obligation to pay the 28 per centum wage increase referred to in § 512.1 until the effective date of the wage order for his industry recommended by the review committee appointed under § 512.11. Such relief shall begin when, and continue as long as, the following conditions are complied with:

(1) He shall file with the Secretary of Labor a bond enforceable by the Secretary of Labor in the district court of the United States for the District of Columbia or for the district of Puerto Rico by service of process on a public officer in the District of Columbia or in Puerto Rico who is, by irrevocable appointment in the undertaking, authorized to receive service of process on the employer's behalf in any judicial proceeding to enforce the bond. The condition of the bond shall be such that liability for the amount of the undertaking may be avoided only if there is payment to each of his employees of an amount equal to the difference between the wages they actually receive and the wages provided in the wage order made on recommendation of the review committee.

(2) The liability in such a bond shall be fully joined by a corporate surety identified currently by the Secretary of the Treasury under sections 6 through 13 of Title 6 of the United States Code as an acceptable surety on Federal bonds who is licensed to transact a surety business and has a process agent, both in the District of Columbia and in Puerto Rico.

(3) The employer shall file with the Secretary of Labor a weekly report showing the cumulative difference between the total amount of wages he has paid to his employees through the end of the preceding workweek and the total wages his employees will be entitled to receive if the review committee recommends an increase of 28 per centum.

(4) The relief shall not be effective for any period after the cumulative difference reported under subparagraph (3) of this paragraph exceeds 75 per centum of the amount of the undertaking, nor after the Secretary of Labor advises the employer that in his opinion the amount of the undertaking is inadequate to give satisfactory assurance that the employees whose wages are affected by the relief will ultimately receive the total compensation for their work to which they will be entitled.

(5) The condition of the bond shall also require that sums due employees who cannot be located within 3 years after the effective date of the wage order recommended by the review committee shall be payable to the Secretary of Labor to be covered into the Treasury of the United States as miscellaneous receipts.

§ 512.15 Information previously submitted.

Where financial information required to be included in a petition has previously been submitted to the Wage and Hour and Public Contracts Divisions in the form required by § 512.8, the petitioner may request that it be permitted to exclude such information, setting forth the date and circumstances of such prior submission. Such request, however, must be made and granted before a petition omitting the required information may be filed, and will not authorize a petition subsequent to February 1, 1968.

Signed at Washington, D.C., this 14th day of August 1967.

THOMAS R. DONAHUE,
Assistant Secretary for Labor-Management Relations.

[F.R. Doc. 67-9857; Filed, Aug. 22, 1967; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 67-WE-53]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the controlled airspace in the Denver, Colo., terminal area.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice

in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The proposed control zone extension is required to provide protection for aircraft executing a new radar approach procedure to Buckley Field ANGB for that portion of the approach conducted below 1,000 feet above the surface.

The additional proposed 700-foot transition area is required to avoid unnecessary altitude restrictions currently required by the present lack of controlled airspace. In addition, it would allow random vectoring and facilitate radar handoffs of arriving and departing aircraft in the terminal area, thus permitting maximum utilization of radar capabilities and more efficient control of IFR traffic.

The 7,500-foot MSL floor portion of the transition area NE of Greeley, Colo., is being incorporated into the description of the Denver transition area, since this portion of airspace is part of the Denver control area extension that is being revoked.

The additional segments of airspace west of Denver floored at MSL altitudes are proposed to provide greater flexibility of Denver Center radar vectoring in this area.

In view of the foregoing, the FAA proposes the following airspace actions:

In § 71.171 (32 F.R. 2088) the Denver, Colo., control zone is amended to read as follows:

DENVER, COLO.

Within a 9-mile radius of Stapleton Municipal Airport (latitude 39°46'30" N., longitude 104°52'40" W.), within a 9-mile radius of Buckley ANGB Airport (latitude 39°42'05" N., longitude 104°45'10" W.), and within 2 miles each side of the 151° bearing from Buckley ANGB, extending from the 9-mile radius zone to 15 miles southeast of Buckley ANGB, excluding the portion within a 1-mile radius of Skyline Airport (latitude 39°46'37" N., longitude 104°36'57" W.).

In § 71.165 (32 F.R. 2069) the Denver, Colo., control area extension is revoked.

In § 71.181 (32 F.R. 2177) the Denver, Colo., transition area is amended to read as follows:

DENVER, COLO.

That airspace extending upward from 700 feet above the surface, within an arc of a 22-mile radius circle centered on Stapleton Airport (latitude 39°46'30" N., longitude 104°-52'40" W.) extending clockwise between the 253° and 078° bearings from Stapleton Airport, within an arc of a 37-mile radius circle centered on Stapleton Airport extending clockwise between the 078° and 160° bearings from Stapleton Airport, within an arc of a 30-mile radius circle centered on Stapleton Airport extending clockwise between the 160° and 182° bearings from Stapleton Airport, and within an arc of a 24-mile radius circle centered on Stapleton Airport extending clockwise between the 182° and 253° bearings from the Stapleton Airport; that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 40°30'00" N., on the east by longitude 104°00'00" W., on the south by latitude 39°05'00" N., and on the west by longitude 105°20'00" W.; that airspace NE of Greeley, Colo., extending upward from 7,500 feet MSL bounded on the northeast by V-132, on the SE by V-160, on the south by latitude 40°30'00" N., and on the northwest by V-207, and that airspace east of Denver bounded on the northwest by V-160, on the northeast by V-132, on the east by V-169, on the south by latitude 39°05'00" N., and on the west by longitude 104°00'00" W.; that airspace west of Denver extending upward from 11,500 feet MSL, bounded on the north by latitude 40°30'00" N., on the east by longitude 105°20'00" W., on the south by latitude 39°05'00" N., on the west by longitude 105°23'00" W.; that airspace extending upward from 12,700 feet MSL bounded on the north by latitude 40°30'00" N., on the east by longitude 105°23'00" W. to latitude 39°20'00" N., thence direct latitude 39°30'00" N., longitude 105°30'00" W., and on the west by longitude 105°30'00" W; and that airspace extending upward from 13,700 feet MSL bounded on the north by latitude 40°30'00" N., on the east by longitude 105°30'00" W. to latitude 39°30'00" N., thence direct to latitude 39°20'00" N., longitude 105°23'00" W., thence direct latitude 39°05'00" N., longitude 105°23'00" W., thence direct latitude 39°44'00" N., longitude 105°38'00" W., thence direct latitude 40°-30'00" N., longitude 105°33'00" W., excluding the airspace within Federal airways and the Greeley, Colo., transition area.

These amendments are proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on August 14, 1967.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 67-9873; Filed, Aug. 22, 1967; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-94]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Fargo, N. Dak.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Conventional and jet aircraft operations are on the increase in the Fargo, N. Dak., terminal area. In order to adequately control and expedite air traffic operating in this terminal area additional holding fixes must be established and more transition routes to and from these fixes must be provided. Therefore, it is necessary to alter the 1,200-foot floor transition area at Fargo to encompass these holding patterns and routes. The present Fargo control zone and 700-foot floor transition area will not be changed as a result of this proposal.

In consideration of the foregoing, the Federal Aviation Administration proposes 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 amended to read:

FARGO, NORTH DAKOTA

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Hector Field (latitude 46°55'05" N., longitude 96°49'00" W.); within 2 miles each side of the Fargo ILS localizer north course, extending from the 7-mile radius area to 8 miles north of the RBN; within 2 miles each side of the Fargo VORTAC 007° radial, extending from the 7-mile radius area to 24 miles north of the VORTAC; and within 5 miles west and 8 miles east of the Fargo ILS localizer south course, extending from 5 miles north to 12 miles south of the LOM; and that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of the Fargo VORTAC; within a 36-mile radius of the Fargo VORTAC, extending from a line 9 miles west of and parallel to the Fargo VORTAC 353° radial, clockwise to a line 5 miles east of and parallel to the Fargo VORTAC 034° radial; and within 10 miles east and 7 miles west of the Fargo VORTAC 187° radial, extending from the 35-mile radius area to 56 miles south of the VORTAC.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on August 7, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67-9874; Filed, Aug. 22, 1967; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-95]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the

Federal Aviation Regulations so as to alter the transition area at Eau Claire, Wis.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new special ADF instrument approach procedure has been developed for Eau Claire Municipal Airport. In addition, the northeast/southwest runway (4/22) has been extended to a length of 7,300 feet. Therefore, it is necessary to alter the 700-foot floor transition area at Eau Claire to provide protection for aircraft executing the new special instrument approach procedure and departing the airport during climb to 1,200 feet above the surface. The present Eau Claire control zone and 1,200-foot floor transition area will not be changed as a result of this proposal.

In consideration of the foregoing, the Federal Aviation Administration proposes 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 amended to read:

EAU CLAIRE, WIS.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Eau Claire Municipal Airport (latitude 44° 51'47" N., longitude 91°29'13" W.); and within 2 miles each side of the Eau Claire VORTAC 011° radial, extending from the 9-mile radius area to 8 miles north of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 8 miles south and 5 miles north of the 274° bearing from Eau Claire Municipal Airport, extending from the airport to 12 miles west of the airport and within the arc of a 14-mile radius circle centered on the Eau Claire VORTAC, extending from the Eau Claire VORTAC 258° radial clockwise to the Eau Claire VORTAC 091° radial.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on August 4, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67-9875; Filed, Aug. 22, 1967; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-SW-54]

TRANSITION AREAS

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Alexandria, La., and Jasper, Tex., transition areas.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffc 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.

On April 1, 1967, a final rule was published in the FEDERAL REGISTER (32 F.R. 5465) amending Part 71 by redesignating in § 71.181 (32 F.R. 2149) the Alexandria, La., transition area, effective 0001 e.s.t. May 25, 1967. The 1,200-foot portion of the transition area is described, in part, "* * * counterclockwise along the arc of a 25-mile radius circle centered at lat. 29°54'40" N., long. 94°02'40" W., to long. 94°06'00" W., to lat. 30°37'00" N., long. 94°11'00" W., to lat. 30°44'00" N., long. 93°51'00" W. * * *."

On June 17, 1967, a final rule was published in the FEDERAL REGISTER (32 F.R. 8709) amending Part 71 by designating in § 71.181 (32 F.R. 2148) the Jasper, Tex., transition area, effective 0001 e.s.t. August 17, 1967. On July 20, 1967, a corrected description was published in the FEDERAL REGISTER (32 F.R. 10644). The 1,200-foot portion of the transition area is described as that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at lat. 30°37'00" N., long. 94°11'00" W. to lat. 30°54'20" N., long. 94°24'45" W. to and counterclockwise along the arc of a 25-mile radius circle centered at the Lufkin VORTAC to lat. 31°07'00" N., to lat. 31°08'00" N., long. 94°02'00" W. to lat. 30°44'00" N., long. 93°51'00" W. to point of beginning.

Subsequently, this agency proposed relocation of the Beaumont, Tex., VOR/DME to a site on the Jefferson County Airport [Airspace Docket No. 67-SW-31 (32 F.R. 8722)] which will require a slight change in V-289E [Airspace Docket No. 67-SW-20 (32 F.R. 10663)]. This airway is the western boundary for the Alexandria, La., and Jasper, Tex., 1,200-foot transition areas.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.181 (32 F.R. 2149), the Alexandria, La., transition area 1,200-foot portion is altered by substituting "* * * lat. 30°16'20" N., long. 94°05'10" W. to lat. 30°35'45" N., long. 94°14'15" W. * * *" for "* * * long. 94°06'00" W. to lat. 30°37'00" N., long. 94°11'00" W. * * *."

(2) In § 71.181 (32 F.R. 2148), the Jasper, Tex., transition area 1,200-foot portion is altered by substituting "* * * lat. 30°35'45" N., long. 94°14'15" W. to lat. 30°46'20" N., long. 94°19'15" W. to lat. 30°54'10" N., long. 94°25'20" W., * * *" for "* * * lat. 30°37'00" N., long. 94°11'00" W. to lat. 30°54'20" N., long. 94°24'45" W. * * *."

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 10, 1967.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 67-9876; Filed, Aug. 22, 1967; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 21, 74, 91]

[Docket No. 15971]

COMMUNITY ANTENNA TELEVISION SYSTEMS

Distribution of Television Broadcast Signals and Related Matters; Order Extending Time for Filing Comments and Reply Comments

In the matter of amendments of Parts 21, 74 (proposed Subpart J), and 91 to adopt rules and regulations relating to the distribution of television broadcast signals by community antenna television systems, and related matters; Docket No. 15971.

1. In a Further Notice of Proposed Rule Making and Notice of Inquiry, adopted on June 14, 1967 (8 FCC 2d 569), August 25 and September 25, 1967, were designated as the dates for filing comments and reply comments respectively.

2. The National Community Television Association (NCTA) and Bonneville International Corp. (BIC) have moved that the time for comment be extended 90 days to November 23, 1967, and that the date for filing reply comments be extended to December 26, 1967. Both NCTA and BIC refer to the complexity of the proceeding and urge that more meaningful comments would be presented by allowing additional time.

3. We are of the view that good cause has been shown for an extension of time, in view of the importance and scope of this proceeding. However, we do not feel that an additional 90 days is necessary or would be appropriate. A 60-day extension appears to be ample. *Accordingly, it is ordered,* That the time for filing comments herein is extended to October 24, 1967, and the time for filing reply comments is extended to November 24, 1967.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: August 17, 1967.

Released: August 18, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9901; Filed, Aug. 22, 1967; 8:49 a.m.]

Notices

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE COMMUNICATIONS AGENCY

Mission, Organization and Functions

The following Defense Communications Agency policies have been approved by the Director, Defense Communications Agency.

1. *General*—a. *Creation and authority.* The Defense Communications Agency (DCA) was established on May 12, 1960, as an agency of the Department of Defense under the direction, authority, and control of the Secretary of Defense through the Joint Chiefs of Staff.

b. *Mission.* DCA is responsible for:

(1) The operational and management direction of the Defense Communications System (DCS) which includes all Department of Defense worldwide, long-haul, Government-owned and leased, point-to-point circuits, terminals, control facilities, and tributaries required to provide communications.

(a) from the President to and from the Secretary of Defense, the Joint Chiefs of Staff, and other governmental agencies,

(b) from the Secretary of Defense and the Joint Chiefs of Staff to and between the Military Departments and the Unified and Specified Commands,

(c) from the Military Departments to and between their major commanders and subordinate fixed headquarters, and

(d) from Unified and Specified Commands, to and between their component and subordinate commands;

(2) Systems engineering and technical supervision of the implementation of technical support for the National Military Command System and of each related system;

(3) The integration between the ground and space borne elements of defense communication satellite systems and between these systems and the existing and expanding global DCS in order to ensure compatibility of satellite equipments with their counterparts on the ground and of such ground equipment with the elements of the DCS.

c. *Organization.* The DCA consists of a Headquarters, located at the Navy Service Center, Eighth Street and South Courthouse Road, Arlington, Va., and various field activities. The Defense Communications Agency Operations Center, collocated with the Headquarters, exercises operational direction over all elements of the DCS through the Area Communications Centers. There are four Area activities located in close proximity to the Unified and Specified Commands in Alaska, Colorado, Hawaii, and Germany. Eight DCA Region activities, reporting to the Area activities, are located in Japan, Philippines, South Vietnam, Panama, Canada, United Kingdom, Spain, and Turkey. The Defense Commercial Communications Office, Scott Air Force Base, Ill., procures, accounts and pays for leased communications facilities, services, and equipment for the Department of Defense and, as directed by the Secretary of Defense, other Government agencies. The Defense Communications Engineering Office, collocated with the Headquarters, provides engineering advice, service and support and translates approved system/project plans into management/engineering plans for the improvement, expansion and modernization of the DCS. The National Military Command System Support Center, located in Washington, D.C., provides Automatic Data Processing service to the command centers of the National Military Command System and other elements of the Department of Defense. The White House Communications Agency provides telecommunication and other related support to the President of the United States and to other elements related to the President.

2. *Functions*—a. *Director.* The Director exercises world-wide direction and control of the DCA in the performance of all assigned responsibilities. The Director is responsible to the Secretary of Defense through the Joint Chiefs of Staff.

b. *Deputy Director.* The Deputy Director is the General/Flag Officer next in seniority to the Director assigned to Headquarters, DCA and serves in this capacity as an additional duty. He provides for the continuity of operation of the Agency and serves as principal point of contact in the Director's absence between the Agency and Offices of the Secretary of Defense, the Joint Staff, and staffs of the Unified and Specified Commands.

c. *Executive Officer.* The Executive Officer performs administrative coordination and review functions for the Director; coordinates the activities of the Headquarters; maintains a Management Information Center and coordinates program management reviews; represents the Director on special project assignments.

d. *Office of Counsel.* The Counsel serves as counsel to and represents the Director and all echelons of the DCA, Headquarters and field activities in legal matters pertaining to procurement administration, legislation, labor relations and international logistics. Acts as Deputy Contracts Compliance Officer.

e. *Office of the Inspector General.* The Inspector General inquires into and reports upon any matter which pertains to the performance of mission and the state of efficiency and economy of the Agency. Formal inspections and surveys are conducted as directed by the Director.

f. *Information Services Office.* The Information Services Officer has the following functions:

(1) Serve as the principal point of contact for DCA with the Office of the Assistant Secretary of Defense. (Public Affairs) on public information and community relations matters.

(2) Serve as the focal point for processing and approval of all material proposed for publication in commercial and/or trade journals.

(3) Establish and maintain an office of record for classified and unclassified speeches and briefings given by the Director and other DCA officials.

(4) Serve as the principal point of contact in DCA for the coordination of requests for inter/intra-agency exhibits or speaking engagements and briefings by DCA personnel for military, professional, scientific, and educational groups.

(5) Prepare and disseminate informational material, news releases, and photographs to news media, industry/professional and scientific organizations, and other government organizations.

g. *Secretariat, Military Communications-Electronics Board.* The Secretariat provides staff support to the Chairman, Military Communications-Electronics Board.

h. *Administrative Services.* The Administrative Services organization advises and assists the Director, DCA in the formulation and execution of the administrative policies and procedures for the general operation of the DCA; directs the development and implementation of a comprehensive and responsive personnel management program; formulates and implements security policies within the Agency and performs security review of the DCA public affairs program; provides procurement and contracting services for the Agency; provides supply and services support to the Headquarters and collocated field activities; plans for and supervises the effective utilization of all assigned buildings for use by the Headquarters and collocated field activities as office and operational area. The Administrative Services organization includes the Office of Administrative Services, the Administrative Division, the Military Personnel Division, the Supply and Services Division, the Security Division, the Civilian Personnel Division, and the Contract Management Division.

i. *Comptroller.* The Comptroller advises and assists the Director, DCA in the formulation, establishment, analysis, and appraisal of DCA objectives, plans, and policies; exercises primary responsibility for the preparation, defense, and administration of Five Year Defense Plan (FYDP) programs and budgets of the DCA; directs the review and monitoring of the command, control, and communications programs and budgets of

the Military Departments to assure that actions programed and budgeted are in accord with the policies and objectives of the DCA; as the Senior Policy Official monitors Automatic Data Processing systems and programs for Automatic Data Processing Equipment for the DCA; reviews and monitors the development and maintenance of the data processing support program for the DCA; advises and assists the Director in his management program to assure that his management objectives are fulfilled; develops policies and objectives in the areas of organization and manpower and provides a positive control of the manpower resources for the DCA; directs the development and application of DCA cost analysis information system; advises and assists the Director in arriving at cost effectiveness judgments on current and DCA managed programs. Directs the review and evaluation of General Accounting Office audit reports dealing with Department of Defense telecommunications matters, and audit reports on DCA prepared by the Office of the Secretary of Defense (Deputy Comptroller) Internal Auditor; prepares and/or coordinates comments in reply to such reports; and initiates corrective action as appropriate. The Comptroller organization includes the Office of the Comptroller, the Review and Analysis Division, the Management Services Division, the Budget and Financial Services Division, the Organization and Manpower Division, and the Cost Analysis Office.

j. *Deputy Director for Defense Communications System (DCS).* The Deputy Director for DCS is responsible to the Director, DCA for ensuring that the DCS will be so established, improved and operated as to meet the long-haul, point-to-point telecommunications requirements of the Department of Defense and, as directed, other Government agencies. The Deputy Director, DCS has one staff organization, the Management Support Office. There are three subordinate line offices, each headed by an Assistant Deputy Director.

(1) *Office of DCS Plans and Policy.* The Office of DCS Plans and Policy develops system and project plans, establishes policy, objectives and standards; and coordinates research and development for extending, expanding and modernizing the DCS and related special systems and networks to meet requirements imposed upon the system. The Office of DCS Plans and Policy includes the Plans Division, Washington Complex Division, Requirements Division, Research and Development Division, Standards Division, and the Commercial Policy Office.

(2) *Office of DCS Program Implementation.* The Office of DCS Program Implementation exercises staff supervision over the development and preparation of management/engineering plans based upon approved system/project plans. He monitors and guides all phases of implementation of approved plans and projects. The Office of DCS Program Implementation includes the Defense Special Security Communications System Division, the Project Management Offices for Automatic Voice Network (AUTOVON), Automatic Digital Network (AUTODIN), Automatic Secure Voice Network (AUTOSEVCOM), Communications Systems and Satellite Communications, the Satellite Communications Field Offices, and the Command, Control and Communications Program Review Office. The Assistant Deputy Director, DCS Program Implementation also serves as the Chief, Defense Communications Engineering Office.

(3) *Office of DCS Operations.* The Office of DCS Operations exercises operational and management direction over the DCS, provides staff supervision over the White House Communications Agency, and supervises the DCS Operations Center Complex (DOCC). The Office of DCS Operations includes the Operations Division, Communications Services Division, Analysis and Evaluation Division, Operations Research Office, and Data Processing Division.

k. *Deputy Director for National Military Command System Tchnical Support (NMCSTS).* The Deputy Director for NMCSTS is responsible to the Director, DCA to provide system engineering and technical implementation supervision to the National Military Command System (NMCS). The Deputy Director, NMCSTS has two staff organizations, the Administrative Office and the Program Control Office. There are three subordinate line offices, each headed by an Assistant Deputy Director.

(1) *Office of NMCS Systems.* The Office of NMCS Systems performs appropriately assigned tasks for the NMCS in the functional areas of system planning, system development, technical design and systems integration. The Office of NMCS Systems includes the Plans Division and the Design Division.

(2) *Office of NMCS Engineering.* The Office of NMCS Engineering performs appropriately assigned tasks relating to engineering matters and technical supervision of implementation of equipment and facilities applicable to the NMCS. The Office of NMCS Engineering includes the Technical Support Division, the Computer and Display Division, and the Implementation Division.

(3) *Office of NMCS, Test, Evaluation and Doctrine.* The Office of NMCS Test, Evaluation and Doctrine performs appropriately assigned tasks relating to technical test, evaluation and doctrine matters applicable to the NMCS. The Office of NMCS Test, Evaluation and Doctrine consists of the Test and Evaluation Division and the Doctrine Division.

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

[F.R. Doc. 67-9887; Filed, Aug. 22, 1967; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A 1194]

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. 1272), as amended by Section 3 of the Act of June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g), the following described lands have been reconveyed to the United States under serial number Arizona 04753:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 12 S., R. 29 E.,
Sec. 29, SE¼SW¼.

The area described includes 40 acres.

2. The lands are located in Cochise County approximately 5 miles northeast of Bowie, Ariz. Topography is moderately flat to flat desert land. Soils are fine sandy and silty loam. Vegetation consists of creosote bush, snake weed, and burrow weed with some perennial and annual grasses. The lands have value for watershed, grazing, and wildlife which can best be managed under the principles of multiple use.

3. Subject to valid existing rights, the provisions of the present multiple use classification A 467 published April 27, 1967 (32 F.R. 6526), and the requirements of applicable law, this land will be opened to application, petition, location, and selection. Any petition-application that is filed for classification will be considered on its merits in accordance with existing law and regulations.

4. This order shall become effective at 10 a.m. on September 19, 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 S. WEILER,
State Director.

AUGUST 14, 1967.

[F.R. Doc. 67-9853; Filed, Aug. 22, 1967; 8:45 a.m.]

[U-0130676, U-0145305—U-014545910, Incl.]

UTAH

Notice of Proposed Classification

AUGUST 15, 1967.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), notice is hereby given of a proposal to classify the lands described below under section 7 of the Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315f), as amended, as proper for selection by and transfer to the State of Utah in satisfaction in part of the State's outstanding land grant accorded them under the provisions of sections 2275 and 2276 of the Revised Statutes (43 U.S.C. 851; 852), as amend-

ed. The selection is made as indemnity for an equal acreage of mineral land lost to the State by reservation or appropriation of what would have been school sections in place when surveyed. Title will pass subject to all valid existing rights. If the proposal is effected, the State of Utah will obtain title to both the surface and the mineral estates owned by the United States in these lands.

The selected lands include 4,160 acres and are located 4 miles south of Crescent Junction in Grand County.

Available information indicates that these lands meet the criteria for classification for selection by the State as provided for in 43 CFR 2410.1–1(a)(2) and 43 CFR 2410.1–3(c). The lands are not required for public programs and their selection by the State will not interfere with administration of other public lands. The area represents a reasonable management unit and the State will recognize existing uses in determining future management programs if the selection is consumated.

Information concerning this proposal is available at the Bureau's Monticello District Office, 283 South First West, Monticello, Utah, or the office of the State Director, Federal Building, 125 South State, Salt Lake City, Utah. For a period of 60 days from the date of this publication, interested parties may submit comments to the District Manager or the State Director.

The lands affected by this proposal are located in Grand County and are described as follows:

SALT LAKE MERIDIAN, UTAH

T. 22 S., R. 19 E.,
Sec. 21, E½;
Sec. 22, all;
Sec. 23, all;
Sec. 24, all;
Sec. 25, all;
Sec. 26, all;
Sec. 27, all.

The area described aggregates 4,160 acres.

R. D. NIELSON,
State Director.

[F.R. Doc. 67-9854; Filed, Aug. 22, 1967; 8:45 a.m.]

[N-1333]

NEVADA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

AUGUST 15, 1967.

Notice of a Federal Aviation Administration application, N-1333, for withdrawal and reservation of lands for proper operation of facilities on the land, was published as F.R. Doc. No. 67-7826, on pages 9998 and 9999 of the issue for July 7, 1967. The applicant agency has canceled its application involving the lands described in the FEDERAL REGISTER publication referred to above. Therefore, pursuant to the regulations contained in 43 CFR, Part 2311, such lands, at 10 a.m. on August 25, 1967, will be relieved of the segregative effect of the above-mentioned application.

ROLLA E. CHANDLER,
Land Office Manager.

[F.R. Doc. 67-9855; Filed, Aug. 22, 1967; 8:45 a.m.]

[Colorado 2100]

COLORADO

Notice of Classification of Public Lands for Multiple Use Management

AUGUST 14, 1967.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18), and to the regulations in 43 CFR Parts 2410 and 2411, the public lands within the areas described below, together with any lands therein that may become public lands in the future are hereby classified for multiple use management. Publication of this notice segregates all the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9, 25 U.S.C. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). The described lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. No protests or objections were received following publication of a notice of proposed classification (32 F.R. 8384), or at the public hearing at Walden, Colo., which was held on July 19, 1967. Therefore, no changes have been made in the list of lands included in the classification. The record showing the comments received and other information is on file and can be examined in the Glenwood Springs District Office, Glenwood Springs, Colo. The public lands affected by this classification are located within the following described area and are shown on a map designated by Serial Number C-2100 in the Glenwood Springs District Office, Glenwood Village Inn, Post Office Box 1009, Glenwood Springs, Colo. 81601, and at the Land Office of the Bureau of Land Management, Room 15019, Federal Building, 1961 Stout Street, Denver, Colo. 80202.

SIXTH PRINCIPAL MERIDIAN, COLORADO

JACKSON COUNTY

T. 7 N., R. 77 W.,
Secs. 31 and 32.
T. 6 N., R. 78 W.,
Secs. 1 to 7, inclusive.
T. 7 N., R. 78 W.,
Secs. 3 to 7, inclusive, and sec. 9;
Secs. 17 to 20, inclusive;
Secs. 29 to 35, inclusive.
T. 8 N., R. 78 W.,
Secs. 2 to 5, inclusive;
Secs. 8 to 11, inclusive;
Secs. 14 and 15;
Secs. 18 to 20, inclusive;
Secs. 29 to 34, inclusive.
T. 9 N., R. 78 W.,
Secs. 4 to 11, inclusive;
Secs. 13 to 30, inclusive;
Secs. 32 to 35, inclusive.
T. 10 N., R. 78 W.,
Sec. 7;
Secs 17 to 19, inclusive;
Secs. 30 and 31.
T. 6 N., R. 79 W.,
Secs. 1 and 12.
T. 7 N., R. 79 W.,
Secs. 1 to 4, inclusive;
Secs. 6 and 7;
Secs. 9 to 15, inclusive;
Secs. 24, 25, and 36.
T. 8 N., R. 79 W.,
Secs. 6, 7, 8, and 9;
Sec. 13;
Secs. 17 to 22, inclusive;
Sec. 24;
Secs. 27 and 28;
Secs. 30 and 31;
Secs. 33 and 34.
T. 9 N., R. 79 W.,
Secs. 1 to 4, inclusive;
Secs. 6 and 7;
Secs. 9 to 15, inclusive;
Secs. 18, 19, and 20;
Secs. 23, 24, and 25;
Secs. 29, 30, and 31.
T. 10 N., R. 79 W.,
Secs. 1, 2, and 3;
Secs. 8, 9, and 10;
Secs. 12 to 20, inclusive;
Secs. 22, 23, and 24;
Secs. 26 to 34, inclusive.
T. 11 N., R 79 W.,
Sec. 2;
Sec. 11;
Secs. 14 and 15;
Sec. 17;
Secs. 20 to 23, inclusive;
Secs. 27, 28, and 29;
Secs. 33, 34, and 35.
T. 7 N., R. 80 W.,
Secs. 1 to 4, inclusive.
T. 8 N., R. 80 W.,
Sec. 1;
Secs. 3 to 12, inclusive;
Secs. 14 to 31, inclusive;
Secs. 33 to 36, inclusive.
T. 9 N., R. 80 W.,
Secs. 1 to 8, inclusive;
Secs. 10 to 15, inclusive;
Secs. 17 to 24, inclusive;
Secs. 26, 27, and 28;
Secs. 31 to 36, inclusive.
T. 10 N., R. 80 W.,
Secs. 3 to 8, inclusive;
Sec. 10;
Secs. 14 to 33, inclusive;
Secs. 35 and 36.
T. 11 N., R. 80 W.,
Sec. 11;
Secs. 13 to 24, inclusive;
Secs. 26 to 35, inclusive.
T. 12 N., R. 80 W.,
Secs. 27 and 28;
Secs. 32 to 34, inclusive.
T. 8 N., R. 81 W.,
Secs. 12 and 13;
Sec. 25.
T. 9 N., R. 81 W.,
Sec. 1;
Sec. 12.
T. 10 N., R. 81 W.,
Secs. 6 and 7;
Secs. 17, 18, 19, and 20.
T. 11 N., R. 81 W.,
Secs. 2 to 15, inclusive;
Secs. 18 and 19;
Secs. 23, 24, and 25;
Secs. 30 and 31.
T 12 N., R. 81 W.,
Secs. 19 to 23, inclusive;
Secs. 26 to 35, inclusive.

T. 10 N., R. 82 W.,
Sec. 1;
Sec. 12.
T. 12 N., R. 82 W.,
Sec. 24;
Sec. 26.

The public lands in the areas described aggregate approximately 127,315 acres.

4. For a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240 (43 CFR 2411.1-2(d)).

E. I. ROWLAND,
State Director.

[F.R. Doc. 67-9856; Filed, Aug. 22, 1967; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NORTH DAKOTA

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 North Dakota a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NORTH DAKOTA

Barnes.	Ransom.
Burke.	Renville.
Burleigh.	Sargent.
Divide.	Sheridan.
McHenry.	Ward.
McIntosh.	Wells.
Mountrail.	Williams.

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 18th day of August 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-9908; Filed, Aug. 22, 1967; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[DO 182-13]

BUREAU OF INTERNATIONAL COMMERCE

Public Information

This material further amends the material appearing at 30 F.R. 2041 of February 13, 1965; 31 F.R. 4169 of March 9, 1966.

A. *Purpose.* The purpose of this document is to describe, in general, the public information services of the Bureau of International Commerce (BIC), to describe the places at which, and the methods whereby, the public may obtain information, to inform the public as to the sources or availability of rules, regulations, procedures, instructions, forms, or other requirements established by the Bureau of International Commerce which affect the public, and otherwise to comply with the requirements of section 552, Title 5, U.S.C., as amended by Public Law 90-23, June 5, 1967 (81 Stat. 54), (hereinafter referred to as the Act).

B. *Public Information Services.* .01 BIC provides business and industry with a wide range of information and analyses on international business. Included is information on:

Exports and imports (e.g., Foreign trade statistics).
Foreign countries, potential markets, names of potential buyers and sellers.
Foreign tariffs, quotas, exchange controls and other customs regulations and procedures.
Foreign taxes.
Foreign transport systems and insurance activities.
Foreign patent, trademark and copyright laws and regulations.
Foreign government procurement in the United States.
Government export financing facilities.
Operations of the Export-Import Bank.
Foreign Credit Insurance Association insurance against commercial and political risks abroad.
Procedures for prosecuting ocean freight rate complaints.
Export documentation and shipping.
International Commercial arbitration.
Procedures for obtaining reductions in the trade restrictions of foreign countries.
Procedures for obtaining import protection.

.02 Publications of the Bureau are listed in the "Annual Catalog of Commerce Publications" and the weekly "Business Service Checklist," both of which are available from the Field Offices of the Office of Field Services, or the U.S. Department of Commerce, Washington, D.C. In addition BIC publishes a "Semi-annual Checklist of International Business Publications," which can be obtained from the U.S. Department of Commerce or the Field Offices of the Office of Field Services, Department of Commerce.

C. *Guide to Published Rules and Regulations.*—.01 *Export control.* Rules and regulations pertaining to export control, including license application procedures, administrative reviews and appeals, and general information on the scope of export control by the Department of Commerce may be found in Title 15, Code of Federal Regulations, Parts 368-399. The rules and regulations are also contained in the Comprehensive Export Schedule which may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 or from the Field Offices of the Office of Field Services, Department of Commerce.

.02 *Foreign-Trade Zones.* Rules and regulations concerning the activities of the Foreign-Trade Zones Board (as established by the Foreign-Trade Zones Act of 1934-48 Stat. 998-1003; 19 U.S.C. 81a-81u), the application for granting of zones, and the operation and maintenance of the zones are found in 15 CFR Part 400. Bureau of Customs regulations relating to foreign-trade zones are found in 19 CFR 30.

.03 *China Trade Act.* Rules and regulations for corporations organized under the China Trade Act (42 Stat. 854; 15 U.S.C. 141-62) are found in 15 CFR Part 363.

.04 *Mobile Trade Fairs.* Rules concerning requests for assistance by mobile trade fair operators under the Mobile Trade Fairs Act of 1962 (46 U.S.C. 1122b) are found in 15 CFR Part 365. The regulations state where one can apply for assistance, what information must be contained in the application, and the criteria used by the Department of Commerce in evaluating each application.

.05 *Other International Trade Promotion Programs.* Application procedures, selection criteria and other rules and regulations pertaining to Government-organized trade missions, industry organized-Government approved trade missions, U.S. Trade Centers, and America Weeks may be obtained from the Office of International Trade Promotion, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C. 20230.

D. *Submission of Requests and Applications.* The established places at which and the methods whereby the public may make any submittals, applications, or requests concerning the programs listed in section C of this document are found in the rules and regulations cited therein.

E. [Reserved].

F. *Inspection and Copying of Opinions and Orders.* All final opinions and orders 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 under section 552(a)(2) are made available for such purposes in the Central Reference and Records Inspection Facility of the Department of Commerce, Room 2122, Main Commerce Building, 14th Street between Pennsylvania Avenue and Constitution Avenue NW., Washington, D.C. 20230. Rules concerning the use of this facility are contained in Part 4, Title 15, Code of Federal Regulations, or may be obtained from the facility.

G. *Inspection of Bureau Records.* Pursuant to section 552(a)(3) of the Act, rules for persons desiring to inspect records not available to the public as part of the regular public information services of the Bureau of International Commerce are contained in Part 4, Title 15, Code of Federal Regulations. Applications are available from the Central Reference and Records Inspection Facility of the Department of Commerce,

or from the Field Offices of the Office of Field Services, Department of Commerce.

Dated: August 15, 1967.

LAWRENCE E. IMHOFF,
Acting Assistant Secretary for Administration.

[F.R. Doc. 67-9846; Filed, Aug. 22, 1967; 8:45 a.m.]

[DO 90-B]

NATIONAL BUREAU OF STANDARDS

Public Information

This material further amends the material appearing at 31 F.R. 8083 of June 8, 1966; 31 F.R. 8961 of June 29, 1966; 32 F.R. 6529 of April 27, 1967; and 32 F.R. 11811 of August 16, 1967.

A. *Purpose.* The purpose of this document is to describe, in general, the public information services of the National Bureau of Standards ("NBS"), to describe the places at which, and the methods whereby, the public may obtain information, to inform the public as to the sources or availability of rules, regulations, procedures, instructions, forms, reports, or other requirements established by the National Bureau of Standards which affect the public, and otherwise to comply with the requirements of section 552, Title 5, U.S.C., as amended by Public Law 90-23, June 5, 1967 (81 Stat. 54).

B. *Public Information Services*—1. *Publications of the Bureau of Standards.* a. The "Journal of Research of the National Bureau of Standards" is the chief periodical of the bureau devoted to reporting the results of its scientific activities. It is published in three sections, each of which is available separately: "Physics and Chemistry," "Mathematics and Mathematical Physics," and "Engineering and Instrumentation." The Bureau also publishes a monthly "Technical News Bulletin," and an annual report, entitled "Technical Highlights of the National Bureau of Standards."

b. The Bureau also publishes a number of nonperiodical series, covering its major fields of activity. These include the "Applied Mathematics Series," "National Standard Reference Data Series," "Building Science Series," "Technical Notes," "Product Standards," "Miscellaneous Publications," "Handbooks, and Monographs."

c. The various publications of the Bureau are listed in NBS Circular 460, NBS Miscellaneous Publication 240, and the Catalog of Commerce Publications, and in the supplements to these volumes. They are also listed, as published, in the "Business Services Checklist" of the Department of Commerce.

d. Information as to prices, frequency of issue, or other matters concerning NBS publications should be addressed to the Office of Technical Information and Publications, National Bureau of Standards, Washington, D.C. 20234. The telephone number of this Office is 921-2431; Area code 301. Subscriptions to periodicals, and purchases of other NBS publications, should be directed to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Many NBS publications are available at or through the Field Offices of the Office of Field Services, Department of Commerce, which are located in some forty major cities.

2. *Clearinghouse for Federal Scientific and Technical Information.* a. The Clearinghouse, a constituent of the NBS Institute for Applied Technology, is the major center for collecting and disseminating reports of completed research and development projects in the physical sciences, engineering, and technology, which have been conducted or supported by the Federal Government. (See section 9.03 of D.O. 90-B). The Center publishes, bimonthly, the "U.S. Government Research and Development Reports" (USGRDR) which describes each document released through the Clearinghouse, by subject, and the "Government-Wide Index to Federal Research and Development Reports" (GWI), which indexes each document listed in USGRDR by subject, author, source, report number and contract number. The Fast Announcement Service (FAS), brings selected R. & D. reports to the immediate attention of the public. The Clearinghouse also publishes, semimonthly, "Technical Translations," which announces translations of foreign technical literature financed by the Federal Government, which are available for purchase from the Clearinghouse, and lists translations available from other sources such as the Special Libraries Association.

b. Copies of documents available from the Clearinghouse are priced, with few exceptions, at $3 for a paper copy and 65 cents for microfiche. Prepaid document coupons in these denominations are available from the Clearinghouse. Information about other prices, about subscriptions to the above periodicals, about the availability of reports and documents, or about other Clearinghouse services and activities should be addressed to: Clearinghouse for Federal Scientific and Technical Information, 5285 Port Royal Road, Springfield, Va. 22151. Telephone 321-8500; Area Code 703.

3. *Office of Standard Reference Data.* a. As the program management vehicle of the National Standard Reference Data System, the Office of Standard Reference Data is concerned with the production and dissemination of compilations of critically evaluated data in the physical sciences. The System contains a network of 28 information and data centers which provide referral, reference, documentation, and data to the American technical community. Within the Office of Standard Reference Data, the Information Services Operation serves as the direct point of contact between the users and the Standard Reference Data System as a whole. (See section 7.03 of D.O. 90-B.)

b. Based on a data file of compilations of critically evaluated data produced throughout the world, the Information Services Operation will ultimately provide (1) referral service, which refers requests for data on specific subjects to information or data centers specializing in those subjects; (2) reference service, which provides literature references indicating where requesters might locate relevant data; (3) document service, which provides copies of documents in response to inquiries; and (4) data service, which provides detailed data as required to respond fully to requests for information. The "NSRDS News", a monthly newsletter, provides information about activities of the data centers, periodic lists of new compilations of data, and announcements of conferences and meetings of interest to users of numerical data.

c. Most of the data compilations can be obtained directly from the Government Printing Office. Information on the System, lists of compilation titles, and details of the information services provided can be obtained by writing to: Information Services Operation, Office of Standard Reference Data, National Bureau of Standards, Washington, D.C. 20234. Telephone 921-2583; Area code 301.

4. *Other information services*—a. *General information on the mission and operation of NBS.* Address inquiries to the Office of Public Information, National Bureau of Standards, Washington, D.C. 20234. Telephone 921-2431; Area code 301.

b. *Information on NBS technical programs and publications.* Address inquiries to the Office of Technical Information and Publications, National Bureau of Standards, Washington, D.C. 20234. Telephone 921-2318; Area code 301.

c. *Information on NBS activities at Boulder, Colo.* Address inquiries to the Technical Information Office, National Bureau of Standards, Boulder, Colo. 80302. Telephone 447-3245; Area code 303.

d. *Information on filing claims against NBS (Washington and Boulder).* Address inquiries to the Safety Office, National Bureau of Standards, Washington, D.C. 20234. Telephone 921-2600; Area code 301.

C. *Guide to Published Rules and Regulations*—1. Rules with respect to National Bureau of Standards services available to the public are contained in Chapter II, Title 15 of the Code of Federal Regulations. Specifically, the following Parts of Chapter II, 15 CFR, contain rules and regulations affecting the public:

a. Part 200 describes Bureau policies as to its measurement services, including calibrations and tests, and the procedures for requesting these services.

b. Parts 201, 202, 203, 205, 206, and 210 describe the various measurement services, including calibrations and tests, that are available and the costs thereof.

c. Part 230 lists standard reference materials issued by NBS and describes the procedure for ordering these materials.

d. Part 235 lists NBS motion picture films and prescribes the procedure for ordering them.

e. Part 240 describes the standards applicable to barrels and other containers for lime.

f. Part 241 describes the standards applicable to barrels for fruits, vegetables and other dry commodities, and for cranberries.

g. Part 255 describes the types of NBS fellowships in laboratory standardization and testing, and lists the qualifications needed to obtain such fellowships.

h. Part 256 describes policies and procedures concerning the Research Associate Program at NBS.

i. Part 260 describes the standard for devices to permit the opening of household refrigerator doors from the inside.

2. Certain authority for administering the operations of the voluntary standards program of the Department of Commerce has been delegated to the National Bureau of Standards. Part 10 of Title 15, CFR, sets forth procedures for the development of voluntary pro- for the development of voluntary product standards.

D. *Submission of Requests and Applications*—1. The rules and regulations of the National Bureau of Standards, as cited in section C of this document, describes the procedures and identify the established places to which all requests for the various services provided by the bureau are to be submitted.

2. Any member of the public desiring to make any other type of submittal or request should direct such submittal or request to the Director, National Bureau of Standards, Washington, D.C. 20234.

E. *Final Delegations of Authority.* The Director, National Bureau of Standards, 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 of the National Bureau of Standards 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 Central Reference and Records Inspection Facility of the Department of Commerce, Room 2122, Commerce Building, 14th Street between Constitution Avenue and E Street NW., Washington, D.C. 20230. Rules prescribing public use of this facility are contained in Part 4, Title 15, Code of Federal Regulations, and may also be obtained from the facility.

G. *Inspection of Bureau Records.* Rules for persons desiring, pursuant to 5 U.S.C. 552(a)(3), to inspect records of the National Bureau of Standards which are not available to the public as part of the regular public information services of the Bureau, are contained in Part 4, Title 15, Code of Federal Regulations. Application forms and instructions are available from the Central Reference and Records Inspection Facility of the Department of Commerce, or from any Field Office of the Office of Field Services, Department of Commerce.

Dated: July 25, 1967.

LAWRENCE E. IMHOFF,
Acting Assistant Secretary, for Administration.

[F.R. Doc. 67-9847; Filed, Aug. 22, 1967; 8:45 a.m.]

[DO 182-B]

OFFICE OF EXPORT CONTROL, BUREAU OF INTERNATIONAL COMMERCE

Public Information

This material further amends the material appearing at 30 F.R. 2041 of February 13, 1965; 31 F.R. 4169 of March 9, 1966; and August 23, 1967.

A. *Purpose.* The purpose of this document is to further describe the central and field organization of the Office of Export Control and, in general, the public information services of the Office of Export Control, to describe the places at which, and the methods whereby, the public may obtain information, to inform the public as to the sources or availability of rules, regulations, procedures, instructions, forms, reports, or other requirements established by the Office of Export Control which affect the public, and otherwise to comply with the requirements of section 552, Title 5, U.S.C., as amended by Public Law 90-23, June 5, 1967 (81 Stat. 54), (hereinafter referred to as the Act).

B. *Central and Field Organization.* .01 The Office of Export Control in the Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C. 20230, is the agency authorized to administer the Export Control Act of 1949, as amended (50 U.S.C. App. 2021-2032). Under this Act, the Office of Export Control administers a program to (a) control exports to all destinations to prevent Communist-dominated foreign countries from obtaining U.S. commodities or technical data that would contribute significantly to their military or economic potential to the detriment of the security or welfare of the United States, (b) protect the domestic economy from the excessive drain of scarce materials, (c) further the foreign policy of the United States, and (d) prevent the use of restrictive trade practices or boycotts by foreign countries which would restrict American trade with friendly countries.

.02 The Office of Export Control has jurisdiction under the Export Control Act of 1949, as amended, over the export of all commodities and technical data except for controls over certain specified commodities and related technical data exercised by other agencies. (For example, the Department of State has licensing jurisdiction over arms, ammunition, and implements of war, while the Atomic Energy Commission has jurisdiction over fissionable material.)

.03 The Office of Export Control is authorized to issue all licenses, authorizations, rules, regulations, orders, opinions, and directives relating to the administration and enforcement of the Export Control Act of 1949, as amended. The Export Regulations are published in the FEDERAL REGISTER and are codified in the Code of Federal Regulations (15 CFR 368-399). The Comprehensive Export Regulations Service, comprising the Comprehensive Export Schedule and Supplementary Current Export Bulletins, is an official issuance of the Office of Export Control. It is a loose-leaf compilation of Export Control Regulations which are published in the FEDERAL REGISTER and also includes instructions, interpretations and explanatory material relating to export control.

.04 A Director heads the Office of Export Control and has a Deputy and an Assistant Director who assist in the administration of the Act. The Office consists of seven organizational divisions, each of which is headed by a Division Director. The seven divisions are the Policy Planning Division, the Production Materials and Consumer Products Division, the Capital Goods Division, the Scientific and Electronic Equipment Division, the Technical Data and Services Division, the Investigations Division, and the Operations Division. Also, the Field Offices of the Office of Field Services, Department of Commerce are staffed with personnel experienced in U.S. export controls. The location of these Field Offices is shown in Department Order 168, "Office of Field Services."

.05 The Policy Planning Division develops recommendations of export control policies to be followed toward specific countries and over specific commodities. It also recommends disposition of certain license applications which involve policy or security problems. Included in the specific functions of this division are the initiation, coordination, and evaluation of studies to establish appropriate levels of control, and to carry out the objectives of the Mutual Defense Assistance Control Act of 1951, as amended, 22 U.S.C. 1611 (Battle Act).

.06 *Licensing Divisions.* a. There are four licensing divisions assisting in the administration of export controls over technical data or certain specified commodities listed in the Commodity Control List (CCL). The CCL is a numerical listing by Export Control Commodity Number of all commodities for which export licensing authority is exercised by the Department of Commerce. This CCL is maintained on a current basis through the periodic issuance of Current Export Bulletins, supplements to the Comprehensive Export Schedule.

b. Included in the functions of the licensing divisions with respect to their individual areas of responsibility are all actions on applications for licenses to export or reexport and related matters, as well as the preparation of technical analyses of information within their area of responsibility in order to recom-

mend changes in export control policies, criteria, and regulations. Each division also participates in interagency and Government-industry committee activities regarding export control problems and renders assistance to industry and other government agencies on mutual problems. Three divisions in the Office of Export Control are responsible for the licensing of certain specified commodities and one division is responsible for the licensing of all technical data and services.

c. The Production Materials and Consumer Products Division has licensing jurisdiction over materials and products such as fuels, chemicals, agricultural products, and metals.

d. The Capital Goods Division has licensing jurisdiction over capital equipment such as metalworking, transportation, general production, and industrial equipment.

e. The Scientific and Electronic Equipment Division has licensing jurisdiction over equipment such as computers, electronic components, communications and navigation equipment, and laboratory instruments.

f. The Technical Data and Services Division has licensing jurisdiction over all technical data and services. The Technical Data and Services Division also assists the Department of State in the conduct of the East-West Exchange program.

.07 The Investigations Division develops intelligence information regarding areas of possible violation, investigates suspected violations, and prepares compliance cases for referral through the Department of Commerce Office of General Counsel, to the Compliance Commissioner.

.08 The Operations Division has a wide variety of administrative functions which include:

(a) Processing incoming license applications and other correspondence.

(b) Preparing export license documents and other export control documents.

(c) Issuing Import Certificates.

(d) Preparing analytical and statistical surveys and reports on export controls.

(e) Performing Bureau of Budget clearance activities regarding control of reporting requirements, on behalf of the entire Bureau of International Commerce. Also performing activities on behalf of the Bureau of International Commerce in the coordination of emergency planning.

(f) Reviewing licensing activities to assure consistent compliance with established policies and standards.

(g) Processing reports of foreign restrictive trade practices or boycotts against friendly foreign countries.

(h) Conducting export control liaison activities with the Bureau of Customs, Treasury Department, and with the Post Office Department.

(i) Developing and publishing export control regulations and procedures including instructions for customs offices and foreign service posts relating to export controls.

(j) Maintaining an Exporters Service Section offering a variety of services to assist the public and serving as the information office with respect to the export control program. The Exporters Service Section is described in paragraph C.01 of this Appendix.

.09 A work flow chart detailing the manner in which an export license application is processed is available upon request to Exporters Service Section, Office of Export Control, U.S. Department of Commerce, Washington, D.C. 20230.

C. *Public Information Services*—.01 *Services to assist exporters.* a. The Exporters Service Section of the Operations Division, Office of Export Control, is located in the Department of Commerce Building, Washington, D.C., and offers assistance to the public with respect to the provisions of the Export Control Act of 1949, as amended, and related rules, regulations, and procedures. A request for assistance of the Exporters Service Section should be directed in person, by telephone, or through correspondence to the Chief of the Exporters Service Section, Office of Export Control, U.S. Department of Commerce, Washington, D.C. 20230. The Exporters Service Section usually is able to render the assistance requested immediately, but in the event that further consultation with other technical or executive personnel is found necessary, the Exporters Service Section will promptly arrange an appropriate appointment. The Exporters Service Section offers the following services:

(1) Explains and interprets export control regulations and policies.

(2) Provides information regarding status of license applications and other export control actions.

(3) Secures expeditious action on any export control licensing material whenever priority action is warranted.

(4) Assists in clearance of authorized exports through customs.

(5) Assists in obtaining U.S. Import Certificates for importers.

(6) Answers questions regarding commodity classifications.

(7) Provides forms, informational publications, and assists the Department's Central Reference and Records Inspection Facility in making available for public inspection and copying export control records, letters, memoranda, forms or other documents in accordance with the Act.

(8) Provides information as to whether a validated license is required for a particular exportation. Information will not be given as to whether the license will be issued.

(9) Provides information regarding the status of a pending application, inquiry, correspondence, or other action.

(10) Assists in obtaining expeditious action on any pending license application or other export control action provided that the request for such action is justified by the existence of an emergency that might result in an undue hardship unless the expeditious action is granted.

b. The Field Offices of the Office of Field Services, Department of Commerce, the locations of which are shown in Department Order 168, are staffed with personnel experienced in U.S. export controls. If export control assistance is needed or information is desired, the export control consultant in the nearest Field Office should be contacted. Among the services which the Field Offices will attempt to render upon request are:

(1) Explaining and interpreting export control regulations and policies.

(2) Securing expeditious action on a license application or any other export control function whenever priority action is warranted.

(3) Obtaining an extension of the validity period of an export license or making certain other amendments to an export license.

(4) Assisting in clearing shipments through U.S. customs.

(5) Issuing or assisting in the issuance of U.S. import certificates.

(6) Assisting in solving commodity classification problems.

(7) Providing export control forms and informational publications.

.02 *Publications.* The following are Export Control publications available to the public at the places noted for each:

(a) Comprehensive Export Schedule. (Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, and the Office of Export Control, U.S. Department of Commerce, Washington, D.C. 20230, at $7 per year for domestic addresses and $9 per year for foreign addresses.)

(b) Current Export Bulletin. (Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, and the Office of Export Control, U.S. Department of Commerce, Washington, D.C. 20230 (included with subscriptions to Comprehensive Export Schedule), single copies also available from Room 6043 (Attention: 916), U.S. Department of Commerce Building, Washington, D.C. 20230, at 25 cents per copy.)

(c) A Summary of U.S. Export Control Regulations. (Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, and the Office of Export Control, U.S. Department of Commerce, Washington, D.C. 20230, at 20 cents per copy.)

(d) Quarterly Report on Export Control. (Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, and the Office of Export Control, U.S. Department of Commerce, Washington, D.C. 20230, at 25 cents per copy.)

(e) Daily List of Export Licenses Approved and Reexportations Authorized. (Available from the Office of Administrative Operations, U.S. Department of Commerce, Washington, D.C. 20230, at $37.50 per year.)

(f) Why We Have Export Control. (Available from the Office of Export Control, U.S. Department of Commerce, Washington, D.C. 20230, free of charge.)

(g) The Carrier's Role in Export Control. (Available from the Office of Export Control, U.S. Department of Commerce, Washington, D.C. 20230, free of charge.)

(h) Boycotts or Other Restrictive Trade Practices Imposed by Foreign Countries. (Available from the Office of Export Control, U.S. Department of Commerce, Washington, D.C. 20230, free of charge.)

(i) Highlights of United States Export Controls. (Available from the Office of Export Control, U.S. Department of Commerce, Washington, D.C. 20230, free of charge.)

(j) Digest of Export Regulations. (Available from the Office of Export Control, U.S. Department of Commerce, Washington, D.C. 20230, free of charge.)

(k) Export Control of Technical Data. (Available from the Office of Export Control, U.S. Department of Commerce, Washington, D.C. 20230, free of charge.)

(l) Denial and Probation Orders Currently Affecting Export Privileges. (Available from the Office of Export Control, U.S. Department of Commerce, Washington, D.C. 20230, free of charge.)

D. *Guide to Published Rules and Regulations.* The rules and regulations issued under the Export Control Act of 1949, as amended, are contained in Title 15, Code of Federal Regulations, Sections 368–399. The rules and regulations are also contained in the Comprehensive Export Schedule which may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402; from the Field Offices of the Office of Field Services, Department of Commerce; or from Room 6043 (Attn: 916), U.S. Department of Commerce Building, 14th Street and Constitution Avenue NW., Washington, D.C. 20230. Amendments to the rules and regulations are published in the FEDERAL REGISTER and in Current Export Bulletins which may be purchased and subscribed to at the above-mentioned places.

E. *Submission of Requests and Applications.* .01 The established places at which and the methods whereby the public may make submittals, applications, or requests concerning the programs of the Office of Export Control are found in the rules and regulations cited in section D of this document.

.02 The forms affecting the public pursuant to the U.S. Export Control Regulations are identified in the Code of Federal Regulations and the Comprehensive Export Schedule. These forms may be obtained from the Office of Export Control, U.S. Department of Commerce, Washington, D.C. 20230, or as otherwise provided in the regulations. The regulations also state where the forms are to be submitted. The forms are:

(a) Application Processing Card, Form FC–420 (2–65).

(b) Application for Export License, Form FC–419 (Rev. Jan. 1966).

(c) Export License, Form FC–628 (Rev. January 1966).

(d) Request for and Notice of Amendment Action, Form IA–763 (Rev. 12–15–65).

(e) Shipper's Export Declaration, Form 7525–V (Rev. July 1962).

(f) Power-of-Attorney Forms.

(g) Acknowledgement Forms for Use with Power-of-Attorney.

(h) Authorization to Dispose of Commodities Exported for Exhibition, Demonstration, or Testing Purposes, Form IA–L–196 (1–4–65).

(i) Single Transaction Statement by Consignee and Purchaser, Form FC–482 (4–1–65).

(j) Multiple Transactions Statement by Consignee and Purchaser, Form FC–843 (1–12–56).

(k) Notice of Retained Samples, Form IT–915 (6–19–53).

(l) U.S. Import Certificate and Supporting Form FC–827, Import Certificate Cross Reference Card, Form FC–826 (10–24–55).

(m) U.S. Delivery Verification, Form FC–908 (11–1–63).

(n) Notification of Delivery Verification Requirement, Form IA–863 (4–1–65).

(o) Status Request on Export License Application, Form IA–743–A (2–15–67).

(p) Request for and Notice of Approval for Reexportation, Form IT–917 (1–1–65).

(q) Application for and Notice of Extension of Project License, Form FC–957 (1–1–65).

(r) Statement by Ultimate Consignee in Support of Project License Application, Form FC–988.

(s) Statement by Foreign Importer of Aircraft or Vessel Repair Parts, Form FC–43 (Rev. 3–1–65).

(t) Request for Authorization to Distribute United States Origin Commodities Stocked Abroad to Approved Customers, Form FC–143 (1–1–65).

(u) Multiple Transactions Statement by Customer of Distributor of U.S. Commodities Stocked Abroad, Form FC–243 (8–63).

(v) U.S. Exporter's Report of Request Received for Information, Certification, or Other Action Indicating a Restrictive Trade Practice or Boycott Against a Foreign Country, Form IA–1014 (9–23–65).

F. [Reserved.]

G. *Inspection and Copying of Opinions and Orders.* All final opinions and orders 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 under section 552(a)(2) are made available for such purposes in the Central Reference and Records Inspection Facility of the Department of Commerce, Room 2122, Main Commerce Building, 14th Street between Pennsylvania Avenue and Constitution Avenue NW., Washington, D.C. 20230. Rules concerning the use of this Facility are contained in Part 4, Title 15, Code of Federal Regulations, or may be obtained from the Facility.

H. *Inspection of Bureau Records.* Pursuant to section 552(a)(3) of the Act, rules for persons desiring to inspect records not available to the public as part of the regular public information services of the Office of Export Control, Bureau of International Commerce, are contained in Part 4, Title 15, Code of Federal Regulations. Applications are available from the Central Reference and Records Inspection Facility of the Department of Commerce, or from the Field Offices of the Office of Field Services, Department of Commerce.

Dated: August 15, 1967.

LAWRENCE E. IMHOFF,
Acting Assistant Secretary.

[F.R. Doc. 67-9848; Filed, Aug. 22, 1967; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-298]

CONSUMERS PUBLIC POWER DISTRICT

Notice of Receipt of Application for Construction Permit and Facility License

Consumers Public Power District, 1452 25th Avenue, Columbus, Nebr., pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, has filed an application, dated July 26, 1967, for authorization to construct and operate a single cycle, forced circulation, boiling water nuclear reactor at the applicant's Cooper Nuclear Station. The 1,090-acre site is located on the west bank of the Missouri River near the village of Brownville, Nemaha County, Nebr. Lincoln, Nebr., is 60 miles west-northwest of the site and St. Joseph, Mo., is 60 miles southeast of the site.

The proposed reactor is designed for initial operation at approximately 2,381 thermal megawatts with a net electrical output of approximately 778 megawatts.

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

Dated at Bethesda, Md., this 16th day of August 1967.

For the Atomic Energy Commission.

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

[F.R. Doc. 67-9845; Filed, Aug. 22, 1967; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18769]

AEROLINEAS ARGENTINAS

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to

be held on August 29, 1967, at 3 p.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., August 16, 1967.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 67-9881; Dated, Aug. 22, 1967; 8:47 a.m.]

[Docket No. 17548 etc.; Order E-25541]

INTERSTATE AIRMOTIVE, INC.

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of August 1967.

Applications of Interstate Airmotive, Inc., Dockets 17548 and 17549, for supplemental air authority; application of Interstate Airmotive, Inc., Docket 18152, for temporary exemption to provide limited supplemental air services; applications of Interstate Airmotive, Inc., Dockets 18168 and 18169, for exemptions pursuant to section 416(b) of the Federal Aviation Act of 1958, as amended; St. Louis limited supplemental air service investigation, Docket 18922.

Interstate Airmotive, Inc. (Interstate), a fixed-base operator operating out of Lambert Field, St. Louis, presently owns 5 DC-3 aircraft as well as approximately 20 small aircraft and holds a commercial license from the Federal Aviation Administration issued pursuant to Part 121 of the Federal Air Regulations which allows it to operate large DC-3 aircraft in contract or noncommon carrier operations.

In July of 1966 Interstate filed applications for domestic and international supplemental air carrier authority (Dockets 17548 and 17549) together with a motion to consolidate such application into the then pending Reopened Supplemental Proceeding, Docket 13795, et al.; the Board subsequently denied this motion.[1] Thereafter, on January 30, 1967, Interstate filed an application for an exemption in Docket 18152 for temporary authority to perform supplemental services with twin-engined piston aircraft on a year-to-year basis serving persons located within its home State, Missouri, and contiguous States. In the alternative, Interstate requests that the Board establish a new classification of air carriers to be designated as "Limited Supplemental Air Carriers" to perform special supplemental air services within a limited geographical area with twin-engine aircraft with a capacity of 44–46 passengers. Four supplemental air carriers have filed answers opposing the request for an exemption citing, among other things, Public Law 87-528 as a bar to the grant of supplemental services by way of exemption.[2]

On May 22, 1967, the Air Board of the Chamber of Commerce of Metropolitan St. Louis (Air Board) filed a letter with the Board expressing its support for Interstate's application in Docket 18152 for temporary authority to perform limited supplemental air transportation. The Air Board states that the limited authority sought would provide a valuable service to many businesses, colleges, individuals, universities and similar organizations located in and around St. Louis and points to the fact that despite the certification in 1966 of 10 supplemental air carriers, service voids have developed particularly with respect to charter services with twin-engine piston aircraft. The Air Board maintains that these voids developed principally because the existing supplemental carriers have a "great tendency to provide a majority of civil charter services to those metropolitan areas nearest their primary bases of operation," and also because almost all of these carriers have phased out, or are in the process of phasing out, their twin-engine aircraft in favor of the larger four-engine piston and four-engine jet aircraft. The Air Board states in this connection that St. Louis is one of those areas which receives practically no supplemental air service of any meaningful size in relation to its commercial and industrial importance,[3] and further, that there is a great need and demand in the area for charter services to groups of 40 and under—a need that Interstate has been unable to provide because of the lack of necessary economic Board authority.

On May 31, 1967, Interstate filed an amended application in Docket 18152 which it states should take the place of its original application. Interstate requests authority to engage in air transportation as a "Limited Supplemental Air Carrier" on a temporary basis and on a limited extent subject to certain terms and conditions.[4] On August 3, 1967, Interstate moved to expedite proceedings on this application.

In essence, the carrier makes the same arguments in support of its amended application that it advanced originally. In addition, the carrier filed certain specific information bearing on its request. For example, Interstate supplied numerous letters from persons requesting its service, and other data supporting a need for the service.

Capitol, Purdue, and American Flyers filed answers in opposition to the amended application in which they reiterate the arguments they advanced in opposition to Interstate's original application.

We have carefully examined the various pleadings as well as other pertinent data of which we may take official notice and have decided to institute an investigation to determine whether there is a need for a limited type of supplemental services to be performed for small or medium-sized charter groups moving to or from the St. Louis area, and if so, whether the Board should authorize such services by temporary certificate subject to the terms, conditions and limitations described below.

We do not believe that a full hearing on the broad supplemental authority requested in Dockets 17548 and 17549 is warranted at this time, in view of the recently completed omnibus supplemental investigation.[5] However, the information currently before us indicates that there may well be a public need for a limited type of supplemental charter services in and around the St. Louis area.

It would appear that a service gap may be developing between air taxi services provided with 4- and 5-place aircraft and those provided by the existing supplemental carriers, who, like the scheduled operators, are abandoning their relatively low-capacity piston aircraft for higher-capacity turboprop and pure jet aircraft.[6] This need for charter services to groups appears to be present in the St. Louis area. The fact that no supplemental carrier is presently based at St. Louis, plus the fact that numerous smaller charter groups have sought the services of Interstate in the past,[7] tends to bear this out.

We will limit the geographic scope of any authority to be granted in this investigation to charter flights which originate or terminate at points within 250 air miles of Lambert Field, St. Louis, and serve only points in the continental United States (excluding Hawaii and Alaska) and Canada. In view of the novelty of the concept, any authority granted will be for single-entity and pro rata charters only, and will be limited to a temporary experimental period whose duration will be determined at the hearing. It is also our intention to impose such certificate restrictions—whether on the size of the charter groups which may be transported, the seating capacity of the aircraft which may be employed, or otherwise—as may prove necessary to insure that the service rendered will

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[1] Order E-24088, Aug. 16, 1966.

[2] In February 1967, Interstate filed applications in Docket 18168 and 18169 for an exemption to carry numerous fishing groups to Canadian points. These applications were opposed by Purdue which asked for "first refusal" rights. Interstate in its reply indicated that it had no objection to affording Purdue "first refusal" rights.

[3] No supplemental carrier's present base of operations is located at St. Louis.

[4] Interstate requests authority on a temporary, year-to-year basis to operate services with twin-engine aircraft in and around St. Louis, Mo., and its environs. In the latter connection, Interstate suggests several alternatives: Authority limited to (1) the State of Missouri and nine specified States surrounding Missouri, (2) serve persons or parties within a 500-mile radius from St. Louis, or (3) a 300-mile radius from St. Louis.

[5] The Board's decisions in the Supplemental Air Carrier Investigation, Docket 13795, et al., were served in March and September 1966 (Orders E-23350 and E-24237). The record in that case was reopened for further hearings on several applications for supplemental authority and this matter is awaiting Board decision.

[6] This is shown by the marked change in the makeup of the supplemental air carrier industry's fleet which has occurred since the 1950's. For example, in 1966 only 16 of the total of 201 aircraft operated by the supplementals were DC-3's; the supplementals now operate over 20 large jet and turbojet aircraft and have approximately 40 pure jets on order.

[7] See, for example Order E-25278, June 12, 1967.

meet, and be limited to, the needs of small- or medium-sized charter groups which we tentatively identify as being those groups which have in the neighborhood of 50 members, or less. The exact form of the restrictions to be imposed will, again, be determined at the hearing. The limitations and restrictions outlined above are warranted by the experimental nature of the program and the need to insure that the services authorized are suitably designed to meet the limited service requirements which may be found to exist.[8]

We shall consolidate into this investigation Interstate's applications in Dockets 17548, 17549, and 18152 to the extent that they conform with the issues delineated above. We shall also deny Interstate's requests for exemptions in Dockets 18152, 18168, and 18169. We believe that under the circumstances the proper way to authorize the type of services requested in these applications is through the issuance of temporary certificates authorizing limited supplemental service of the type described above, rather than by issuing exemptions permitting broad-based operations.[9] Upon the basis of the foregoing we conclude that grant of an exemption would not be consistent with the public interest within the meaning of section 416 of the Act.

Accordingly, it is ordered, That:

1. An investigation be and it hereby is instituted to be referred to as the St. Louis Limited Supplemental Air Service Investigation, Docket 18922, to determine:

(a) whether the public convenience and necessity require the issuance pursuant to section 401(d)(3) of the Act of a temporary certificate of public convenience and necessity to any carrier or carriers to engage in supplemental air transportation limited to single-entity and pro rata charter flights which originate or terminate at points within 250 air miles of Lambert Field, St. Louis, and serve only points in the continental United States (excluding Hawaii and Alaska) and Canada;

(b) what terms, conditions, and limitations are required by the public interest to insure that the service rendered under any such certificate will meet, and be limited to, the needs of small and medium-sized charter groups as hereinbefore tentatively defined; and

(c) what other terms, conditions, and limitations are required by the public interest;

2. Interstate's applications in Dockets 17548, 17549, and 18152, to the extent that they seek authority consistent with the issues delineated herein, be and they hereby are consolidated into the investigation instituted herein;

3. To the extent not consolidated herein, (a) the applications of Interstate in Dockets 17548 and 17549 be and they hereby are dismissed and (b) the application in Docket 18152 be and it hereby is denied;

4. The applications of Interstate for an exemption filed in Dockets 18168 and 18169 be and they hereby are denied; and

5. Interstate Airmotive, Inc., be and it hereby is made a party to this investigation.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-9882; Filed, Aug. 22, 1967; 8:47 a.m.]

[8] Whether more stringent limitations should be imposed on the geographic scope of any authority to be granted, the maximum size of the groups to be carried, etc., than those indicated above, will of course be at issue in the proceeding.

[9] The Board has consistently refused to grant exemptions to air taxi operators to allow them to provide extensive services with large aircraft unless such services are keyed to a particular market; as a matter of fact, the Board has refused to issue exemptions permitting the same type of limited DC-3 services that are the subject of the investigation instituted herein. See for example, the Board's denial of the applications of Starflight and East Hampton, Orders E-24497 and E-13982, respectively.

SECURITIES AND EXCHANGE COMMISSION

DYNA RAY CORP.

Order Suspending Trading

AUGUST 17, 1967.

It appearing to the Securities Exchange Commission that the summary suspension of trading in the common stock of Dyna Ray Corp. and all other securities of Dyna Ray Corp. 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 17, 1967 through August 26, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-9904; Filed, Aug. 22, 1967; 8:49 a.m.]

CIVIL SERVICE COMMISSION

ENGINEER AND ARCHITECTURE OCCUPATIONAL CATEGORIES PFS LEVELS 5 THROUGH 13, NATIONWIDE

Notice of Adjustment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has increased the minimum salary rates and rate ranges for PFS-5 through 13 in the following occupations:

Occupational code	*Occupational field*
801	General Engineer.
803	Safety Engineer.
806	Materials Engineer.
808	Architect.
830	Mechanical Engineer.
850	Electrical Engineer.
855	Electronic Engineer.
896	Industrial Engineer.

The new rate ranges are as follows:

PER ANNUM RATES

Level	[1] 1	2	3	4	5	6	7	8	9	10	11	12
PFS-5	$6,461	$6,652	$6,843	$7,034	$7,225	$7,416	$7,607	$7,798	$7,989	$8,180	$8,371	$8,562
PFS-6	7,128	7,331	7,534	7,737	7,940	8,143	8,346	8,549	8,752	8,955	9,158	9,361
PFS-7	7,853	8,071	8,289	8,507	8,725	8,943	9,161	9,379	9,597	9,815	10,033	.....
PFS-8	8,628	8,863	8,498	8,733	8,968	9,203	9,438	9,673	9,908	10,143	.....	.....
PFS-9	9,195	9,450	9,705	9,960	10,215	10,470	10,725	10,980	11,235	11,490	.....	.....
PFS-10	9,760	10,043	10,326	10,609	10,892	11,175	11,458	11,741	12,024	12,307	.....	.....
PFS-11	10,481	10,796	11,111	11,426	11,741	12,056	12,371	12,686	13,001	13,316	.....	.....
PFS-12	11,243	11,590	11,937	12,284	12,631	12,978	13,325	13,672	14,019	14,366	.....	.....
PFS-13	11,663	12,032	12,441	12,830	13,219	13,608	13,997	14,386	14,775	15,164	.....	.....

[1] Corresponding statutory rate: PFS-5—Fifth; PFS-6—Sixth; PFS-7—Seventh; PFS-8—Fifth; PFS-9—Seventh; PFS-10—Sixth; PFS-11—Fifth; PFS-12—Fourth; PFS-13—Second.

Geographic coverage: Nationwide.

The effective date is the first day of the first pay period beginning on or after August 12, 1967.

All new employees in the specified occupations will be hired at the new minimum rates.

As of the effective date, pay adjustments will be processed to increase the pay of employees on the rolls in the affected occupations. An employee who immediately prior to the effective date was receiving basic compensation at one of the rates of the statutory rate range shall receive compensation at the corresponding numbered rate authorized by this notice on and after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 39 U.S.C. 3552.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-9884; Filed, Aug. 22, 1967; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Canadian Change List No. 229]

CANADIAN BROADCAST STATIONS

List of Changes, Proposed Changes, and Corrections in Assignments

JULY 31, 1967.

Notification under the provision of Part III, section 2 of the North American Regional Broadcasting Agreement; list of changes, proposed changes and corrections in assignment of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Stations (Mimeograph No. 47214-3) attached to the recommendation of the North American Regional Broadcasting Agreement Engineering Meeting.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		630 kilocycles				
CKOV (PO: 630 kc 1 kw ND).	Kelowna, British Columbia.	5kwD/1kwN	ND	U	III	E.I.O. 7-30-68.
		690 kilocycles				
CBU (PO: 690 kc 10 kw DA-1).	Vancouver, British Columbia.	50kw	DA-1	U	II	E.I.O. 7-30-68.
		800 kilocycles				
CJJC (reduction in power from that notified on List No. 221).	Langley, British Columbia.	5kw	DA-2	U	II	E.I.O. 7-30-68.
		810 kilocycles				
	Winnipeg, Manitoba	10kw	DA-1	U	II	E.I.O. 7-30-68.
		950 kilocycles				
CFAM (PO: 1290 kc 10 kw D/5 kw N DA-2).	Altona, Manitoba	10 kw	DA-2	U	III	E.I.O. 7-30-68.
		970 kilocycles				
	Edson, Alberta	10kw	DA-1	U	III	E.I.O. 7-30-68.
		1060 kilocycles				
CJLR (change in radiation pattern PO 1060 kc 10 kw N DA-2).	Quebec, Province of Quebec.	10kw	DA-2	U	II	E.I.O. 7-30-68.
		1340 kilocycles				
	Lac Megantic, Province of Quebec.	1kwD/ 0.25kwN	DA-D ND-N	U	IV	E.I.O. 7-30-68.
CKNR (assignment of call letters. Now in operation).	Elliot Lake, Ontario	*1340 kilocycles* 0.25kw	ND	U	IV	
		1530 kilocycles				
CHOO (assignment of call letters).	Ajax, Ontario	10kw	DA-1	U	III	

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9889; Filed, Aug. 22, 1967; 8:48 a.m.]

[FCC 67-970]

COMPOSITE WEEK FOR PROGRAM LOG ANALYSIS

The following dates will constitute the composite week for use in the preparation of program log analyses submitted with applications for AM, FM, and TV station licenses which have termination dates in 1968.

Sunday, February 26, 1967.
Monday, March 13, 1967.
Tuesday, December 6, 1966.
Wednesday, May 31, 1967.
Thursday, July 13, 1967.
Friday, January 6, 1967.
Saturday, April 22, 1967.

Adopted: August 16, 1967.

Released: August 17, 1967.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,[1]
BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9890; Filed, Aug. 22, 1967; 8:48 a.m.]

[1] Commissioners Wadsworth and Johnson absent.

[Docket No. 17433; FCC 67M-1407]

BRAUN BROADCASTING CO., INC. (KOAD)

Order Continuing Prehearing Conference

In re application of Braun Broadcasting Co., Inc. (KOAD), Lemoore, Calif., Docket No. 17433, File No. BP-16899, for Construction Permit.

The Hearing Examiner having under consideration the informal request for cancelling the hearing presently scheduled for September 7, 1967, and the scheduling of a further prehearing conference;

It is ordered, That the said request is granted. The hearing herein presently scheduled for September 7, 1967 is cancelled and a further prehearing conference is scheduled for the date of September 20, 1967 commencing at 9 a.m. in the offices of the Commission at Washington, D.C.

Issued: August 17, 1967.

Released: August 18, 1967.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9891; Filed, Aug. 22, 1967; 8:48 a.m.]

[Docket No. 17633; FCC 67M-1393]

CAPE FEAR BROADCASTING CO. (WFNC)

Order Scheduling Hearing

In re application of Cape Fear Broadcasting Co. (WFNC) Fayetteville, N.C., Docket No. 17633, File No. BP-17017, for Construction Permit.

It is ordered, That James D. Cunningham shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on October 25, 1967, at 10 a.m.; and that a prehearing conference shall be held on September 14, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall take place in the Offices of the Commission, Washington, D.C.

Issued August 15, 1967.

Released: August 16, 1967.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9892; Filed, Aug. 22, 1967; 8:48 a.m.]

[Docket Nos. 17648, 17649]

EL CAMINO BROADCASTING CORP. AND SOUTH COAST BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of El Camino Broadcasting Corp., San Clemente, Calif., requests: 107.9 mc, No. 300; 28.66 kw; 430 feet, Docket No. 17648, File No. BPH-5566; Leon Hyzen, Charles W. Jobbins, and Leon F. Westendorf, doing business as South Coast Broadcasting Co., San Clemente, Calif., requests: 107.9 mc, No. 300; 49.8 kw; 500 feet, Docket No. 17649, File No. BPH-5756; for construction permits.

1. The Commission, by the Chief, Broadcast Bureau, under delegated authority considered the above captioned and described applications for construction permits.

2. These applications are mutually exclusive in that operation by the applicants as proposed would cause mutually destructive interference.

3. The areas and populations to be served are markedly different in size and for the purposes of comparison, the areas and populations within the respective 1 mv/m contours together with the availability of other FM services of at least 1 mv/m in such area will be considered under the standard comparative issue for the purpose of determining whether

a comparative preference should accrue to either of the applicants.

4. Each of the applicants is qualified to construct and operate as proposed. However, because of their mutual exclusivity the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine which of the proposals would better serve the public interest.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which of the applications for construction permit should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants 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 applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: August 15, 1967.

Released: August 18, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9893; Filed, Aug. 22, 1967; 8:48 a.m.]

[Docket Nos. 17637, 17638; FCC 67M-1394]

K.C.O.D. BROADCASTING CORP. AND BAPTIST BIBLE COLLEGE

Order Scheduling Hearing

In re applications of K.C.O.D. Broadcasting Corp., Springfield, Mo., Docket No. 17637, File No. BPH-5643; Baptist Bible College, Springfield, Mo., Docket No. 17638, File No. BPH-5686; for construction permits.

It is ordered, That Millard F. French shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on November 7, 1967 at 10 a.m.; and that a prehearing conference shall be held on October 2, 1967, commencing at 9 a.m.: *And it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: August 15, 1967.

Released: August 16, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9894; Filed, Aug. 22, 1967; 8:48 a.m.]

[Docket No. 17659; FCC 67M-1395]

KING'S GARDEN, INC.

Order Scheduling Hearing

In re application of King's Garden, Inc., Seattle, Wash., Docket No. 17659, File No. BPCT-3875; for a Construction Permit for a New Television Broadcast Station (Channel 22).

It is ordered, That James D. Cunningham shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on October 18, 1967, at 10 a.m.; and that a prehearing conference shall be held on September 13, 1967, commencing at 9 a.m.; *And it is further ordered*, That all proceedings shall take place in the Offices of the Commission, Washington, D.C.

Issued: August 16, 1967.

Released: August 16, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9895; Filed, Aug. 22, 1967; 8:48 a.m.]

[Docket No. 17659; FCC 67-951]

KING'S GARDEN, INC.

Order Designating Application for Hearing on Stated Issues

In re application of: King's Garden, Inc., Seattle, Wash., Docket No. 17659, File No. BPCT-3875, for a construction permit for a new television broadcast station.

1. The Commission has before it for consideration the above-captioned application, requesting a construction permit for a new television broadcast station to operate on Channel 22, Seattle, Wash.

2. With respect to the issues set forth below, the following considerations are pertinent:

(a) Based on information contained in the application, cash of approximately $303,000 [1] will be needed for the construction and first-year operation of the proposed station. To meet these cash requirements, the applicant relies upon "donations and funds generated by the business activities of the applicant and the assets of the corporation." [2] The applicant claims to have received donations of $1,443,185, during the period 1959–1965, and to have a net worth of $3,776,322.26. However, the applicant's balance sheet does not indicate current and liquid assets (as defined is Section III, Paragraph 4(d), FCC Form 301) in excess of current liabilities sufficient to meet a commitment of $303,000. It cannot be determined, therefore, that the applicant is financially qualified.

(b) The applicant proposes to locate its main studio outside of the limits of the principal community, at the transmitter site. There is, however, no request, pursuant to § 73.613(b) of the Commission's rules, to allow location outside of Seattle, Wash., nor is there any justification provided, and consequently, an issue must be specified.

3. The applicant intends to mount the proposed antenna atop the existing antenna structure of Standard Radio Broadcast Station KGDN, Edmonds, Wash. In the event of a grant, it will be made subject to the condition that construction shall not be commenced until an appropriate application for modification of the facilities of Station KGDN has been filed and granted.

4. Except as indicated by the issues set forth below, the applicant is qualified to construct, own and operate the proposed new television broadcast station. The Commission is, however, 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 it 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 above-captioned application of the King's Garden, Inc., is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the applicant has sufficient current and liquid assets in excess of current liabilities to construct and operate the proposed station for 1 year.

2. To determine whether, in view of the evidence adduced pursuant to the foregoing, the applicant is financially qualified.

3. To determine whether there is good cause for locating the proposed main studio outside of the principal community and that to do so would be consistent with the operation of the station in the public interest.

4. To determine whether, in the light of the evidence adduced pursuant to the foregoing issues, a grant of the application would serve the public interest.

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[1] Consisting of: down payment to RCA ($86,444); first-year's payments to RCA ($51,866); interest ($1,989); building ($10,000); miscellaneous expenses ($5,000); and estimated cost of operation ($147,900).

[2] The "business activities" of the applicant presumably refers to profits from the operation of Radio Station KGDN (AM) and KGFM-FM, Edmonds, Wash., which, according to the applicant, amounted to about $54,000 in 1965. Nothing is known about the "donations".

It is further ordered, That in the event of a grant of the application, it shall be subject to the following condition: "Construction shall not commence until an appropriate application to make necessary changes in the antenna system of Station KGDN has been filed and granted."

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 twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594(a) 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 9, 1967.

Released: August 15, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9896; Filed, Aug. 22, 1967; 8:47 a.m.]

[Docket Nos. 17650, 17651; FCC 67M-1397]

LOCKHEED AIRCRAFT CORP. AND JIMSAIR, INC.

Order Scheduling Hearing

In re applications of Lockheed Aircraft Corp., Burbank, Calif., Docket No. 17650, File No. 106-A-L-47; Jimsair, Inc., San Diego, Calif., Docket No. 17651, File No. 26-A-L-47; For Aeronautical Advisory Station to serve the San Diego International Airport, San Diego, Calif.

It is ordered, That Forest L. McClenning shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on November 15, 1967, at 10 a.m.; and that a prehearing conference shall be held on September 28, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall take place in the Offices of the Commission, Washington, D.C.

Issued: August 16, 1967.

Released: August 17, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9897; Filed, Aug. 22, 1967; 8:49 a.m.]

[1] Commissioners Loevinger, Wadsworth, and Johnson absent.

[Docket Nos. 17656-17658; FCC 67M-1398]

MONTANA NETWORK ET AL.

Order Scheduling Hearing

In re applications of The Montana Network, Lewistown, Mont., Docket No. 17656, File No. BPTTV-2738; Crain-Snyder Television, Inc., Lewistown, Mont., Docket No. 17657, File No. BPTTV-2742; Snyder & Associates, Inc., Lewistown, Mont., Docket No. 17658, File No. BPTTV-2807; for construction permits for new VHF television broadcast translator stations.

It is ordered, That Charles J. Frederick shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on September 19, 1967, at 10 a.m.; and that a prehearing conference shall be held on September 1, 1967, commencing at 10 a.m.: *And it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: August 16, 1967.

Released: August 17, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9898; Filed, Aug. 22, 1967; 8:49 a.m.]

[Docket No. 17457; FCC 67M-1399]

AMERICAN TELEPHONE AND TELEGRAPH CO. AND WESTERN UNION TELEGRAPH CO.

Order Regarding Procedural Dates

In the matter of TELPAK tariff sharing provisions of American Telephone and Telegraph Co. and the Western Union Telegraph Co.

The Chief Hearing Examiner having under consideration a motion in behalf of the American Telephone and Telegraph Co., filed August 10, 1967, for changes in certain procedural dates heretofore prescribed in the above-entitled proceeding;

It appearing, that good and sufficient cause, viz, an emergency situation, is shown in support of the instant pleading, and that all parties to the proceeding have indicated that they do not oppose the changes sought by the moving party;

It is ordered, That the motion is granted, and that the date for exchange of respondents' direct case testimony is changed from August 21, 1967, to October 9, 1967, and that the date for commencement of the hearing in the proceeding and for exchange of the intervenors' direct case presentation is changed from September 15, 1967, to October 30, 1967.

Issued: August 16, 1967.

Released: August 17, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9899; Filed, Aug. 22, 1967; 8:49 a.m.]

[Docket No. 17634; FCC 67M-1392]

VOICE OF THE NEW SOUTH, INC. (WNSL)

Order Scheduling Hearing

In re application of Voice of the New South, Inc. (WNSL), Laurel, Miss., Docket No. 17634, File No. BP-16819, for construction permit.

It is ordered, That H. Gifford Irion shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on November 15, 1967, at 10 a.m.; and that a prehearing conference shall be held on September 28, 1967, commencing at 9 a.m.: *And it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: August 15, 1967.

Released: August 16, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9900; Filed, Aug. 22, 1967; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

A/B ATLANTTRAFIK (ATLANTTRAFIK EXPRESS SERVICE) AND SEATRAIN LINES, INC.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington Office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Joseph Hodgson, Jr., General Traffic Manager, Seatrain Lines, Inc., 595 River Road, Edgewater, N.J. 07020.

Agreement 9652, between A/B Atlanttrafik (Atlanttrafik Express Service) and Seatrain Lines, Inc., establishes a through billing arrangement for the movement of general cargo from Puerto Rico to ports in Australia (including Tasmania), Cook Islands, Fiji Islands, New Caledonia, Territories of Papua and New

Guinea, New Hebrides, Norfolk Island, British Samoa, Solomon Islands, Tahiti, Thursday Island, Tonga Islands, Gilbert and Ellice Islands, with transshipment at the port of New York, N.Y., in accordance with the terms set forth in the Agreement.

Dated: August 18, 1967.

By Order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-9902; Filed, Aug. 22, 1967; 8:49 a.m.]

FEDERAL TRADE COMMISSION

GRADING AND GRADE-MARKING OF SOFTWOOD LUMBER

Notice of Closing of Record of Hearings Held March 13–15

Public hearings were held on March 13–15, 1967, before the full Commission to inquire into the grading and grade-marking of softwood lumber. Notices of the hearings were published in the FEDERAL REGISTER issued November 22, 1966, 31 F.R. 14800, and December 16, 1966, 31 F.R. 16171.

Notice was published on May 26, 1967 in the FEDERAL REGISTER (32 F.R. 7726) that the Commission had extended the closing date for submission of written views concerning the subject matter of those hearings until a date to be established by further order of the Commission.

Notice is hereby given that on September 30, 1967, the Commission will close the record for submission of written views concerning the subject matter of the March 13–15, 1967 hearings.

Issued: August 18, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc 67-9903; Filed, Aug. 22, 1967; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI 67-423 etc.]

HUNT OIL CO. ET AL.

Order Permitting Rate Filing, Accepting Rate Filings, Providing for Hearings on and Suspension of Proposed Changes in Rates

AUGUST 14, 1967.

Hunt Oil Co., et al., Docket Nos. RI67-423, et al., Hassie Hunt Trust (Operator) et al., Docket No. RI67-425.

In F.R. Doc. 67-8949 appearing at page 11242 of the issue for Wednesday, August 2, 1967, under column headed "Purchaser and Producing Area," opposite Hassie Hunt Trust Rate Schedule No. 29, insert "Texas Gas Transmission Corp." in lieu of "Tennessee Gas Pipe Line Co., a division of Tenneco, Inc."

Issued: June 7, 1967.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 67-9850; Filed, Aug. 22, 1967; 8:45 a.m.]

[Docket Nos. RI68-16 etc.]

TEXACO, INC., ET AL.

Order Accepting Contract Agreement, Providing for Hearings on and Suspension of Proposed Changes in Rates

AUGUST 14, 1967.

Texaco, Inc., Docket Nos. RI68-16 et al., Columbian Fuel Corp., Docket No. RI68-17.

In F.R. Doc. 67-9179, appearing at page 11494 of the issue for Wednesday, August 9, 1967, under column headed "Rate in Effect", relating to Supplement No. 8 to Columbian Fuel's Rate Schedule No. 8, delete reference "21".

July 27, 1967.

Delete footnote 21 in its entirety.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 67-9851; Filed, Aug. 22, 1967; 8:45 a.m.]

[Docket No. RI67-439, RI67-440]

GRAMPIAN COMPANY, LTD. AND RUTH PHILLIPS BISIKER

Order Accepting Decreased Rate Filings, Permitting Withdrawal of Suspended Rate Supplements and Terminating Proceeding

AUGUST 15, 1967.

On May 25, 1967, Grampian Co., Ltd. (Grampian), and Ruth Phillips Bisiker (Bisiker) tendered for filing proposed rate increases from 10.819792 cents to 15.513310 cents per Mcf, amounting to $21,590 annually, for natural gas sales made to Natural Gas Pipeline Co. of America from acreage in the LaGloria Area, Jim Wells and Books Counties, Tex. (Railroad District No. 4). The rate filings were designated as Supplement No. 9 to Grampian's Rate Schedule No. 3 and Supplement No. 8 to Bisiker's FPC Gas Rate Schedule No. 3. The proposed rate increases were suspended by the Commission's order issued June 16, 1967, in Docket Nos. RI67-439 and RI67-440, respectively, until November 25, 1967, and thereafter until made effective in the manner prescribed by the Natural Gas Act since such rates exceeded the applicable area increased ceiling level of 14.0 cents per Mcf as announced in the Commission's Statement of General Policy No. 61-1, as amended.

Grampian and Bisiker have now submitted amended rate change filings, as set forth in Appendix "A" hereof, proposing a "fractured" rate of 14.0 cents per Mcf in lieu of the suspended rate of 15.513310 cents to which they are contractually entitled. The amended increases to 14.0 cents amount to $14,629 annually, reflecting a decrease of $6,961 from the previously suspended increases. Grampian and Bisiker state that they are limiting their increase so as not to exceed the area increased ceiling rate and that they are waiving their rights to file further rate increases to which they may be entitled to under their rate schedules for the remainder of the relevant contract escalation period which expires in Grampian's case on March 26, 1969, and in Bisiker's case on May 14, 1969, but reserving their rights to file for any increase up to the area rate level which might in the future be established by the Commission and for increases due to any change in tax reimbursement. The proposed 14.0-cent rates do not exceed the applicable area increased ceiling level and since Grampian and Bisiker are waiving their rights to file for the highest contractually provided for rate as stated above, we conclude that the amended rate changes should be accepted for filing effective as of August 21, 1967, the date of expiration of the statutory notice; the prior increases designated as Supplement Nos. 9 and 8 to Grampian and Bisiker's FPC Gas Rate Schedule No. 3, respectively, should be permitted to be withdrawn, and the related suspension proceedings in Docket Nos. RI67-339 and RI67-440 should be terminated.

The Commission finds: Good cause exists for accepting for filing the decreased rate changes listed in Appendix "A" hereof to become effective as of August 21, 1967, the date of expiration of the statutory notice; for permitting the withdrawal of Supplement Nos. 9 and 8 to Grampian and Bisiker's FPC Gas Rate Schedule No. 3, respectively, and for terminating the related suspension proceedings in Docket Nos. RI67-439 and RI67-440.

The Commission orders:

(A) Grampian and Bisiker's proposed 14.0-cent decreased rates contained in Supplement Nos. 10 and 9 to their FPC Gas Rate Schedule No. 3, respectively, are accepted for filing and permitted to become effective on August 21, 1967, the date of expiration of the statutory notice.

(B) Supplement Nos. 9 and 8 to Grampian and Bisiker's FPC Gas Rate Schedule No. 3, respectively, are permitted to be withdrawn and the related suspension proceedings in Docket Nos. RI67-439 and RI67-440 are terminated.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual decrease	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed decreased rate	Rate in effect subject to refund in docket Nos.
R167-439	Grampian Co., Ltd., Suite 1300, 1407 Main St., Dallas, Tex. 75202, Attn.: Cecil L. Smith, Esq.	3	[1] 10	Natural Gas Pipeline Co. of America (La Gloria Area, Jim Wells and Brooks Counties, Tex.) (RR. District No. 4).	[2] 83,498	7-21-67	[4] 8-21-67		[3] 10.819792	[5] [6] 14.00000	R167-439
R167-440	Ruth Phillips Bisiker, Suite 1309, 1407 Main St., Dallas, Tex. 75202, Attn.: Cecil L. Smith, Esq.	3	[7] 9	....do....	[8] 11,131	7-21-67	[4] 8-21-67		[3] 10.819792	[5] [9] 14.00000	R167-440.

[1] Producer also waives its right to file for further rate increases under its rate schedule for the duration of the current escalation period which expires Mar. 26, 1969.
[2] Previous rate increase to 15.513310 cents was suspended in Docket No. R167-439 until Nov. 25, 1967.
[3] Reflects a decrease of $1,665 annually from the previously reported amount of $5,163.
[4] The stated effective date is the first day after expiration of the statutory notice.
[5] "Fractured" rate increase. Producer is contractually due a rate of 15.513310 cents per Mcf.
[6] Pressure base is 14.65 p.s.i.a.
[7] Previous rate increase to 15.513310 cents was suspended in Docket No. R167-440 until Nov. 25, 1967.
[8] Producer also waives her right to file for further rate increases under her rate schedule for the duration of the current escalation period which expires on May 14, 1969.
[9] Reflects a decrease of $5,295 annually from the previously reported amount of $16,427.

[F.R. Doc. 67-9852; Filed, Aug. 22, 1967; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 18, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41105—*Decyl alcohol to Chicago, Ill.* Filed by O. W. South, Jr., agent (No. A5053), for and on behalf of Illinois Central Railroad Co. Rates on decyl alcohol, other than perfumery grade, in tank carloads, subject to Rule 35, but not less than 65,000 pounds per car, from Baton Rouge and New Orleans, La., to Chicago, Ill.

Grounds for relief—Rate relationship. Tariff—Supplement 65 to Southern Freight Association, agent, tariff ICC S-470.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-9912; Filed, Aug. 22, 1967; 8:50 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

AUGUST 18, 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. MC 1648, Sub 1, filed July 31, 1967. Applicant: MID-STATE EXPRESS, INC., 531 Woodycrest Avenue, Nashville, Tenn. Applicant's representative: Walter Harwood, 515 Nashville Bank & Trust Building, Nashville, Tenn. 37201. Certificate of public convenience and necessity sought to operate a freight service as follows: *General commodities*, except used household goods, commodities in bulk, and articles requiring special equipment, between Manchester, Tenn., and Smartt, Tenn., from Manchester via Tennessee Highway 55 to Smartt and return over the same route, serving all intermediate points—to be tacked to and used in conjunction with all of applicant's present certificate. Both intrastate and interstate authority is sought.

HEARING: Monday, September 25, 1967, 9:30 a.m. at Cordell Hull Building, C-1-110, 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., and should not be directed to the Interstate Commerce Commission.

State Docket No. MC 20340 (Correction), filed August 1, 1967, published FEDERAL REGISTER issue of August 16, 1967, and republished as corrected this issue. 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 over regular route as follows: Transportation of *Class "A" motor carrier freight, general commodities* (which shall include all kinds of goods, wares and merchandise) 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 Septetmber 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. NOTE: The purpose of this republication is to show a regular route, and to redescribe the commodity description.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-9911; Filed, Aug. 22, 1967; 8:50 a.m.]

[Notice 460]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 18, 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 inter-

ested 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 2229 (Deviation No. 14), RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, Post Office Box 10837, Dallas, Tex. 75207, filed August 7, 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 Vernon, Tex., over U.S. Highway 283 to junction U.S. Highway 62 at Altus, Okla., thence over U.S. Highway 62 to junction U.S. Highway 83, thence over U.S. Highway 83 to junction Texas Highway 256, thence over Texas Highway 256 to Memphis, Tex., 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) Between Childress, Tex., and Vernon, Tex., over U.S. Highway 287, and (2) between Amarillo, Tex., and Childress, Tex., over U.S. Highway 287.

No. MC 2229 (Deviation No. 15), RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, Post Office Box 10837, Dallas, Tex. 75207, filed August 7, 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 Childress, Tex., over U.S. Highway 83 to junction Texas Highway 256, thence over Texas Highway 256 to Memphis, Tex., 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 Amarillo, Tex., and Childress, Tex., over U.S. Highway 287.

No. MC 2229 (Deviation No. 16), RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, Post Office Box 10837, Dallas, Tex. 75207, filed August 7, 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 Childress, Tex., over U.S. Highway 83 to junction Texas Highway 203 approximately 2 miles north of Wellington, Tex., thence over Texas Highway 203 to Hadley, Tex., 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 Amarillo, Tex., and Childress, Tex., over U.S. Highway 287.

No. MC 2350 (Deviation No. 1), MARIE MORRIS, DBA VANDALIA TRANSFER CO., Vandalia, Ill. 62471, filed August 7, 1967. Carrier's representative: R. W. Burgess, 8514 Midland Boulevard, St. Louis, Mo. 63114. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 40 and Interstate Highway 70 over Interstate Highway 70 to junction Interstate Highway 270, thence over Interstate Highway 270 to junction with Riverview Drive, in St. Louis, Mo., thence over Riverview Drive to Hall Street, thence over Hall Street to carrier's terminal in St. Louis, Mo., 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 Mulberry Grove, Ill., and St. Louis, Mo., over U.S. Highway 40.

No. MC 70437 (Deviation No. 1), Y.E.L.P. SERVICE, INC., Post Office Box 778, River Road, East Liverpool, Ohio 43920, filed August 14, 1967. Carrier's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Youngstown, over Ohio Highway 18 (as access road) to junction Interstate Highway 80S, thence over Interstate Highway 80S to junction Interstate Highway 76, thence over Interstate Highway 76 to junction U.S. Highway 30, thence over U.S. Highway 30 (as access road) to Pittsburgh, Pa., with the following access roads (1) from Youngstown, Ohio over Ohio Highway 7 to junction Interstate Highway 80S, (2) from junction Interstate Highway 80S and U.S. Highway 19 over U.S. Highway 19 to Pittsburgh, Pa., (3) from junction Interstate Highway 80S and Pennsylvania Highway 8 over Pennsylvania Highway 8 to Pittsburgh, Pa., (4) from junction Interstate Highway 80S and Pennsylvania Highway 28 over Pennsylvania Highway 28 to Pittsburgh, Pa., and (5) from junction Interstate Highways 80S and 76 over Interstate Highway 76 to Pittsburgh, Pa., 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 a pertinent service route as follows: From Youngstown, Ohio, over Ohio Highway 7 to junction Ohio Highway 165, thence over Ohio Highway 165 to junction Ohio Highway 14, thence over Ohio Highway 14 to the Ohio-Pennsylvania State line, thence over Pennsylvania Highway 51 to Pittsburgh, Pa., also from junction Pennsylvania Highways 51 and 65 over Pennsylvania Highway 65 to Pittsburgh, Pa., and return over the same routes.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Deviation No. 396), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed August 7, 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 deviation routes as follows: (1) From Youngstown, Ohio, over U.S. Highway 62 to junction Interstate Highway 80 just north of Hubbard, Ohio, thence over Interstate Highway 80 to Exit 15 of Interstate Highway 80 (northwest of Reynoldsville, Pa.), thence over Pennsylvania Highway 310 to junction U.S. Highway 322, thence over U.S. Highway 322, to junction U.S. Highway 119, thence over U.S. Highway 119 to junction U.S. Highway 219, thence over U.S. Highway 219 to junction Pennsylvania Highway 255, in DuBois, Pa., thence over Pennsylvania Highway 255 to Exit 17 of Interstate Highway 90 (southwest of Sabula, Pa.), thence over Interstate Highway 80 to Exit 23 (approximately 3 miles north of Milesburg, Pa.), thence over U.S. Highway 220 via Lock Haven, Pa., to junction U.S. Highway 15 in Williamsport, Pa., thence over U.S. Highway 15 to Exit 30N of Interstate Highway 80 (approximately 2 miles south of White Deer, Pa.), thence over Interstate Highway 80 to junction U.S. Highway 46, approximately 3 miles northwest of Delaware, N.J., (2) from Warren, Ohio, over Ohio Highway 82 to junction Ohio Highway 7, thence over Ohio Highway 7 to junction Interstate Highway 80, near Hubbard, Ohio, (3) from Exit 36 to Interstate Highway 80 near Berwick, Pa., over U.S. Highway 11 to Kingston, Pa., thence over U.S. Highway 309 to Wilkes-Barre, Pa., and (4) from interchange of Interstate Highway 80 and Interstate Highway 81 over Interstate Highway 81 to Scranton, Pa., and return over the same routes, for operating convenience only.

The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follows: (1) From Scranton, Pa., over Pennsylvania Highway 307 to junction U.S. Highway 611 at Daleville Junction, Pa., thence over U.S. Highway 611 (including relocation of U.S. Highway 611 between Ells Corner and Tobyhanna, Pa.), via Mount Pocono and Stroudsburg, Pa., to junction U.S. Highway 46, thence over U.S. Highway 46 via Buttzville, N.J., to Pine Brook, N.J., thence over Bloomfield Avenue to Newark, N.J., (2) from Pine Brook, N.J., over U.S. Highway 46 to junction Fairfield Road, Singac, N.J., (3) from junction New Jersey Highway S-3 and New Jersey Highway 3 over New Jersey Highway 3 to junction Depressed Highway, North Bergen, N.J., thence over Depressed Highway via Union City to Weehawken, N.J., (4) from Cleveland, Ohio, over Ohio Highway 176 to junction Rockside Road, thence over Rockside Road to junction U.S. Highway 21, thence over U.S. Highway 21 to junction Ohio Highway 176, thence over Ohio Highway 176 to junction Ohio Highway

18, thence over Ohio Highway 18 to Akron, Ohio, (5) from Wilkes-Barre, Pa., over Pennsylvania Highway 115 to Kingston, Pa., thence over U.S. Highway 11 via West Pittston and Scranton to Hallstead, Pa., (6) from New York, N.Y., through the Lincoln Tunnel to the Lincoln Tunnel Plaza in Weehawken, N.J., thence over the elevated express highway and the depressed highway to junction New Jersey Highway 3.

Thence over New Jersey Highway 3 to Secaucus, N.J., (7) from New York, N.Y., through the Lincoln Tunnel and over New Jersey Highway 3 to junction U.S. Highway 1, thence over U.S. Highway 1 (Tonnelle Avenue) to junction U.S. Highway 1 and New Jersey Highway 1 at the traffic circle, (8) from junction New Jersey Highways 3 and S-3 over New Jersey Highway S-3 to junction U.S. Highway 46, thence over U.S. Highway 46 to junction Fairfield Road, near Fairfield, N.J., (9) from Newark, N.J., over U.S. Highway 22 via Somerville, N.J., to Lewiston, Pa., thence over U.S. Highway 322 to Martha Furnace, Pa., thence over U.S. Highway 220 to Hollidaysburg, Pa., thence over U.S. Highway 22 to Pittsburgh, Pa., thence over Pennsylvania Highway 88 via Ambridge, Pa., to Rochester, Pa., (10) from New York, N.Y., over U.S. Highway 1 via Newark and Trenton, N.J., to Philadelphia, Pa. (also from Newark over New Jersey Highway 27 to Princeton, N.J., thence over U.S. Highway 206 to Trenton, N.J., thence as specified above to Philadelphia), thence over unnumbered highway to Ardmore, Pa., thence over U.S. Highway 30 via Paoli, Pa., to Bedford, Pa., (11) from East Stroudsburg, Pa., over U.S. Highway 611 via Stroudsburg, Pa., to Daleville, Pa., thence over Pennsylvania Highway 502 to junction Pennsylvania Highway 307, thence over Pennsylvania Highway 307 to Scranton, Pa., thence over U.S. Highway 11 to Northumberland, Pa., (12) from Swiftwater, Pa., over Pennsylvania Highway 940 to Blakeslee, Pa.

Thence over Pennsylvania Highway 115 to Kingston, Pa., (13) from Armagh, Pa., over Pennsylvania Highway 56 to junction U.S. Highway 220, thence over U.S. Highway 220 to Bedford, Pa., (14) from Northumberland, Pa., over Pennsylvania Highway 14 to Clarks Ferry, Pa., (15) from Northumberland, Pa., over U.S. Highway 11 to Amity Hall, Pa., (16) from Rochester, Pa., over Pennsylvania Highway 18 to Beaver Falls, Pa., thence over Pennsylvania Highway 588 to junction Pennsylvania Highway 51, thence over Pennsylvania Highway 51 to the Pennsylvania-Ohio State line, thence over Ohio Highway 165 to East Palestine, Ohio, thence over Ohio Highway 170 to Unity, Ohio, thence over Ohio Highway 14 to Columbiana, Ohio, (17) from Youngstown, Ohio, over Ohio Highway 18 to Bellevue, Ohio, (18) from Cleveland, Ohio, over Ohio Highway 87 to junction U.S. Highway 422, thence over U.S. Highway 422 to junction relocated U.S. Highway 422 and old U.S. Highway 422 (south of Parkman, Ohio), thence over relocated U.S. Highway 422, to junction old U.S. Highway 422 (north of Warren, Ohio), thence over U.S. Highway 422 to Youngstown, Ohio, thence over Ohio Highway 7 to North Lima, Ohio, (19) from Blakeslee Corner, Pa., over Pennsylvania Highway 115 to Saylorsburg, Pa., thence over Pennsylvania Highway 12 to Stockertown, Pa., thence over Pennsylvania Highway 115 to Easton, Pa., (20) from Harrisburg, Pa., over U.S. Highway 11 to Middlesex, Pa.

Thence over the Pennsylvania Turnpike to Irwin, Pa., thence over U.S. Highway 30 to Pittsburgh, Pa., (21) from New York, N.Y. through the Lincoln Tunnel and over New Jersey Highway 3 to junction U.S. Highway 1, thence over U.S. Highway 1 (Tonnelle Avenue) to junction U.S. Truck Highway 1, at the traffic circle under the Pulaski Skyway in Jersey City, N.J., (22) from Wilkes-Barre, Pa., over unnumbered highway to Pittston, Pa., (23) from Harrisburg, Pa., across the Susquehanna River thence over U.S. Highway 11 to junction U.S. Highway 22, (24) from Dupont, Pa., over Pennsylvania Highway 315 to Wilkes-Barre, Pa., (25) from Carlisle Interchange at Middlesex over the Pennsylvania Turnpike to King of Prussia, thence over Pennsylvania Highway 23 to Philadelphia, Pa., (26) from junction U.S. Highways 11 and 15 over U.S. Highway 15 to junction with the Pennsylvania Turnpike at Gettysburg Pike Interchange, (27) from junction U.S. Highway 30 and Pennsylvania Turnpike, over the Pennsylvania Turnpike to junction U.S. Highway 22, (28) from junction U.S. Highway 22 and Penn-Lincoln Parkway over the Penn-Lincoln Parkway to Pittsburgh, Pa., (29) from Lincoln Tunnel Interchange over the New Jersey Turnpike to the Delaware Memorial Bridge Interchange, (30) from junction U.S. Highway 1 and New Jersey Highway 3 over New Jersey Highway 3 via Lincoln Tunnel Interchange to the New Jersey Turnpike, (31) from Philadelphia, Pa., over city streets and the Delaware River Bridge to Camden, N.J.

Thence over New Jersey Highway 38 to junction New Jersey Highway 73, thence over New Jersey Highway 73 via Camden-Philadelphia Interchange to the New Jersey Turnpike, (32) from the Pennsylvania-Ohio State line at the junction of the Ohio and Pennsylvania Turnpikes over the Ohio Turnpike to junction Ohio Highway 18, (33) from junction U.S. Highway 22 and the Pennsylvania Turnpike over the Pennsylvania Turnpike to the Pennsylvania-Ohio State line (Gateway Interchange), (34) from Pittsburgh, Pa., over U.S. Highway 19 to junction Pennsylvania Turnpike, (35) from Cleveland, Ohio, over new U.S. Highway 21 (Willow Freeway) to junction Rockside Road, just north of Independence, Ohio, (36) from junction Ohio Turnpike and Ohio Highway 18 over the Ohio Turnpike to the Ohio-Indiana State line, and (37) from junction Northeast segment of the Pennsylvania Turnpike system and the Pennsylvania Turnpike over the eastern extension of the Pennsylvania Turnpike via the Delaware River Bridge near Edgeley, Pa., and Florence, N.J., to junction connecting segment of the New Jersey Turnpike, thence over connecting segment of the New Jersey Turnpike to New Jersey Turnpike at Interchange No. 6 thereof, and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-9910; Filed, Aug 22, 1967; 8:50 a.m.]

[Notice 1097]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 18, 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 55236 (Sub-No. 152) (Republication), filed July 14, 1967, published in the FEDERAL REGISTER issues of July 27, 1967, and August 10, 1967, and republished this issue. Applicant: OLSON TRANSPORATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. 54306. Applicant's representative: K. L. Laird (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Muskegon, Mich., and within 5 miles thereof, to points in Iowa, Missouri, Kansas, Nebraska, and Minnesota (except St. Paul, Minn.). NOTE: The purpose of this republication is to reflect the hearing information.

HEARING: September 22, 1967, in Room 215, Federal Building, 325 West Allegan Street, Lansing, Mich., before Examiner Charles W. Bennett.

No. MC 9148 (Sub-No. 10) (Republication), filed September 23, 1966, published FEDERAL REGISTER issue of October 13, 1966, and republished this issue. Applicant: DEAN THORNTON, doing business as KEYSTONE TRUCKING COMPANY, Main Street, Rushford, N.Y. 14777. Applicant's representative: Raymond A. Richards, 35 Curtice Park, Webster, N.Y. 14580. By application filed September 23, 1966, 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 (1) processed popcorn prod-

ucts; chips, twists, or puffs; popped corn; fried pork skins, from the plantsites and facilities of Popped-Right Corn Co. at points in Marion and Wyandot Counties, Ohio, to points in Connecticut, Maine, Massachusetts, New Jersey, New Hampshire, New York, Pennsylvania, Rhode Island, and Vermont; and (2) iron and steel rust preventing or removing compound (other than petroleum), metal cutting, drawing, and drilling compounds (other than petroleum), brake fluid (other than petroleum), cleaning, washing, and scouring compound, petroleum tar, petroleum wax, petroleum oil, compounded oil and greases and lubricating greases, vehicle body sealer, sound deadening compound, and oil emulsions, all in containers, and petroleum and petroleum products as described in appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, except in bulk, and related advertising material, (a) from Buffalo, N.Y., and Emlenton and Farmers Valley, Pa., to points in Illinois, except Chicago, and all points in Indiana, restricted however to traffic originating at the facilities of Quaker State Oil Refining Corp. at the points named and destined to points in the named destination States and (b) from Warren, Pa., to points in Connecticut, Massachusetts, New Jersey, New Hampshire, New York, Rhode Island, Vermont, and those points in Maine on and south of Maine Highway 25, including Portland, Maine, and the Portland, Maine, commercial zone.

The application was referred to Examiner Richard A. White for hearing and the recommendation of an appropriate order thereon. Hearing was held on May 4, 1967, at Buffalo, N.Y. A Report and Order of the Commission, division 1, served June 15, 1967, which became effective July 17, 1967, served July 25, 1967, as amended, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of (1) *iron and steel rust preventing or removing compounds* (other than petroleum), *metal cutting, drawing and drilling compounds* (other than petroleum), *brake fluid* (other than petroleum), *cleaning, washing, and scouring compounds, petroleum tar, compounded oil and greases and lubricating greases, vehicle body sealer, sound deadening compound, and oil emulsions*, in containers, and *petroleum and petroleum products* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in containers, and *related advertising material*, (a) from Buffalo, N.Y., and Emlenton and Farmers Valley, Pa., to points in Illinois except Chicago, Ill., and points in Indiana, restricted to traffic originating at the facilities of Quaker State Oil Refining Corporation at the named origins and destined to points in the named destination States, and (b) from Warren, Pa., to points in Connecticut, Massachusetts, New Jersey, New Hampshire, New York, Rhode Island, Vermont, and those points in Maine on and south of Maine Highway 25, including Portland, Maine, and the commercial zone thereof; and (2) *popcorn, corn chips, corn twists, corn puffs, and fried pork skins, and raw corn* when transported at the same time and in the same vehicle with popcorn, corn chips, corn twists, corn puffs, and fried pork skins, from the plantsites and facilities of Popped-Right Corn Co. in Marion and Wyandot Counties, Ohio, to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont; and 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 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 36222 (Sub-No. 10) (Republication), filed July 19, 1966, published FEDERAL REGISTER issues of August 18, 1966, and July 6, 1967, and republished this issue. Applicant: JOHN L. FANSHAW, JR., doing buisness as CREWE TRANSFER, Crewe, Va. Applicant's representative: John C. Goddin, Insurance Building, 10 South 10th Street, Richmond, Va. In the above-entitled proceeding an order was entered May 19, 1967, and served June 21, 1967, by Operating Rights Board No. 1, which found 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 (1) wearing apparel from Emporia and Lawrenceville, Va., to Crewe, Va., and (2) materials and supplies used in the manufacture of wearing apparel from Crewe, Va., to Emporia and Lawrenceville, Va.; 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. That by petition filed July 20, 1967, applicant requests that the prior order be amended so as to authorize the operation described below. A Supplemental order of the Commission, Operating Rights Board, dated July 31, 1967, and served August 9, 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 *wearing apparel and materials and supplies* used in the manufacture of wearing apparel, between Emporia and Lawrenceville, Va., on the one hand, and, on the other, Crewe, Va.; 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 Commissions' 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 121120 (Sub-No. 2) (Republication), filed July 6, 1965, published FEDERAL REGISTER issue of July 29, 1965, and republished this issue. Applicant: RAPID DELIVERY SERVICE, INC., 3960 Northeast Fifth Terrace, Fort Lauderdale, Fla. Applicant's representative: Alan B. Brody, Suite 410, Ainsley Building, Miami, Fla. 33132. In the above-entitled proceeding, the examiner recommended the granting to applicant a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce, over irregular routes, of general commodities, except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, motion picture films, newspapers and magazines, commodities which because of their size require special equipment, commodities in bulk (not including wearing apparel loose on hangers), and those injurious or contaminating to other lading, (1) between points in Dade, Broward, Collier, Palm Beach, Hendry, Lee, Charlotte, Glades, Martin, St. Lucie, Okeechobee, Highlands, De Soto, Hardee, Sarasota, Manatee, Pinellas, Hillsborough, Polk, Osceola, Indian River, Brevard, Orange, Seminole, Sumter, Pasco, Hernando, Citrus, Marion, Volusia, Flagler, Putnam, Alachua, Bradford, Clay, St. Johns, Duval, and Nassau Counties, Fla., subject to the following restrictions:

(a) No service shall be rendered in the transportation of any package or article weighing more than 100 pounds and each package or article shall be considered as a separate and distinct shipment; and (b) no service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day; and (2) wearing apparel, on hangers, together with accessories, piece goods and cut materials, and supplies used in the conduct of retail wearing apparel stores, in cartons, in mixed loads with wearing apparel on hangers, from Jacksonville, Fla., to points in Dade, Broward, Collier, Palm Beach, Hendry, Lee, Charlotte, Glades, Martin,

St. Lucie, Okeechobee, Highlands, De Soto, Hardee, Sarasota, Manatee, Pinellas, Hillsborough, Polk, Osceola, Indian River, Brevard, Orange, Seminole, Sumter, Pasco, Hernando, Citrus, Marion, Volusia, Flagler, Putnam, Alachua, Bradford, Clay, St. Johns, Duval, and Nassau Counties, Fla. A report of the Commission, Review Board Number 2, decided August 4, 1967, and served August 15, 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 *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and motion picture films, newspapers, and magazines), moving in express service, between points in Alachua, Bradford, Brevard, Broward, Charlotte, Citrus, Clay, Collier, Dade, De Soto, Duval, Flagler, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Lake, Lee, Manatee, Marion, Martin, Nassau, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Putnam, St. Johns, St. Lucie, Sarasota, Seminole, Sumter, and Volusia Counties, Fla., subject to the following restrictions:

(a) No service shall be provided in the transportation of any package or article weighing more than 100 pounds, and each package or article shall be considered as a separate and distinct shipment, and (b) no service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day; 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; and that applicant should request in writing the coincidental cancellation of its certificate of registration in No. MC 121120 (Sub-No. 1) issued December 18, 1963. 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 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 128947 (Republication), filed March 15, 1967, published FEDERAL REGISTER issue of April 6, 1967 and republished this issue. Applicant: CLEVELAND BULK TRANSFER, INC., 10655 Royalton Road, North Royalton, Ohio 44133. Applicant's representative: Frank J. Kerwin, Jr., 900 Guardian Building, Detroit, Mich. 48226. By application filed March 15, 1967, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of automobile bodies, wrecked or scrapped, not on their own wheels, and not bundled, for remelting purposes, (1) from points in Ohio to Detroit, Mich., and points in its commercial zone, and (2) from the ports of entry on the international boundary line between the United States and Canada located at or near Port Huron and Detroit, Mich., to Detroit, Mich. and points in its commercial zone, under contract with Luria Brothers & Co., Inc. An Order of the Commission, Operating Rights Board, dated July 31, 1967, and served August 10, 1967, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of *automobiles*, wrecked or scrapped, (1) from points in Ohio, to Detroit, Mich., and (2) from those ports of entry on the International Boundary line between the United States and Canada located at or near Port Huron and Detroit, Mich., to Detroit, Mich., under a continuing contract with Luria Brothers & Co., Inc., of Detroit, Mich., will be consistent with the public interest and 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 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 128962 (Republication), filed March 23, 1967, published FEDERAL REGISTER issue of April 20, 1967, and republished this issue. Applicant: FRED H. LORENZEN, doing business as A. V. PRICE TRANSFER COMPANY, 1631 Ronan Avenue, Wilmington, Calif. 90746. Applicant's representative: R. Y. Schureman, 1010 Wilshire Boulevard, Los Angeles, Calif. 90017. By application filed March 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 irregular routes, of baggage and personal effects of steamship passengers, between points in the Los Angeles Harbor commercial zone, California, on the one hand, and, on the other, points in Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, and Ventura Counties, Calif. An order of the Commission, Operating Rights Board dated July 31, 1967, and served August 9, 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 *baggage and personal effects of passengers* having a prior or subsequent movement by water, between points in the Los Angeles Harbor commercial zone, California, as defined by the Commission, on the one hand, and, on the other, points in Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, and Ventura Counties, Calif.; 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.

NOTICES OF FILING OF PETITIONS

No. MC 30451 (Sub-No. 22) (Notice of filing of petition to modify permit), filed July 31, 1967. Petitioner: THE LUPER TRANSPORTATION COMPANY, 350 east 21st Street, Wichita, Kans. 67214. Petitioner's representative: James F. Miller (same address as above). Petitioner states that it holds a permit authorizing the transportation, over irregular routes, of: Meats, meat products and meat byproducts, dairy products, and articles distributed by meat packinghouses, as described in sections A, B, and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Wichita, Kans., to points in Alabama, Florida, Georgia, and Tennessee (except Memphis, Tenn.), with no transportation for compensation on return except as otherwise authorized, limited to a transportation service to be performed, under a continuing contract or contracts, with Cudahy Packing Co., of Wichita, Kans. By the instant petition, petitioner desires to add an additional contracting shipper, the Sunflower Packing Co. of Wichita, Kans. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER. Petitioner shall within a period of 30 days from the date of this publication, file verified statements in support of the petition (including appropriate evidence of shipper support for the modification proposed).

No. MC-118412 (In the matter of alleged forgery of applicant's signature). Petitioner: WM. PRESTON O'CONNOR, doing business as FRIGID FREIGHT-

WAYS, Chicago, Ill. Petitioner's representative: Wm. Preston O'Connor, 3664 South Wabash Street, Chicago, Ill. As a result of a written request dated January 8, 1960, ostensibly in the name of applicant, William Preston O'Connor, by order of January 19, 1960, the application in the above-entitled proceeding (for "grandfather" authority under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier by motor vehicle, over irregular routes, of frozen fruits, frozen berries, frozen vegetables, cocoa beans, coffee beans, tea, bananas, and wool imported from any foreign country, between points in Connecticut, Colorado, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Dakota, Wisconsin, Arizona, New Mexico, California, Utah, Nevada, North Dakota, Montana, Idaho, Washington, Oregon, Delaware, Maryland, and the District of Columbia) was dismissed. By letter filed July 18, 1967, together with a supporting affidavit, applicant William Preston O'Connor advises this Commission that he did not request dismissal of the application, alleging that his name was forged to the letter request for dismissal. By order dated August 11, 1967, by the Commission, Commissioner Murphy, applicant's letter-affidavit of July 18, 1967, was designated for handling under the modified procedure solely for the purpose of determining the validity of the letter request of January 8, 1960, for dismissal of the application in the proceeding. The said order fixes September 18, 1967, on or before which William Preston O'Connor is required to show cause in writing, verified under oath, why the order of January 19, 1960, should be vacated and set aside, and also provides that parties to the proceeding and other interested persons may file verified statements supporting or opposing applicant's position within 30 days after the filing of applicant's verified statements. The said order also directs the Bureau of Enforcement, Interstate Commerce Commission, to participate in the proceeding.

No. MC 125022 (Notice of filing of petition for modification of permit), filed July 31, 1967. Petitioner: MERCURY PRODUCE EXPRESS, LTD., 2916 Norland Avenue, Burnaby, British Columbia, Canada. Petitioner's representative: Thomas R. Kerr, 140 Montgomery Street, San Francisco, Calif. 94104. Petitioner states it holds a Permit in No. MC 125022 authorizing the transportation by motor vehicle, in interstate or foreign commerce, over irregular routes, of such commodities as are dealt in by wholesale, retail, and general grocery and food business houses, and, in connection therewith, equipment, materials, and supplies used in the conduct of such businesses, and commodities which are exempt from economic regulation, when moving in mixed shipments with the commodities specified above, from points in California, Oregon, and Washington, to ports of entry on the United States-Canada boundary line in Washington, Idaho, and Montana, with no transportation for compensation on return except as otherwise authorized, restricted to contracts with the following shippers: James Brothers Food, Ltd., Vancouver, British Columbia, Canada, J. K. Preiswerk Co., Vancouver, British Columbia, Canada, and Kelly Douglas & Co., Ltd., Vancouver, British Columbia, Canada. By the instant petition, petitioner requests that Kelley Douglas & Co., Ltd., be removed as one of the shippers that applicant may contract with, and that MacDonalds Consolidated, Ltd., be added to the permit in place of Kelly Douglas; that Koffman Food Importers, Ltd., be added to the list of shippers with which applicant may contract; and that Oppenheimer Bros. & Co. be added to the list of shippers with which applicant may contract. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 22167 (Sub-No. 23), filed July 24, 1967. Applicant: CONSOLIDATED COPPERSTATE LINES, a corporation, 1220 West Washington Boulevard, Montebello, Calif. 90640. Applicant's representative: Haze Burch, 411 North Central, First National Bank Building, Phoenix, Ariz. 85004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except livestock), between Flagstaff and Kingman, Ariz., serving all intermediate points between Kingman and Ashfork, Ariz., on the one hand, and, on the other, points east of Ashfork on Highway 66 to Flagstaff, and points within 25 miles of Flagstaff with no service between Flagstaff and Ashfork. NOTE: This application is directly related to MC-F-9836, published in the FEDERAL REGISTER, August 2, 1967. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 109672 (Sub-No. 10), filed August 2, 1967. Applicant: BOYCE MOTOR LINES, INC., Lake Shore Drive, Canandaigua, N.Y. 14424. Applicant's representative: Herbert M. Canter, 345 South Warren Street, Syracuse, N.Y. 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *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) regular route: Between Rochester and Syracuse, N.Y., as follows: (a) From Rochester over New York Highway 31 to junction New York Highway 31B, thence over New York Highway 31B to junction New York Highway 5, thence over New York Highway 5 to Syracuse, (b) from Rochester over New York Highway 96 to Waterloo, thence over New York Highway 5 to Syracuse, (c) from Rochester over New York Highway 96 to junction New York Highway 332, thence over New York Highway 332 to Canandaigua, thence over New York Highway 5 to Syracuse, serving all intermediate points, and with service to, from and between all points in the commercial zones of Syracuse, Rochester, and Auburn, and (d) over the New York State Thruway for operating convenience only and (2) irregular route: *Nursery stock*, from points in Wayne County, N.Y., to points in Broome, Chemung, Erie, Fulton, Genesee, Livingston, Madison, Montgomery, Oneida, Saratoga, and Ulster Counties, N.Y. NOTE: This application is a matter directly related to MC-F-9845, published in the FEDERAL REGISTER issue August 16, 1967. It seeks to convert the certificate of registration of G & N Motor Express, Inc., in MC-1401, Sub-2, into a certificate of public convenience and necessity. Control of the authorities and properties of G & N Motor Express, Inc., is being sought permanently in the above referenced BMC-44 application and temporary authority to control and operate the same through stock control is being sought on a concurrently filed BMC-46 application. No duplicating authority sought. Applicant intends to tack the authority sought herein with its existing authorities. If a hearing is deemed necessary, applicant requests it be held at Syracuse or Rochester, N.Y.

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-9735 (Correction) (BRUCE MOTOR FREIGHT, INC.—CONTROL—HAWKEYE MOTOR EXPRESS, INC.), published in the May 3, 1967, issue of the FEDERAL REGISTER, on page 6818. The authority sought is for merger also and should read BRUCE MOTOR FREIGHT, INC., *control and merge* the operating rights and property of HAWKEYE MOTOR EXPRESS, INC., in lieu of control only.

No. MC-F-9851. Authority sought for purchase by REED LINES, INC., Box 285, Woodburn, Ind. 46797, of a portion of the operating rights of MOTORWAY CORPORATION (WARREN H. BOCK, TRUSTEE IN BANKRUPTCY), Spitzer Building, Toledo, Ohio 43604, and for acquisition by GLENN W. REED, 634 Ralston Avenue, Defiance, Ohio, of control of such rights through the purchase. Applicants' attorney: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Operating rights sought to be transferred: *Glass containers* and *caps, covers, disks or tops therefor*, as a *common carrier* over irregular routes, from Gas City, Ind., to certain specified points in New York; *glass containers, caps, covers, disks and tops*, and *fibreboard boxes*,

corrugated or knocked down flat, from Fairmont, W. Va., to points in Pennsylvania (with exception), Kentucky, Indiana, and the Lower Peninsula of Michigan, from Gas City, Ind., to points in Pennsylvania; *glass containers, glass bottles,* and *glass jars,* with or without caps, covers, tops, or stoppers, *glassware,* other than *cut, caps, covers, tops,* and *stoppers* for glass containers, and *boxes and containers,* wooden or corrugated paper, set up or knocked down, from certain specified points in Pennsylvania, to points in Ohio, West Virginia, Kentucky, Indiana, Illinois, the Lower Peninsula of Michigan, St. Louis County, Mo., and St. Louis, Mo.; *machinery, equipment, materials, and supplies* used or useful in the manufacture of the commodities specified next above, from points in Ohio, West Virginia, Kentucky, Indiana, Illinois, the Lower Peninsula of Michigan, St. Louis County, Mo., and St. Louis, Mo., to certain specified points in Pennsylvania; *glass bottles, glass jars,* and *caps, covers, disks and tops therefor,* and *fibreboard boxes,* from Fairmont, W. Va., to St. Louis, Mo., and points in St. Louis County, Mo., and Illinois, from Gas City, Ind., to certain specified points in New York; *glass blocks* and *materials* used in the installation thereof, from Muncie, Ind., to points in Pennsylvania and New York; *agricultural, garden, and lawn seed, fence, fence post, fence materials, cod liver oil, insecticides,* and *fertilizer,* from Columbus and Cincinnati, Ohio, to certain specified points in West Virginia, Kentucky, Indiana, and Pennsylvania; *seed, fence, fence posts and other fence materials, cod liver oil, insecticides,* and *fertilizer,* from Columbus, Ohio, to certain specified points in West Virginia; *fence, fence posts, fence materials, cod liver oil, insecticides,* and *fertilizer,* from points in Franklin and Hamilton Counties, Ohio, to points in New York, New Jersey, West Virginia, Indiana, Pennsylvania, Maryland, and Kentucky; *agricultural, garden, and lawn seed, display cases for seed,* and *empty containers for seeds,* between points in Franklin and Hamilton Counties, Ohio, on the one hand, and, on the other, points in New York, New Jersey, West Virginia, Indiana, Pennsylvania, Maryland, and Kentucky; *Oleomargarine, salad dressing, lard substitutes, cooking oils,* and *vegetables stearine,* from Columbus, Ohio, to Johnstown and Altoona, Pa., and Fairmont, W. Va.; *poultry equipment* and *dairy equipment,* from points in Brooke County, W. Va., to points in Ohio, with restriction; *building, paving, or roofing materials,* restricted against the transportation of any shipments in bulk, in tank vehicles, *asbestos building, roofing, or sheathing paper,* including felt paper not saturated, not coated nor corrugated, *asbestos wallboard,* plain or polished, not ornamented, painted, glazed, enameled nor shaped, *asphalt* (asphaltum), petroleum or byproduct, liquid or solid, other than paint, stain or varnish or roofing asphalt, *boards,* asphalt composition, paving or flooring, *board,* wall or ceiling, fibreboard or pulpboard, *carpet lining,* paper, including felt paper, plant, other than indented, *cotton cloth,* saturated or coated with asphalt, *eave filler strips or flashing blocks,* asphalt composition, *felt or paper,* building, roofing or sheathing, (including felt or paper, building or sheathing, in multiple-ply sheets), *felt or paper* (sound-deadening material), saturated or coated with asphalt, pitch, or similar materials and surfaced or not surfaced with talc, mica, soapstone, crushed slate, vermiculite, or similar materials, *flashing, or water or vapor barrier or insulating material,* aluminum, copper or lead combined with asphalt, fabric fibres, paper or asbestos felt, *gravel, paving joints,* expansion, asphalt, asphalt base or rubber composition, *roof coating* (not paint nor stain), having asphalt, pitch, tar or rosin base, *roofing asphalt,* roofing, composition, or prepared, *roofing granules,* consisting of crushed stone, slate, slag, gravel or iron ore tailings, *roofing pitch, roofing tar or cement, shingles,* asphalt, *shingles,* asphalt, with wood base, *shingles,* hard asbestos (artificial stone shingles or slates), *shingles,* siding or roofing, asbestos and wallboard (fibreboard or pulpboard) combined, *siding, siding,* asphalt composition, or fibreboard faced or coated with asphalt and roofing granules, or fibreboard faced or coated with resin composition, *slag, wallboard, building board or insulating board,* asbestos and woodpulp or fibreboard combined, from Franklin, Ohio, to points in West Virginia (with exceptions), and Pennsylvania (with exceptions). Vendee is authorized to operate as a *common carrier* in Connecticut, Delaware, Florida, Illinois, Indiana, Kentucky, Louisiana, Maine, Mississippi, Tennessee, Virginia, West Virginia, Ohio, Pennsylvania, Wisconsin, Michigan, New York, New Jersey, Vermont, New Hampshire, Massachusetts, Maryland, Rhode Island, Arkansas, Missouri, Iowa, and Minnesota, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9852. Authority sought for control by SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. 60606, of VIKING FREIGHT COMPANY, 1525 South Broadway, St. Louis, Mo. 63104, and for acquisition by SPECTOR INDUSTRIES, INC., and in turn by W. STANHAUS, both also of Chicago, Ill., of control of VIKING FREIGHT COMPANY through the acquisition by SPECTOR FREIGHT SYSTEM, INC. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago, Ill. 60603, and G. M. Rebman, 314 North Broadway, St. Louis, Mo. 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 Missouri, Illinois, Tennessee, Arkansas, Indiana, Ohio, Kentucky, Oklahoma, Texas, Mississippi, Louisiana, and Alabama, with certain restrictions, serving various intermediate and off-route points, numerous alternate routes for operating convenience only, as more specifically described in Docket No. MC–35484 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. SPECTOR FREIGHT SYSTEM, INC., is authorized to operate, as a *common carrier* in Missouri, Massachusetts, Indiana, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Illinois, Maryland, Ohio, Wisconsin, Minnesota, Kansas, Colorado, Iowa, Nebraska, Oklahoma, Texas, Delaware, and Michigan and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9853. Authority sought for purchase by GETTER TRUCKING, INCORPORATED, Highway 2 East, Cut Bank, Mont. 59427, of a portion of the operating rights of L. C. JONES TRUCKING COMPANY, Post Office Box 9512, Houston, Tex. 77011, and for acquisition by RALPH E. GETTER, and THOMAS I. GETTER, Box 1777, Gillette, Wyo. 82716, Post Office Box 806, Cut Bank, Mont. 59427, of control of such rights through the purchase. Applicants' representative: Ralph E. Getter, Post Office Box. 806, Cut Bank, Mont. 59427. Operating rights sought to be transferred: *Machinery* and *equipment* used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, and *materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage transmission and distribution of sulphur and its products, when moving to or from exploration, drilling, production, job, construction and plant (including refining, manufacturing, and processing plant) sites, or storage sites, as a *common carrier* over irregular routes between certain specified points in North Dakota, on the one hand, and, on the other, points in Wyoming, between points in Oklahoma, on the one hand, and, on the other, points in North Dakota, *machinery, equipment, materials and supplies* used in, or in connection with, the drilling of water wells, between points in Louisiana, between points in Wyoming, between points in Louisiana and Wyoming, on the one hand, and, on the other, points in Colorado, Kansas, New Mexico, Oklahoma, and Texas, between points in Arkansas, on the one hand, and, on the other, points in Louisiana, between points in Oklahoma, on the one hand, and, on the other, points in Mississippi, subject to the restriction that carrier shall not transport any traffic between points in Colorado, Kansas, Louisiana, New Mexico, Texas, Wyoming, and Arkansas, on the one hand, and, on the other, points in Mississippi, between points in Montana and Utah, on the one hand, and, on the other, points in Kansas, Oklahoma, and Texas, between cer-

tain specified points in North Dakota, South Dakota, and Montana, to the United States-Canada boundary line, between points in the territory described immediately above, on the one hand, and on the other, points in Wyoming, between points in Nebraska and certain specified points in Colorado, between points in Oklahoma, on the one hand, and, on the other, points in Nebraska, North Dakota, and South Dakota, from points in Oklahoma and Texas to points in Pennsylvania and West Virginia, and from points in Pennsylvania to points in Oklahoma and Texas. Vendee is authorized to operate as a *common carrier* in Montana, Wyoming, North Dakota, and South Dakota. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9854. Authority sought for purchase by SHANAHAN MOTOR LINES, INC., 1600 South Delaware Avenue, Philadelphia, Pa. 19148, of the operating rights of EAGLE TRANSFER CO., 325 Spring Garden Street, Philadelphia, Pa. 19123, and for acquisition by TIMOTHY J. SHANAHAN III, of control of such rights through the purchase. Applicants' attorney: Jacob J. Siegal, 1500 Walnut Street, Philadelphia, Pa. 19102. Operating rights sought to be transferred: *General commodities*, excepting among others, commodities in bulk, but not excepting, household goods, as a *common carrier*, over a regular route, between Wilmington, Del., and Philadelphia, Pa., between the fixed termini, serving all intermediate and certain off-route points; *household goods*, over irregular routes, between Wilmington, Del., on the one hand, and points in New Jersey, New York, Delaware, Maryland, Pennsylvania, and Washington, D.C., on the other; and *meats, meat products, and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (except those in bulk, in tank vehicles), from Wilmington, Del., to certain specified points in Pennsylvania, with restriction. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, New Jersey, Delaware, Maryland, Connecticut, Massachusetts, Rhode Island, Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9855. Authority sought for control and merger by WESTERN OIL TRANSPORTATION COMPANY, INCORPORATED, Post Office Box 3120, Midland, Tex. 79704, of the operating rights and property of PETROLEUM TRANSPORT COMPANY, Post Office Box 3120, Midland, Tex. 79704, and for acquisition by THE PERMIAN CORPORATION, Post Office Box 3119, Midland, Tex., and, in turn by OCCIDENTAL PETROLEUM CORPORATION, 10889 Wilshire Boulevard, Los Angeles, Calif., of control of such rights and property through the transaction. Applicants' attorney: O. Russell Jones, Post Office Box 2228, Santa Fe, N. Mex. 87501. Operating rights sought to be controlled and merged: *Crude oil*, in bulk, in tank vehicles, as a *common carrier*, over irregular routes, between points in Wyoming, from points in the Ash Creek Oil Field in Big Horn County, Mont., and Sheridan County, Wyo., to Billings, Mont., and Midwest and Casper, Wyo.; and *petroleum crude oil*, in bulk, in tank vehicles, from certain specified points in Nebraska, to certain specified points in Kansas. WESTERN OIL TRANSPORTATION COMPANY, INCORPORATED, is authorized to operate as a *common carrier* in New Mexico and Texas. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9856. Authority sought for control and merger by MICHIGAN EXPRESS, INC., 1122 Freeman Avenue, Grand Rapids, Mich. 49502, of the operating rights and property of CUSHMAN MOTOR DELIVERY COMPANY, 1480 West Kinzie Street, Chicago, Ill. 60622, and for acquisition by VOTING TRUST OF TIMMER ESTATE (B. E. TIMMER, G. W. RYKSE AND C. E. THORNQUIST, TRUSTEES), 3003 East Fulton Road, Grand Rapids, Mich., 1324 Sprucewood Drive, Grand Rapids, Mich., and Pineycrest, Fruitport, Mich., respectively, of control of such rights and property through the transaction. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago, Ill. 60603. 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 Ypsilanti, Mich., and Wyandotte, Mich., serving no intermediate points, between Detroit, Mich., and the Chrysler Corp. Tank Arsenal, serving all intermediate points; over numerous alternate routes for operating convenience only; *general commodities*, excepting, among others, commodities in bulk, but not excepting, household goods, between Chicago, Ill., and junction U.S. Highways 41 and 6 and Indiana Highway 152, serving all intermediate points on the Calumet-Tri-State Expressway; over numerous alternate routes for operating convenience only; *general commodities*, excepting as next above, over regular and irregular routes, (1) In the commercial areas of Chicago, Cincinnati, Dayton, Indianapolis, Detroit, and Milwaukee as stated in appendix I, over irregular routes; (2) between all points within the area bounded as follows: Commencing at junction U.S. Highway 41 and 30 over U.S. Highway 30 to junction Illinois Highway 31, thence over Illinois Highway 31 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction U.S. Highway 41, north of Chicago, including all points on highways and that portion of the commercial zone of Chicago in Indiana within this area, over irregular routes; (3) between all points on regular routes stated in appendix II over said routes, including commercial areas stated in appendix I of the States of Illinois, Indiana, Kentucky, Michigan, Ohio, and Wisconsin, with exceptions; also serving points between junction Interstate Highway 94 (formerly portion of U.S. Highway 12) and Michigan Highway 40 over Michigan Highway 40 to Niles, and (4) between points in commercial and suburban areas stated in the findings 1 and 2 above, and all points on regular routes, on the one hand, and certain specified points in Ohio, and Coal City, Ill., on the other, limited to truckloads only, over irregular routes: (Appendix I Points included in suburban areas (1) with Milwaukee, Wis., certain specified suburban and intermediate points, (2) with Chicago, Ill., certain specified suburbs in Illinois and Indiana, and intermediate points, (3) with Cincinnati, Ohio, certain specified suburban and intermediate points; also certain specified points in Kentucky, (4) with Detroit, Mich., certain specified suburban and intermediate points;) (Appendix II Regular Routes, Route 1, between Chicago, Ill., and Milwaukee, Wis., Route 2, between Chicago, Ill., and certain specified points in Michigan, Route 3, between Chicago, Ill., and Cincinnati, Ohio, Route 4, between Chicago, Ill., and Dayton, Ohio;) *iron and steel* and *articles* made thereof, over irregular routes, between Detroit, Mich., and Warren and Youngstown, Ohio; *roofing* and *roofing materials*, between Cleveland, Ohio, on the one hand, and, on the other, certain specified points in Michigan (except Detroit); and *road finishing machines*, from Warren, Ohio, to points in Michigan. MICHIGAN EXPRESS, INC., is authorized to operate as a *common carrier* in all States in the United States (except Alaska and Hawaii) and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9857. Authority sought for purchase by INTERLINES-BLANKENSHIP MOTOR EXPRESS, 2600 Eighth Street, Berkeley, Calif. 94710, of the operating rights and property of LOM THOMPSON, doing business as THOMPSON TRUCK LINES, 1315 South Fourth Street, El Centro, Calif. 92243, and for acquisition by M. D. GILARDY, L. A. DORE, JR., and E. R. PRESTON, all also of Berkeley, Calif., of control of such rights and property through the purchase. Applicants' attorneys: Bertram S. Silver, 140 Montgomery Street, San Francisco, Calif. 94104, and Frank Turcotte, Suite 6, 73640 Highway 111, Palm Desert, Calif. 92260. Operating rights sought to be transferred: *Farm products, fertilizer, prepared animal and poultry foods, farm machinery, bale ties*, and *petroleum products*, in drums and cases, as a *common carrier*, over regular routes, between Winterhaven, Calif., and Los Angeles, Calif., serving all intermediate points, and off-route points within 50 miles of Los Angeles, points in California within 50 miles of Yuma, Ariz., and points in California within 25 miles of certain specified routes; and under a certificate of registration, in No. MC-98234, Sub-4, covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of California. Vendee is authorized to operate under a certificate of registration within the State of California. Application has been filed for temporary authority under section 210a(b). NOTE: See also MC-F-9859 (INTER-

LINES-BLANKENSHIP MOTOR EXPRESS—Purchase—SAN DIEGO-IMPERIAL EXPRESS, INC.), published this same issue.

No. MC-98327, Sub-4 is a matter directly related, also including a motion to dismiss.

No. MC-F-9858. Authority sought for purchase by ALL-AMERICAN TRANSPORT, INC., 1500 Industrial Avenue, Post Office Box 769, Sioux Falls, S. Dak., of the operating rights and property of DENNIS TRUCK LINE, INC., 1500 West 33d Street, Chicago, Ill. 60608, and for acquisition by BUFFALO EXPRESS, INC., and, in turn by H. LAUREN LEWIS, both also of Sioux Falls, S. Dak., of control of such rights and property through the purchase. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago, Ill. 60603, and Peter V. Fazio, 111 West Monroe Street, Chicago, Ill. 60603. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Chicago, Ill., and Cincinnati, Ohio, and Louisville, Ky., serving certain intermediate points, unrestricted; and to and from intermediate and off-route points in the Chicago, Ill., commercial zone, as defined by the Commission in 1 M.C.C. 673, and those in the Cincinnati, Ohio, commercial zone, as defined by the Commission in 26 M.C.C. 49 and 41 M.C.C. 227, restricted against the transportation of malt beverages and empty malt beverage containers; between Hammond, Ind., and the junction of U.S. Highways 41 and 6 and Indiana Highway 152, serving no intermediate points; over one alternate route for operating convenience. Vendee is authorized to operate as a *common carrier* in Minnesota, South Dakota, Iowa, Nebraska, Illinois, North Dakota, and Wisconsin. Application has been filed for temporary authority under section 210a (b). NOTE: F.D. 24699 is a matter concurrently filed.

No. MC-F-9859. Authority sought for purchase by INTERLINES-BLANKENSHIP MOTOR EXPRESS, 2600 Eighth Street, Berkeley, Calif. 94710, of the operating rights and property of SAN DIEGO-IMPERIAL EXPRESS, INC., 1950 Newton Street, San Diego, Calif., and for acquisition by M. D. GILARDY, L. A. DORE, JR., and E. R. PRESTON, all also of Berkeley, Calif., of control of such rights and property through the purchase. Applicants' attorneys: Bertram S. Silver, 140 Montgomery Street, San Francisco, Calif. 94194, and Frank Turcotte, Suite 6, 73640 Highway 111, Palm Desert, Calif. 92260. Operating rights sought to be transferred: Under a certificate of registration, in No. MC-121243 Sub 1, covering the transportation of general commodities, as a common carrier in intrastate commerce, within the State of California. Vendee is authorized to operate under a certificate of registration within the State of California. Application has been filed for temporary authority under section 210a(b). NOTE: See also MC-F-9857 (INTERLINES-BLANKENSHIP MOTOR EXPRESS-PURCHASE-LOM THOMPSON), published this same issue.

No. MC-98327 Sub 4 is a matter directly related, also including a motion to dismiss.

No. MC-F-9861. Authority sought for control and merger by HYMAN FREIGHT TRANSIT, INC., 2690 Prior Avenue North, St. Paul, Minn. 55113, of the operating rights and property of (1) HYMAN TRANSPORTATION COMPANY, 2690 Prior Avenue North, St. Paul, Minn. 55113, and (2) EUGENE PIKOVSKY, doing business as FREIGHT TRANSIT CO., 2690 Prior Avenue North, St. Paul, Minn. 55113, and for acquisition by EUGENE PIKOVSKY, also of St. Paul, Minn., of control of such rights and property through the transaction. Applicants' attorney: Donald Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402. Operating rights sought to be controlled and merged: (1) *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Sisseton, S. Dak., and St. Paul, Minn., between Aberdeen, S. Dak., and Grenville, S. Dak., serving certain intermediate and off-route points; between Watertown, S. Dak., and Sisseton, S. Dak., serving certain intermediate points and the off-route point of Ortley, S. Dak., with restriction; between St. Paul, Minn., and Redfield, S. Dak., serving certain intermediate and off-route points, between St. Paul, Minn., and Aberdeen, S. Dak., serving all intermediate points in South Dakota, and serving certain intermediate and off-route points in Minnesota, between Watertown, S. Dak., and Webster, S. Dak., serving the intermediate points of Florence and Wallace, S. Dak., between Watertown, S. Dak., and Toronto, S. Dak., serving certain intermediate points and the off-route point of Gary, S. Dak., between Redfield, S. Dak., and Aberdeen, S. Dak., over an alternate route, serving no intermediate points; over four alternate routes for operating convenience only, as points of joinder only; *general commodities*, except those of unusual value, and except dangerous explosives, alcoholic beverages, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment, between Aberdeen, S. Dak., and St. Paul, Minn., serving certain intermediate and off-route points; *general commodities*, except livestock, intoxicating liquors, and dangerous explosives, between South St. Paul, Minn., and Butler, S. Dak., serving certain intermediate and off-route points; *general commodities*, except those of unusual value, and except livestock, intoxicating liquors, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, between Britton, S. Dak., and junction unnumbered highway and U.S. Highway 12 near Bristol, S. Dak., serving certain intermediate and off-route points; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between Watertown, S. Dak., on the one hand, and, on the other, certain specified points in Minnesota, between points in the Minneapolis-St. Paul, Minn. commercial zone, as defined by the Commission, and Chemolite Siding, Minn., on the one hand, and, on the other, the site of the Twin City Ordnance Plant, in Mounds View Township, Ramsey County, Minn., between certain specified points in Minnesota, between points in the Minneapolis-St. Paul, Minn., commercial zone, as defined by the Commission, and Chemolite (formerly Scotchlite), Minn.; *general commodities*, excepting, among others, commodities in bulk, but not excepting household goods, between Wilmot, S. Dak., on the one hand, and, on the other, points in Minnesota, between points within 15 miles of Wilmot, S. Dak. (except Twin Brooks, S. Dak.), on the one hand, and, on the other, points in Minnesota; *twine* and *machinery*, from Stillwater, Minn., to certain specified points; *household goods* as defined by the Commission, *farm machinery*, *agricultural products*, and *livestock*, between points in that part of South Dakota east of U.S. Highway 281, and north of U.S. Highway 212, including points on the indicated portions of the highways specified, on the one hand, and, on the other, points in Minnesota, and Iowa; *livestock* and *farm products*, between certain specified points in South Dakota, on the one hand, and, on the other, points in Minnesota, and certain specified points in Iowa; *canned goods*, from Marshalltown, Iowa, to Watertown, S. Dak.; *binding twine*, from Stillwater, Minn., to points in South Dakota, as specified next above; *bakery goods*, from Sioux City, Iowa, to Watertown, S. Dak; *household goods* as defined by the Commission, between points in that part of South Dakota north of U.S. Highway 16, and east of U.S. Highway 83, on the one hand, and, on the other, points in North Dakota, Minnesota, Wisconsin, Illinois, Iowa, and Nebraska; and *mail-order house catalogs*, between Watertown, S. Dak., on the one hand, and, on the other, points in South Dakota and Minnesota within 100 miles of Watertown, S. Dak.; and (2) *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Minneapolis, Minn., and Keokuk, Iowa, serving all intermediate points in Iowa on U.S. Highway 218 between Charles City, Iowa, and Keokuk, Iowa, including Charles City, and the off-route points of Chemolite, Minn., between Mount Pleasant, Iowa, and Keokuk, Iowa, serving all intermediate points; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between Council Bluffs, Iowa, and points in Iowa within 2 miles of Council Bluffs, and Omaha, Nebr. between Clemolite, Minn., and points in Minneapolis-St. Paul, Minn., commercial zone as defined by the Commission, on the one hand, and, on the other, points in Iowa; with

restriction; *animal and poultry feed ingredients*, from the site of the Allied Chemical and Dye Corp. plant near La Platte, Nebr., to Minneapolis, Minn.; and *glass containers* and *closures thereof*, and *knocked-down corrugated paper boxes* when moving incidental to or in mixed loads with such glass containers and closures, from Valley Park (near Shakoppe), Minn., to points in Iowa, except Sioux City and Madison City. Application has not been filed for temporary authority under section 210a(b). NOTE: See also MC-F-9862 (EUGENE PIKOVSKY—PURCHASE—TRI STATE MOTOR EXPRESS, INC.), published this same issue.

No. MC-F-9862. Authority sought for purchase by EUGENE PIKOVSKY, doing business as FREIGHT TRANSIT CO., 2690 Prior Avenue North, St. Paul, Minn. 55113, of the operating rights and property of TRI STATE MOTOR EXPRESS, INC., 2510 North Eleventh Street, Omaha, Nebr. Applicants' attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Wakefield, Nebr., and Sioux City, Iowa, serving all intermediate points; and the off-route points within 15 miles of Wakefield, Nebr., between Wakefield, Nebr., and Omaha, Nebr., serving the intermediate and off-route points of Council Bluffs, Iowa, and those within 15 miles of Wakefield, Nebr.; over one alternate route for operating convenience only; *livestock, agricultural commodities*, and *machinery*, between Yankton, S. Dak., and Wakefield, Nebr., serving the intermediate and off-route points within 15 miles of Wakefield, Nebr; and *livestock, agricultural commodities, household goods*, and *emigrant movables*, over irregular routes, between Wakefield, Nebr., excepting, among others, house-Nebr., and points within 15 miles of Wakefield Nebr., on the one hand, and, on the other, points in Iowa. Vendee is authorized to operate as a *common carrier* in Minnesota, Iowa, and Nebraska. Application has not been filed for temporary authority under section 210a(b). NOTE: See also MC-F-9861 (HYMAN FREIGHT TRANSIT, INC.—CONTROL & MERGER—HYMAN TRANSPORTATION CO., & EUGENE PIKOVSKY), published this same issue.

No. MC-F-9863. Authority sought for purchase by HARVEY R. SHIPLEY & SONS, INC., Route 140, Finksburg, Md. 21048, of a portion of the operating rights of MINERAL TRANSPORT, INC., R.F.D. No. 6, Gettysburg, Pa. 17325, and for acquisition by NORMAN E. SHIPLEY, Finksburg, Md. 21048, HERBERT R. SHIPLEY, R.F.D. No. 6, Westminster, Md. 21157, FLOYD K. SHIPLEY, and HARVEY R. SHIPLEY, both of R.F.D. No. 7, Westminster, Md. 21157, of control of such rights through the purchase. Applicants' representative: Donald E. Freeman, Post Office Box 806, Westminster, Md. 21157. Operating rights sought to be transferred: *Sand*, in bulk, as a *common carrier*, over irregular routes, from points in Adams County, Pa., except the Borough of Gettysburg, to certain specified points in Maryland; and *crushed stone*, from points in Carroll County, Md., to points in Adams County, Pa., except the Borough of Gettysburg, from points in Adams County, Pa., except the Borough of Gettysburg, to points in Washington County, Md., from points in Adams County, Pa., to points in Carroll and Frederick Counties, Md. Vendee is authorized to operate as a *common carrier* in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9864. Authority sought for purchase by BILYEU REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale, Springfield, Mo., of a portion of the operating rights of WILSON FREIGHT COMPANY, 3636 Follett Avenue, Cincinnati, Ohio 45223, and for acquisition by BILYEU MOTOR CORP., and in turn by BILL BILYEU, both also of Springfield, Mo., of control of such rights through the purchase. Applicants' attorneys: Lester M. Bridgeman and Nancy Pyeatt, both of 1000 Woodward Building, Washington, D.C. 20005, and Harry C. Ames, Jr., Transportation Building, Washington, D.C. 20006. Operating rights sought to be transferred: (This authority was granted pursuant to the report and order in MC-F-9202 dated January 13, 1967, and consummated May 21, 1967. The certificate has not been issued yet.) *General commodities*, except those of unusual value, and except dangerous explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 MCC 467, commodities in bulk, and those injurious or contaminating to other lading as a *common carrier* over regular routes, between Wichita, Kans., and Springfield, Mo., serving no intermediate points. Vendee is authorized to operate as a *common carrier* in Kansas, Missouri, Louisiana, Alabama, Iowa, Florida, Georgia, Oklahoma, Minnesota, Arkansas, Nebraska, Massachusetts, Maine, Connecticut, Vermont, New Hampshire, Rhode Island, New York, New Jersey, Delaware, Maryland, Pennsylvania, West Virginia, Virginia, South Carolina, North Carolina, Illinois, Indiana, Kentucky, Michigan, Mississippi, Ohio, Tennessee, Texas, Wisconsin, North Dakota, South Dakota, Colorado, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9865. Authority sought for control and merger by CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025, of the operating rights and property of AETNA FREIGHT LINES, INC., 218 West Ann Street, Los Angeles, Calif. 90012, and for acquisition by CONSOLIDATED FREIGHTWAYS, INC., 1530 Russ Building, San Francisco, Calif., of control of such rights and property through the transaction. Applicants' attorneys: Eugene T. Liipfert, 1035 Universal Building, North, Washington, D.C., and Robert C. Stetson, 175 Linfield Drive, Menlo Park, Calif. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, from points in the Los Angeles, Calif., commercial zone, as defined by the Commission, to points in the Los Angeles Harbor, Calif., commercial zone, as defined by the Commission; and *washing powder, soap, toilet preparations, electric storage batteries, lead storage battery plates*, and *rubber tires*, from points in the Los Angeles, Calif., commercial zone, as defined by the Commission, to points in the San Francisco, Calif., commercial zone, as defined by the Commission; with restriction; and under a certificate of registration, in No. MC-99196 Sub-4, covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of California. CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, is authorized to operate as a *common carrier* in Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Wyoming, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and the District of Columbia. Application has been filed for temporary authority under section 210a(b). NOTE: No. MC-42487, Sub 678, is a matter directly related, and F.D. 24704 simultaneously filed.

No. MC-F-9866. Authority sought for purchase by M AND M HEAVY HAULERS CORP., 1240 Emmitt Road, Akron, Ohio 44306, of a portion of the operating rights of KREITZ MOTOR EXPRESS, INC., 717 Tulpehocken Street, Reading, Pa. 19603, and for acquisition by W. E. WHITE and R. H. WHITE, both also of Akron, Ohio, of control of such rights through the purchase. Applicants' attorneys: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215, and James W. Hagar, 100 Pine Street, Harrisburg, Pa. 17108. Operating rights sought to be transferred: *Machinery*, as a *common carrier* over irregular routes between points in Chester County, Pa., on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, Ohio, and the District of Columbia. Vendee is authorized to operate as a *common carrier* in Ohio, Pennsylvania, and West Vir-

ginia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9867. Authority sought for control by LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, Fla. 33142, of SOUTHWESTERN TRANSFER CO., INC., 8514 La Sala Grande NE., Albuquerque, N. Mex. 87111, and for acquisition by ARMLON LEONARD, also of Miami, Fla., of control of SOUTHWESTERN TRANSFER CO., INC., through the acquisition by LEONARD BROS. TRUCKING CO., INC. Applicant's attorney and representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036, and Alfred H. McRae, Bank of New Mexico Building, Albuquerque, N. Mex. 87103. Operating rights sought to be controlled: *Mine machinery, ranch and farm equipment,* and *contractors' equipment, machinery, materials, and supplies,* as a *common carrier* over irregular routes, between El Paso, Tex., and points within 50 miles thereof, on the one hand, and, on the other, points in New Mexico; *commodities,* the transportation of which because of size or weight requires the use of special equipment, and *related machinery parts* and *related contractors' materials and supplies* when their transportation is incidental to the transportation by carrier of commodities which by reason of size or weight require special equipment, and *road construction machinery and equipment,* between points in Arizona and New Mexico, and those in Texas west of the eastern boundary lines of Lipscomb, Hemphill, Wheeler, Collingsworth, Hall, Motley, Dickens, Kent, Scurry, Howard, Glasscock, Reagan, Crockett, and Val Verde Counties, Tex.; and *machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines including the stringing and picking up thereof, and *such other commodities* as require specialized handling or rigging because of size or weight, between points in Texas. LEONARD BROS. TRUCKING CO., INC., is authorized to operate as a *common carrier* in Florida, Alabama, Delaware, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Connecticut, Maine, Massachusetts, Michigan, Missouri, New Hampshire, Rhode Island, Vermont, Wisconsin, California, Utah, Washington, Nebraska, Kansas, New Mexico, Oklahoma, Colorado, Nevada, Arizona, Arkansas, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9868. Authority sought for control by BRUCE MOTOR FREIGHT, INC., 3920 Delaware Avenue, Des Moines, Iowa 50313, of ZIFFRIN TRUCK LINES, INC., 1120 South Division Street, Indianapolis, Ind. 46221, and for acquisition by E. W. HARLAN, also of Des Moines, Iowa, CHARLES F. ILES, HAROLD E. McKINNEY, both of 214 15th Street, Des Moines, Iowa, and R. A. BROWN, SR., Post Office Box S, Bettendorf, Iowa, of control of ZIFFRIN TRUCK LINES, INC., through the acquisition by BRUCE MOTOR FREIGHT, INC. Applicants' attorney: Homer E. Bradshaw, 11th Floor, Des Moines Building, Des Moines, Iowa 50309. Operating rights sought to be controlled: *General commodities,* except those of unusual value, explosives, inflammable articles, livestock, and commodities in bulk, between Plymouth, Ind., and junction U.S. Highway 31 and Indiana Highway 9, serving all intermediate points, and the off-route point of Tipton, Ind., between Chicago, Ill., and Cincinnati, Ohio, serving all intermediate points, and the off-route points of Riverdale, Ill., and Whiting and Gary, Ind.; between Indianapolis, Ind., and Cincinnati, Ohio, between Indianapolis, Ind., and Muncie, Ind., serving all intermediate points; between Indianapolis, Ind., and Marshall, Ill., serving all intermediate points, and the off-route point of Greencastle, Ind., between Indianapolis, Ind., and Vincennes, Ind., serving all intermediate points, and the off-route point of Martinsville, Ind., between Indianapolis, Ind., and Fort Wayne, Ind., serving all intermediate points, and the off-route points of Frankton and Elwood, Ind., between Oxford, Ohio, and Cincinnati, Ohio, serving all intermediate points; between Chicago, Ill., and Indianapolis, Ind., between Joliet, Ill., and Plymouth, Ind., between junction U.S. Highway 31 and Indiana Highway 38, northwest of Noblesville, Ind., and junction Indiana Highways 1 and 44 at Connersville, Ind., between Greenville, Ohio, and junction U.S. Highways 40 and 35, east of Richmond, Ind., serving no intermediate points; between Indianapolis, Ind., and Louisville, Ky., serving all intermediate points on portions of U.S. Highways 31, 31W, and 31E authorized; between Seymour, Ind., and junction U.S. Highways 31 and 31–A, north of Columbus, Ind., between Seymour, Ind., and junction U.S. Highways 50 and 31, east of Seymour, serving all intermediate points; over numerous alternate routes for operating convenience only; *general commodities,* except household goods as defined by the Commission, commodities in bulk, and those exceeding ordinary equipment and loading facilities, between Chicago, Ill., and Milwaukee, Wis., serving all intermediate points, and points in the Chicago, Ill., commercial zone as defined by the Commission, over one alternate route for operating convenience only; *general commodities,* between Versailles, Ind., and junction U.S. Highways 50 and 31, between junction U.S. Highway 52 and Indiana Highway 28, and junction Indiana Highways 28 and 9, between Peru, Ind., and Marion, Ind., between New Castle, Ind., and Muncie, Ind., serving no intermediate points; and *general commodities,* except livestock, classes A and B explosives, inflammable articles, commodities in bulk, and those of unusual value, between Chicago, Ill., and junction U.S. Highways 41 and 6 and Indiana Highway 152, serving all intermediate points on the Calumet-Tri-State Expressway. BRUCE MOTOR FREIGHT, INC., is authorized to operate as a *common carrier* in Minnesota, Iowa, Missouri, Kansas, Illinois, Wisconsin, and Indiana. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIER OF PASSENGERS

No. MC–F–9860. Authority sought for control by TRANSCONTINENTAL BUS SYSTEM, INC., 315 Continental Avenue, Dallas, Tex. 75207, of EDWARDS MOTOR TRANSIT COMPANY, 56 East Third Street, Williamsport, Pa. Applicants' attorneys: Carl B. Callaway, D. Paul Stafford, and Warren A. Goff, all of 315 Continental Avenue, Dallas, Tex. 75207. Operating rights sought to be controlled: Passengers and their baggage, and express, mail, and newspapers, in the same vehicle with passengers, as a *common carrier,* over regular routes, between New York, N.Y., and Cleveland, Ohio, serving all intermediate points; between New York, N.Y., and Jersey City, N.J., serving no intermediate points, with restrictions; between Bellefonte, Pa., and State College, Pa., serving the intermediate points of Rockview and Lemont, Pa.; between Shippenville, Pa., and Kossuth, Pa., between Indiana, Pa., and Clearfield, Pa., between Williamsport, Pa., and Elmira, N.Y., between Pittsburgh, Pa., and Buffalo, N.Y.; between Ashland, Pa., and Pottsville, Pa., with restrictions; between junction Pennsylvania Highways 45 and 145, at or near Lehigh Cap, Pa., and Philadelphia, Pa., with restrictions; between Shamokin, Pa., and Allentown, Pa.; serving all intermediate points; passengers and their baggage, and express, mail and newspapers, in the same vehicle, between Martha Furnace, Pa., on the one hand, and, on the other, State College, Pa.; passengers and their baggage and express and newspapers in the same vehicle with passengers, between Sunbury, Pa., and Milton, Pa., between Milton, Pa., and Hazelton, Pa., serving all intermediate points; over numerous alternate routes for operating convenience only. TRANSCONTINENTAL BUS SYSTEM, INC., is authorized to operate as a *common carrier* in Illinois, Missouri, Kansas, California, Texas, Oklahoma, Utah, Arizona, New Mexico, Colorado, Nebraska, Arkansas, and Iowa. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-9909; Filed, Aug. 22, 1967; 8:50 a.m.]

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