

FEDERAL REGISTER

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Pages 16243-16379

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(Part III begins on page 16367)

Agencies in this issue—

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Agricultural Stabilization and
Conservation Service
Air Force Department
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Atomic Energy Commission
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Coast and Geodetic Survey
Commerce Department
Commodity Credit Corporation
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Tariff Commission
Weather Bureau

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How To Find U.S. Statutes and United States Code Citations

[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 in-

cluded. 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.

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Title 3—THE PRESIDENT

Executive Order 11382

AMENDMENT OF EXECUTIVE ORDERS RELATING TO FUNCTIONS OF THE DEPARTMENT OF TRANSPORTATION

WHEREAS, the Department of Transportation Act (Public Law 89-670, 80 Stat. 931), hereinafter referred to as the Act, established the Department of Transportation in the Executive Branch to be headed by a Secretary of Transportation and to be composed of the Federal Aviation Administration, the Federal Highway Administration, the Federal Railroad Administration, the Coast Guard, the Saint Lawrence Seaway Development Corporation and the National Transportation Safety Board; and

WHEREAS, the Act vested in the Secretary of Transportation new major responsibilities in the field of transportation, including that of exercising leadership under the direction of the President in transportation matters, and also transferred to the Secretary of Transportation and to certain instrumentalities of the Department of Transportation many functions involving transportation; and

WHEREAS, the transportation functions established or transferred by the Act involve additional activities which are currently assigned by Executive orders and other Executive documents to officers and agencies from whom the related statutory functions have been transferred by the Act; and

WHEREAS, it is appropriate and desirable with the establishment of the Department of Transportation that certain authority and duties concerned with transportation be assigned to the Secretary of Transportation or to officers and agencies under his jurisdiction:

NOW, THEREFORE, by virtue of the authority vested in me by section 301 of Title 3 of the United States Code and by the laws cited as authority for the Executive orders amended below, and as President of the United States, it is ordered as follows:

SECTION 1. *Classified information.* (a) Executive Order No. 10501 of November 5, 1953, as amended, is further amended by—

(1) inserting "Department of Transportation" in the list of departments and agencies in subsection (a) of section 2 thereof after "Department of Labor" and

(2) deleting "Federal Aviation Agency" from that list. The Department of Transportation shall be deemed to have had authority for classification of information and material from April 1, 1967.

(b) Executive Order No. 10865 of February 20, 1960, as amended, is further amended by striking out the words "Administrator of the Federal Aviation Agency", "Deputy Administrator of the Federal Aviation Agency", and "Federal Aviation Agency" and inserting in place thereof "Secretary of Transportation", "Under Secretary of Transportation", and "Department of Transportation", respectively.

SEC. 2. *Federal Airport Act.* Executive Order No. 10536 of June 9, 1954, is amended by striking out the words "Administrator of Civil Aeronautics" and inserting in place thereof the words "Secretary of Transportation".

SEC. 3. *Life saving medals.* The regulations prescribed by section 1 of Executive Order No. 10765 of April 24, 1958 (being §§ 9.1 *et seq.* of Chapter I of Title 49 of the Code of Federal Regulations) are amended by—

(1) striking out the words "Interstate Commerce Commission" and "Commission" in §§ 9.1 and 9.3 and inserting in place thereof "Department of Transportation" and "Department", respectively, and

(2) striking out all of §§ 9.4, 9.5, and 9.6 and inserting in place thereof the following:

"§ 9.4 *Review of evidence; recommendations.* Applications for medals, together with all affidavits, testimony, and other evidence received in connection therewith, and the records developed in connection with investigations initiated by the Department of Transportation, shall be referred to a committee of three Department officials designated by the Secretary of Transportation. One of such officials shall be directly concerned with railroad safety, and another with motor-carrier safety. The committee shall carefully consider each application or record, and after thoroughly weighing the evidence shall prepare an abstract or brief covering the case and forward it, together with the committee's recommendation, to the Secretary of Transportation for his consideration.

"§ 9.5 *Award of Medals.* Upon approval by the Secretary of Transportation of the committee's recommendation in any case, the Secretary shall make the award of the medal in the name and on behalf of the President.

"§ 9.6 *Adoption and revision of designs.* The Secretary of Transportation is authorized to adopt and revise the existing designs for the medal, rosette, and ribbon provided for by the Act."

SEC. 4. *Contracting authority.* Executive Order No. 10789 of November 14, 1958, as amended, is further amended by inserting the words "Department of Transportation" in the list of departments and agencies in section 21 thereof after the words "Department of Commerce" and striking out of that list the words "Federal Aviation Agency".

SEC. 5. *Assignment of claims.* (a) Executive Order No. 10840 of September 30, 1959, is amended by striking out the words "Federal Aviation Agency" in the text and heading and inserting in place thereof the words "Federal Aviation Administration".

(b) The utilization by the Federal Aviation Administration of the authority made available to it by section 5(a) of this order shall be subject to direction and control by the Secretary of Transportation.

SEC. 6. *Extra-territorial jurisdiction.* (a) Executive Order No. 10854 of November 27, 1959 (as limited by section 7 of Executive Order No. 11326 of February 13, 1967), is amended by striking out the words "Administrator of the Federal Aviation Agency" and "Administrator" and inserting in place thereof the words "Secretary of Transportation".

(b) Executive Order No. 11326 of February 13, 1967, is hereby amended by striking out the words "Administrator of the Federal Aviation Agency" and inserting in place thereof the words "Secretary of Transportation".

SEC. 7. *International aviation.* (a) The Presidential Memorandum of August 11, 1960, on the subject of Executive Order No. 10883 of the same date, is amended by—

(1) striking out the words "Administrator of the Federal Aviation Agency" and "Administrator" and inserting in place thereof the words "Secretary of Transportation" and

(2) striking out the words "Federal Aviation Agency" and inserting in place thereof the words "Department of Transportation" and

(3) striking out the second sentence of the third paragraph of the memorandum.

(b) The Presidential Letter of June 22, 1963, assigning responsibility to the Secretary of State regarding international aviation policy, is amended by—

(1) striking out the words "Federal Aviation Agency" in the second paragraph and inserting in place thereof the words "Department of Transportation" and

(2) striking out the last two sentences of the third paragraph and inserting in place thereof the following: "The other members will be the Secretary of Defense, the Secretary of Commerce, and the Secretary of Transportation, or their respective representatives, the Chairman of the Civil Aeronautics Board, and the Administrator of the Agency for International Development. The Secretary of Transportation will serve as vice chairman."

SEC. 8. *Interdepartmental Highway Safety Board*. Executive Order No. 10898 of December 2, 1960, as amended, is further amended by—

(1) striking out all of subsection (b) of section 1 thereof and inserting in place thereof the following:

"(b) The Board shall have as members the following:

(1) The Secretary of Transportation, who shall be chairman of the Board.

(2) The Secretary of Commerce.

(3) The Secretary of Defense.

(4) The Postmaster General.

(5) The Secretary of Labor.

(6) The Secretary of Health, Education, and Welfare.

(7) The Chairman of the Interstate Commerce Commission.

(8) The Administrator of General Services." and

(2) striking out the word "Three" in subsection (d) of section 1 thereof and inserting in place thereof the word "Four".

SEC. 9. *Allowances and benefits*. Executive Order No. 11137 of January 7, 1964, is amended by—

(1) striking out the words "Secretary of the Treasury" and inserting in place thereof the words "Secretary of Transportation" and

(2) striking out all of section 101 and inserting in place thereof the following:

"SECTION 101. The term 'employee', as defined in 5 U.S.C. 5921(3), is hereby further defined as including civilian employees, compensated from non-appropriated funds, of the instrumentalities of the United States under the jurisdiction of the armed forces covered by 5 U.S.C. 2105(c)." and

(3) striking out the words "Section 203 of the Overseas Differentials and Allowances Act (5 U.S.C. 3035)" in section 102 and inserting in place thereof the words "5 U.S.C. 5922(c)" and

(4) striking out the words "Section 1 of the Act of June 19, 1952, ch. 444 (5 U.S.C. 150k)" in section 201 and inserting in place thereof the words "5 U.S.C. 2105(c)" and

(5) striking out the words "Section 111(6) of the Overseas Differentials and Allowances Act (5 U.S.C. 3032(6))" in section 202(b) and inserting in place thereof the words "5 U.S.C. 5921(6)".

SEC. 10. *Supersonic Transport*. Executive Order No. 11149 of April 1, 1964, is hereby amended by striking out the words "Administrator of the Federal Aviation Agency" and inserting in place thereof the words "Secretary of Transportation".

SEC. 11. *Wartime status*. Executive Order No. 11161 of July 7, 1964, is hereby amended by—

(1) striking out the words "Administrator of the Federal Aviation Agency" the first time they appear in section 1 and the word "Administrator" in section 2 and inserting in place thereof the words "Secretary of Transportation" and

THE PRESIDENT

(2) striking out the words "Administrator of the Federal Aviation Agency" the other times they appear and inserting in place thereof the words "Federal Aviation Administrator" and

(3) striking out the words "Federal Aviation Agency" in the text and heading and inserting in place thereof the words "Federal Aviation Administration" and

(4) striking out the word "Secretary" in section 2 and inserting in place thereof the words "Secretary of Defense".

SEC. 12. *Alaska Development Committees.* Executive Order No. 11182 of October 2, 1964, is amended by striking out the words "Administrator of the Federal Aviation Agency" and inserting the words "Secretary of Transportation".

SEC. 13. *Coast Guard.* The Executive Orders listed below are further amended by striking out the words "Secretary of the Treasury" and inserting in place thereof the words "Secretary of Transportation":

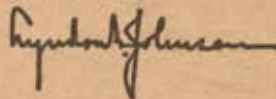
- (1) Executive Order No. 10448 of April 22, 1953, as amended
- (2) Executive Order No. 10631 of August 17, 1955
- (3) Executive Order No. 10977 of December 4, 1961
- (4) Executive Order No. 11016 of April 25, 1962
- (5) Executive Order No. 11046 of August 24, 1962
- (6) Executive Order No. 11079 of January 25, 1963
- (7) Executive Order No. 11157 of June 22, 1964, as amended
- (8) Executive Order No. 11190 of December 29, 1964
- (9) Executive Order No. 11231 of July 8, 1965
- (10) Executive Order No. 11239 of July 31, 1965

SEC. 14. *Redelegation of authority.* Unless prohibited by law or otherwise specified in the applicable order, and in addition to any other applicable authority to delegate and redelegate, the Secretary of Transportation and the Federal Aviation Administrator may redelegate and authorize successive redelegations of any authority conferred in this order or the orders amended by this order.

SEC. 15. *Prior actions.* All orders, determinations, rules, regulations, permits, contracts, agreements, interpretations, rulings, directives, certificates, circulars, policies, licenses, privileges, awards, and other actions relating to any function affected by this order shall remain in effect according to their terms, except for the substitution of the appropriate official by or under the authority of this order, until modified, terminated, superseded, set aside, amended, or revoked by appropriate authority, and nothing in this order shall affect the validity or force of anything done under previous delegations or other assignments of the functions affected by this order.

SEC. 16. *Revocations.* The following are revoked:

- (1) Executive Order No. 10534 of June 9, 1954
- (2) Executive Order No. 10771 of June 20, 1958
- (3) Executive Order No. 10858 of January 13, 1960
- (4) Executive Order No. 10968 of October 10, 1961.



THE WHITE HOUSE,
November 28, 1967.

[F.R. Doc. 67-14042; Filed, Nov. 28, 1967; 11:19 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

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

SUBCHAPTER C—SPECIAL PROGRAMS

PART 778—EXPORT WHEAT MARKETING CERTIFICATE REGULATIONS

Clearance on Exportation or Shipment From the United States

Correction

In F.R. Doc. 67-12570 appearing on page 14727 in the issue of Wednesday, October 25, 1967, the following change should be made in § 778.10(b): The word "Ex-Safference" appearing in the fourth line should read "Ex-Sufferance".

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

PART 1483—WHEAT AND FLOUR

Subpart—Wheat Export Program (GR-345) Terms and Conditions

Correction

In F.R. Doc. 67-12569 appearing on page 14739 in the issue of Wednesday, October 25, 1967, the following changes should be made:

1. In the ninth line of § 1483.136(c), the word "cost" should read "coast".
2. In the third line of § 1483.163(d), the reference "§ 1483.105(l)" should read "§ 1483.106(l)".
3. The second paragraph of § 1483.175 which is now designated as paragraph (d) should be designated as paragraph (b).

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Docket No. 67-CE-10-AD; Amdt. 89-516]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna Models 150G and 150H Airplanes

An airworthiness directive was adopted on November 17, 1967, and made effective immediately, as to all registered owners of Cessna Models 150G and 150H airplanes. This AD was issued because there have been instances in which the elevator

control on these model airplanes has been restricted and/or jammed by contact of the aileron chain and sprocket with the forward upper edge of the glove compartment, which can result in restriction of longitudinal control. In order to prevent this condition, the directive requires removal of the glove compartment prior to further flight. The directive further requires that any modification of the glove compartment after it is removed must be approved by the agency before it is reinstalled and the aircraft returned to service.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impractical and contrary to the public interest and good cause existed for making the AD effective immediately as to the owners of Cessna Models 150G and 150H airplanes by individual air mail letters dated November 17, 1967. These conditions still exist and the AD is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

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

CESNA. Applies to Models 150G and 150H airplanes, Serial Nos. 15064333 through 15067891.

To prevent loss of longitudinal control, unless already accomplished, prior to further flight, remove the glove compartment from the aircraft.

If after it is removed the glove compartment is modified, the modification must be approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Central Region, before it is reinstalled in the aircraft and the aircraft returned to service.

This amendment becomes effective November 29, 1967, for all persons except those to whom it was made effective by air mail letter dated November 17, 1967.

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

Issued in Kansas City, Mo., on November 21, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67-13953; Filed, Nov. 28, 1967; 8:48 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 67-80-96]

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

Designation of Transition Area

On October 6, 1967, a notice of proposed rule making was published in the

FEDERAL REGISTER (32 F.R. 13936), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Greenville, N.C., transition area.

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

Subsequent to the publication of the notice, the geographic coordinate (lat. 35°37'55" N., long. 77°23'05" W.) for Pitt-Greenville Airport was obtained from Coast and Geodetic Survey. Accordingly, action is taken herein to add the geographic coordinate to the description.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 1, 1968, as hereinafter set forth.

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

GREENVILLE, N.C.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Pitt-Greenville Airport (lat. 35°37'55" N., long. 77°23'05" W.); within 2 miles each side of the 013° bearing from the Greenville NDB (lat. 35°42'32" N., long. 77°22'03" W.), extending from the 5-mile radius area to 8 miles north of the NDB.

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

Issued in East Point, Ga., on November 16, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67-13942; Filed, Nov. 28, 1967; 8:47 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-521]

PART 295—TRANSATLANTIC SUPPLEMENTAL AIR TRANSPORTATION

Because of the number of outstanding amendments to Part 295 there follows a reissuance of Part 295 incorporating all amendments thereto which were in effect on November 20, 1967.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

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- 295.60 Advisory opinion.

AUTHORITY: The provisions of this Part 295 issued under secs. 204, 401, 72 Stat. 743, as amended; 49 U.S.C. 1324, 1371.

§ 295.1 Applicability.

This part establishes the terms, conditions, and limitations of transatlantic supplemental air transportation.

§ 295.2 Definitions.

As used in this part, unless the context otherwise requires—

(a) "Transatlantic supplemental air transportation" means charter flights in air transportation performed pursuant to a certificate of public convenience and necessity issued under section 401(d)(3) of the Act authorizing the holder to engage in supplemental air transportation of persons and their personal baggage between points within the 48 contiguous States of the United States, on the one hand, and points in Greenland, Iceland, the Azores, Europe, Africa, and Asia, as far east as (and including) India, on the other hand.

(b) "Charter flight" means air transportation performed by a direct air carrier on a time, mileage, or trip basis where (1) the entire capacity of one or more aircraft has been engaged for the movement of persons and their personal baggage—

(i) By a person for his own use (including a direct air carrier when such

aircraft is engaged solely for the transportation of company personnel or commercial passenger traffic in cases of emergency);

(ii) By a representative (or representatives acting jointly) of a group for the use of such group (provided no such representative is professionally engaged in the formation of groups for the transportation or in the solicitation or sale of transportation services); or

(iii) By a tour operator as defined by Part 378 of this chapter;

or (2) one-half the capacity of an aircraft has been engaged by a person for his own use or by a representative or representatives of a group for the use of such group and the remaining half of the capacity of such aircraft has been engaged by another person for his own use or by a representative or representatives of a second group (provided no such representative is professionally engaged in the formation of groups for the transportation or in the solicitation or sale of transportation services).

With the consent of the charterer, the direct air carrier may utilize any unused space for the transportation of (1) the carrier's own personnel and property and/or (2) the directors, officers, and employees of a foreign air carrier or another air carrier traveling pursuant to a pass interchange arrangement.

(c) "Pro rata charter" means a charter the cost of which is divided among the passengers transported.

(d) "Single entity charter" means a charter the cost of which is borne by the charterer and not by individual passengers, directly or indirectly.

(e) "Mixed charter" means a charter the cost of which is borne, or pursuant to contract may be borne, partly by the charter participants and partly by the charterer.

(f) "Person" means any individual, firm, association, partnership, or corporation.

(g) "Travel agent" means any person engaged in the formation of groups for transportation or in the solicitation or sale of transportation services.

(h) "Charter group" means that body of individuals who shall actually participate in the charter flight.

(i) "Charter organization" means that organization, group or other entity from whose members (and their immediate families) a charter group is derived.

(j) "Immediate family" means only the following persons who are living in the household of a member of a charter organization, namely, the spouse, dependent children, and parents, of such member.

(k) "Bona fide members" means those members of a charter organization who have not joined the organization merely to participate in the charter as the result of solicitation directed to the general public. Presumptively, persons are not bona fide members of a charter organization unless they are members at the time the organization first gives notice to its members of firm charter plans and unless

they have actually been members for a minimum period of 6 months prior to the starting flight date. This presumption will not be applicable in the case of charters composed of (1) students and educational staff of a single school, and immediate families thereof, (2) employees of a single Government agency, industrial plant, or mercantile establishment, and immediate families thereof, or (3) participants in a study group. In the case of all other charters, rebuttal to this presumption may be offered for the Board's consideration by request for waiver.

(l) "Solicitation of the general public" means:

(1) A solicitation going beyond the bona fide members of an organization (and their immediate families). This includes air transportation services offered by an air carrier under circumstances in which the services are advertised in mass media, whether or not the advertisement is addressed to members of a specific organization, and regardless of who places or pays for the advertising. Mass media shall be deemed to include radio and television, and newspapers and magazines. Advertising in such media as newsletters or periodicals of membership organizations, industrial plant newsletters, college radio stations and college newspapers shall not be considered advertising in mass media to the extent that

(i) The advertising is placed in a medium of communication circulated mainly to members of an organization that would be eligible to obtain charter service, and

(ii) The advertising states that the charter is open only to members of the organization referred to in subdivision (1) of this subparagraph, or only to members of a subgroup thereof. In this context, a subgroup shall be any group with membership drawn primarily from members of the organization referred to in subdivision (1) of this subparagraph: *Provided*, That this paragraph shall not be construed as prohibiting air carrier advertising which offers charter services to bona fide organizations, without reference to a particular organization or flight.

(2) The solicitation, without limitation, of the members of an organization so constituted as to ease of admission to membership, and nature of membership, as to be in substance more in the nature of a segment of the public than a private entity.

(m) "Study group" means a charter group comprised of bona fide participants in a formal academic study course abroad and in which (1) the charterer is an educational institution or (2) such study course is for a period of at least 4 weeks' duration at an educational institution abroad. As used in this paragraph, the term "educational institution" means a bona fide school which (1) is empowered to grant college degrees or secondary school diplomas by the government of one of the 50 States of the United States, the District of Columbia,

a U.S. territory or possession or a foreign country and (i) is operated as a school on a year-round basis. An aircraft may carry a maximum of three study groups: *Provided*, That if more than one group is carried each of the groups shall consist of 40 or more study group participants: *And provided, further*, That the entire aircraft is chartered to a single study group charterer.

§ 295.3 Waiver.

A waiver of any of the provisions of this part may be granted by the Board upon the submission by an air carrier of a written request therefor not less than 30 days prior to the flight to which it relates provided such a waiver is in the public interest and it appears to the Board that special or unusual circumstances warrant a departure from the provisions set forth herein.

§ 295.4 Separability.

If any provision of this part or the application thereof to any air transportation, person, class of person, or circumstance is held invalid, neither the remainder of the part nor the application of such provision to other air transportation, persons, classes of persons, or circumstances shall be affected thereby.

§ 295.5 Records and record retention.

(a) Prior to performing any supplemental air transportation pursuant to this part, the carrier shall execute, and require the travel agent (if any) and charterer to execute, the form "Statement of Supporting Information" attached hereto and made a part hereof: *Provided*, That this requirement shall not apply to inclusive tour charters.

(b) Each air carrier operating pursuant to this part shall comply with the applicable record-retention provisions of Part 249 of this subchapter, as amended.

Subpart A—Provisions Relating to Pro Rata Charters

§ 295.10 Applicability of this subpart.

This subpart sets forth the special rules applicable to pro rata charters.

REQUIREMENTS RELATING TO AIR CARRIERS

§ 295.11 Solicitation and formation of a chartering group.

(a) A carrier shall not engage, directly or indirectly, in any solicitation of individuals (through personal contact, advertising, or otherwise) as distinguished from the solicitation of an organization for a charter trip, except after a charter contract has been signed.

(b) A carrier shall not employ, directly or indirectly, any person for the purpose of organizing and assembling members of any organization, club, or other entity into a group to make the charter flight, except after a charter contract has been signed.

§ 295.12 Pretrip notification.

Upon a charter flight date being reserved by the carrier or its agent, the carrier shall provide the prospective

charterer with a copy of this Part 295.¹ The charter contract shall include a provision that the charterer, and any agent thereof, shall only act with regard to the charter in a manner consistent with this part and that the charterer shall within due time submit to the carrier the information specified in § 295.35. The carrier shall also require that the charterer and any travel agent involved shall furnish it in due time for review before flight the information required in §§ 295.36 and 295.22, respectively.

§ 295.13 Tariffs to be on file.

No air carrier shall perform any supplemental air transportation unless such air carrier shall have on file with the Board a currently effective tariff showing all rates, fares, and charges for the use of the entire capacity or one-half the capacity of one or more aircraft in such supplemental air transportation and showing all rules, regulation practices and services in connection with such supplemental air transportation, including eligibility requirements for charter groups not inconsistent with those established in this part.

§ 295.13a Written contracts with charterers.

(a) Every agreement to perform a charter trip, except charters for the Department of Defense, shall be in writing and signed by an authorized representative of the supplemental air carrier and the charterer prior to operation of a charter flight: *Provided*, That where execution of a contract prior to commencement of flight is impracticable because the charter has been arranged on short notice, compliance with the provision hereof shall be effected within seven (7) days after commencement of the flight. The written agreement shall include, without limitation:

(1) Date and place of execution of the contract or agreement;

(2) Signature, printed or typed name of each signatory, and official position of each;

(3) Dates of flights and points involved;

(4) Type of aircraft and number of passenger seats available; and

(5) Rates, fares, and charges applicable to the charter trip, including the charter price, live and ferry mileage charges, and layover and other nonflight charges.

(b) No term or condition of the charter contract shall, on its face, be inconsistent with any provision of the carrier's published tariff.

§ 295.14 Terms of service.

(a) The total charter price and other terms of service rendered pursuant to this part shall conform to those set forth in the applicable tariff on file with the Board and in force at the time of the

respective charter flight and the contract must be for the entire capacity or for one-half the capacity of one or more aircraft. Where a carrier's charter charge computed according to a mileage tariff includes a charge for ferry mileage, the carrier shall refund to the charterer any sum charged for ferry mileage which is not in fact flown in the performance of the charter: *Provided*, That the carrier shall not charge the charterer for ferry mileage flown in addition to that stated in the contract unless such mileage is flown for the convenience of and at the express direction of the charterer.

(b) Insurance coverage shall be maintained in compliance with the insurance requirements of Part 208 of this subchapter.

(c) The air carrier shall assume, and publish as part of the rules and regulations of its tariffs, the following obligations without prejudice, and in addition, to any other rights or remedies of passengers under applicable law:

(1) *Substitute air transportation.* (i) On all charter flights, unless the air carrier causes an aircraft to finally enplane each passenger and commence the takeoff procedures at the airport of departure before the forty-eighth hour following the time scheduled for the departure of such flight, it shall provide substitute transportation in accordance with the provisions of this subparagraph.

(ii) As soon as the air carrier discovers, or should have discovered by the exercise of reasonable prudence and forethought, that the departure of any such charter flight will be delayed more than forty-eight hours, such air carrier shall arrange for and pay the costs of substitute air transportation for the charter group on another charter flight, operated by any other air carrier or foreign air carrier.

(iii) When neither the charter transportation contracted for nor substitute transportation has been performed before the expiration of forty-eight hours following the scheduled departure time of any such charter flight, the charterer, or his duly authorized agent, may arrange for substitute air transportation of the members of the charter group, at economy or tourist class fares, on individually ticketed flights and the chartered air carrier shall pay the costs of such air transportation to the substitute air carrier or foreign air carrier.

(iv) In determining the period of time during which the departure of a charter flight has been delayed within the purview of this subparagraph, periods of delay caused by the prohibition of flights from the airport of departure because of weather or other operational conditions shall be excluded if, and while, the air carrier had an airworthy aircraft which is capable of transporting the charter group in a condition of operational readiness posted at such airport.

(v) Air carriers may subcontract the performance of transatlantic passenger charter services which they have contracted to perform, only to air carriers authorized by the Board to perform such services.

¹ Copies of this part are available by purchase from the Superintendent of Documents, Washington, D.C. 20402. Single copies will be furnished without charge on written request to the Publications Section, Civil Aeronautics Board, Washington, D.C. 20428.

(2) *Incidental expenses.*² (1) On all charter flights bound from a point outside the continent where the charter originated to the point where it terminates, unless the air carrier causes an aircraft to finally enplane each passenger and commence the take-off procedures at the airport of departure before the sixth hour following the time scheduled for the departure of such flight, it shall pay incidental expenses in accordance with the provisions of this subparagraph. Such payments shall be made at the airport of departure as soon as they become due to the charterer, or its duly authorized agent, for the account of each passenger, including infants and children traveling at reduced fares.

(ii) Such payments shall be made at the rate of \$16.00 for each full twenty-four hour period of delay following the scheduled departure time. However, the sum of \$8.00 shall be paid for each passenger delayed six hours following the scheduled departure time. Thereafter, during the succeeding 18 hours of delay, an additional sum of \$8.00 shall be paid for each passenger delayed in installments of \$4.00 for the first and second succeeding six-hour period of delay, or any fractional part thereof. If the delay continues beyond a period of 24 hours following the scheduled departure time, such payments shall be made in equal installments of \$4.00 for each further six-hour period of delay, or any fractional part thereof: *Provided, however*, That the air carrier may, at its option, discharge this obligation by providing free meals and lodging in lieu of making such payments. The obligation of the air carrier to pay incidental expenses or provide free meals and lodging shall cease when substitute air transportation is provided in accordance with the provisions of subparagraph (1) of this paragraph.

(d) Each and every contract for a transatlantic charter to be operated hereunder shall incorporate the provisions of paragraphs (b) and (c) of this section concerning insurance, substitute transportation, and incidental expenses.

(e) The carrier shall require full payment of the total charter price or the posting of a satisfactory bond for full payment prior to the commencement of the air transportation.

(f) In the case of a round-trip charter, one-way passengers shall not be carried except that up to five percent of the charter group may be transported one way in each direction. This provision shall not be construed as permitting knowing participation in any plan whereby each leg of a round trip is chartered separately in order to avoid the five percent limitation aforesaid. In the case of a charter contract calling for two or more round trips, there shall be no inter-

² Although the requirements with respect to providing incidental expenses are made expressly applicable only to the return leg of a charter flight, the air carriers are expected, in the case of delay in departure of the originating leg of a flight, to furnish such incidental expenses to charter passengers whose homes are not located within a reasonable distance from the point of origination of the charter.

mingling of passengers and each plane-load or one-half plane-load group shall move as a unit in both directions.

§ 295.15 Agent's commission.

The carrier shall not pay its agent a commission or any other benefits, directly or indirectly, in excess of five percent of the total charter price as set forth in the carrier's charter tariff on file with the Board, or more than the commission related to charter flights paid to an agent by a carrier certificated to render regular service on the same route, whichever is greater. The carrier shall not pay any commission whatsoever to an agent if the agent receives a commission from the charterer for the same service.

§ 295.16 Prohibition against payments or gratuities.

A carrier shall make no payments nor extend gratuities of any kind, directly or indirectly, to any member of a chartering organization in relation either to air transportation or land tours or otherwise. Nothing in this section shall preclude a carrier from paying a commission (within the limits of § 295.15) to a member of a chartering organization if such member is its agent, or restrict a carrier from offering to each member of the charter group such advertising and good will items as are customarily extended to individually ticketed passengers (e.g., canvas traveling bag or a money exchange computer).

REQUIREMENTS RELATING TO TRAVEL AGENTS

§ 295.20 Prohibition against double compensation.

A travel agent may not receive a commission from both the direct air carrier and the charterer for the same service.

§ 295.21 Prohibition against payments or gratuities.

A travel agent shall make no payments nor extend gratuities of any kind, directly or indirectly, to any member of a chartering organization whether in relation to air transportation or otherwise. Nothing in this section shall restrict a travel agent from offering to each member of the charter group such advertising and good will items as are customarily extended to individually ticketed passengers (e.g., a canvas traveling bag or a money exchange computer).

§ 295.22 Statement of supporting information.

Travel agents shall execute, and furnish to air carriers, Section A of Part II of the Statement of Supporting Information attached hereto and made a part hereof, at such time prior to flight as required by the carrier to afford it due time for review thereof.

REQUIREMENTS RELATING TO THE CHARTERING ORGANIZATION

§ 295.30 Solicitation of charter participants.

As the following terms are defined in § 295.2, members of the charter group may be solicited only from among the bona fide members of an organization,

club or other entity, and their immediate families, and may not be brought together by means of a solicitation of the general public.

§ 295.31 Passengers on charter flights.

Only bona fide members of the charterer, and their immediate families (except as provided in § 295.32), may participate as passengers on a charter flight. The charterer must maintain a central membership list, available for inspection by the carrier or Board representative, which shows the date each person became a member.³ Where the charterer is engaging round-trip transportation, one-way passengers shall not participate in the charter flight except as provided in § 295.14(f).—When more than one round trip is contracted for, intermingling between flights or reforming of planeload or one-half planeload groups shall not be permitted and each such group must move as a unit in both directions.

§ 295.32 Participation of immediate families in charter flights.

The immediate family of any bona fide member of a charter organization may participate in a charter flight: *Provided, however*, That this section shall not apply to study group charters as defined herein (§ 295.2(m)).

§ 295.33 Charter costs.

(a) The costs of charter flights shall be prorated equally among all charter passengers and no charter passenger shall be allowed free transportation; except that (1) children under twelve years of age may be transported at a charge less than the equally prorated charge; (2) children under two years of age may be transported free of charge.

(b) The charterer shall not make charges to the charter participants which exceed the actual costs incurred in consummating the charter arrangements, nor include as a part of the assessment for the charter flight any charge for purposes of charitable donations. All charges related to the charter flight arrangements collected from the charter participants which exceed the actual costs thereof shall be refunded to the participants in the same ratio as the charges were collected.

(c) Reasonable administrative costs of organizing the charter may be divided among the charter participants. Such costs may include a reasonable charge for compensation to members of the charter organization for actual labor and personal expenses incurred by them. Such charge shall not exceed \$300 (or \$500 where the charter participants number more than 80) per round-trip flight. Neither the organizers of the charter, nor any member of the chartering organization, may receive any gratuities or compensation, direct or indirect, from the

³ Where the charter is based on employment in one entity or student status at a college, records of the corporation, agency, or college will suffice to meet the requirement.

carrier, the travel agent, or any organization which provides any service to the chartering organization whether of an air transportation nature or otherwise. Nothing in this section shall preclude a member of a chartering organization who is the carrier's agent from receiving a commission from the carrier (within the limits of § 295.15), or prevent any member of the charter group from accepting such advertising and good will items as are customarily extended to individually ticketed passengers (e.g., a canvas traveling bag or a money exchange computer).

(d) If the total expenditures, including among other items compensation to members of the chartering organization, referred to in paragraph (c) of this section, but exclusive of expenses for air transportation or land tours, exceed \$750 per round-trip flight, such expenditures shall be supported by properly authenticated vouchers.

§ 295.34 Statements of charges.

Any announcements or statements by the charterer to prospective charter participants of the anticipated individual charge for the charter shall clearly identify the portion of the charges to be separately paid for the air transportation, for the land tour, and for the administrative expenses of the charterer.

§ 295.35 Passenger manifests.

(a) Prior to each one-way or round-trip flight a manifest shall be filed by the charterer with the air carrier showing the names and addresses of the persons to be transported and specifying the relationship of each such person to the charterer (by designating opposite his name one of the three relationship categories hereinafter described). The manifest may include "stand-by" participants (by name, address and relationship to charterer).

(b) The relationship of a prospective passenger shall be classified under one of the following categories and specified on the passenger manifest as follows:

(1) A bona fide member of the chartering organization at the time the organization first gave notice to its members of firm charter plans and will have been a bona fide member of the chartering organization for at least six months prior to the starting flight date. Specify on the passenger manifest as "(1) member."

(2) The spouse, dependent child or parent of a bona fide member who lives in such member's household. Specify on the passenger manifest as "(2) spouse" or "(2) dependent child" or "(2) parent." Also give name and address of member relative where such member is not a prospective passenger.

(3) Bona fide members of entities consisting only of persons from a study group, or a college campus, or employed by a single Government agency, industrial plant, or mercantile company, or persons whose proposed participation in the charter flight was permitted by the Board pursuant to request for waiver. Specify on the passenger manifest as "(3) special" or "(3) member" (where participants are from a study or campus

group or from a Government agency, industrial plant or mercantile company).

(c) In the case of a round-trip flight, the above information must be shown for each leg of the flight and any variations between the eastbound and westbound trips must be explained on the manifest.

(d) Attached to such manifest must be a certification, signed by a duly authorized representative of the charterer, reading:

The attached list of persons includes every individual who may participate in the charter flight. Every person as identified on the attached list (1) was a bona fide member of the chartering organization at the time the chartering organization first gave notice to its members of firm charter plans, and will have been a member for at least 6 months prior to the starting flight date, or (2) is a bona fide member of an entity consisting of (a) students and educational staff of a single school, or (b) employees of a single Government agency, industrial plant, or mercantile establishment, or (3) is a person whose participation has been specifically permitted by the Civil Aeronautics Board, or (4) is the spouse, dependent child, or parent of a person described hereinbefore and lives in such person's household, or (5) is a bona fide participant in a study group charter.

(Signature)

§ 295.36 Statement of supporting information.

Charterers shall execute and furnish to air carriers Section B of Part II of the Statement of Supporting Information attached hereto and made a part hereof at such time prior to flight as required by the carrier to afford it due time for review thereof.

Subpart B—Provisions Relating to Single Entity Charters

§ 295.39 Applicability of subpart.

This subpart sets forth the special rules applicable to single entity charters.

§ 295.40 Tariffs to be on file.

The provisions of § 295.13 shall apply to charters under this subpart.

§ 295.41 Terms of service.

(a) The total charter price and other terms of service shall conform to those set forth in the applicable tariff filed in accordance herewith and the contract shall be for the entire capacity or one-half the capacity of one or more aircraft.

(b) The terms of service prescribed in § 295.14 (b), (c), and (d) shall be applicable in the case of single entity charters.

§ 295.42 Commissions paid to travel agents.

No direct air carrier shall pay a travel agent any commission in excess of five percent of the total charter price or more than the commission related to charter flights paid to an agent by a carrier certificated to fly the same route, whichever is greater.

Subpart C—Provisions Relating to Mixed Charters

§ 295.50 Applicable rules.

The rules set forth in Subpart A of this part shall apply in the case of mixed charters.

Subpart D—Procedure for Advisory Opinion on the Eligibility of a Charterer

§ 295.60 Advisory opinion.

An air carrier or prospective charterer may request an advisory opinion from the Bureau of Economic Regulation, Civil Aeronautics Board, Washington, D.C., 20428, regarding the eligibility of the prospective charterer to obtain charter service in accordance with this part. The Bureau's opinion will be based on the representations submitted and shall not be binding upon the Board in any proceeding in which the lawfulness of the respective charter may be in issue. Such representations should include as much of the information specified by section B, Part II, of the Statement of Supporting Information as is available to the person requesting the advisory opinion.

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

STATEMENT OF SUPPORTING INFORMATION*

Members Gurney and Gilliland dissented.

Part I—To be completed by air carrier for each single entity, mixed, or pro rata charter. (Where more than one round-trip flight is to be performed under the charter contract, clearly indicate applicability of answers.)

1. Name of transporting carrier: _____
2. Commencement date(s) of proposed flight(s):
 - (a) Going _____
 - (b) Returning _____
3. Points to be included in proposed flight(s):
 - (a) From _____ to _____
 - (b) Returning from _____ to _____
 - (c) Other stops required by charterer: _____
- (d) Technical stops required by carrier: _____
- (e) Planned routing: _____
4. (a) Type of aircraft to be used: _____
- (b) Seating capacity: _____
- (c) Number of persons to be transported: _____

5. (a) Total charter price: _____
- (b) Does the charter price conform to tariff on file with the Board? _____
- (c) If pro rata or mixed charter, explain construction of charter price in relation to tariff on file with the Board. (In case of mileage tariff, show mileage for each segment involved and indicate whether segment is live or ferry.) _____

6. (a) Has the carrier paid, or does it contemplate the payment of any commissions, direct or indirect, in connection with the proposed flight? Yes No

(b) If "yes," give names and addresses of such recipients and indicate the amount paid or payable to each recipient. If any commission to a travel agent exceeds 5 percent of the total charter price, attach a statement justifying the higher amount under this regulation.

7. (a) Will the carrier or any affiliate provide any services or perform any functions in _____

*This must be retained by the air carrier for two years pursuant to the requirements of Part 249, but open to Board inspection, and to be filed with the Board on demand.

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addition to the actual air transportation?
Yes No

(b) If "yes," describe services or functions:

8. Name and address of charterer:

9. If charter is single entity, indicate purpose of flight:

10. On what date was the charter contract executed?

11. If the charter is pro rata, has a copy of Part 295 of the Civil Aeronautics Board's Economic Regulations been mailed to or delivered to the prospective charterer? Yes No

Part II—To be completed for pro rata or mixed charters only.

Section A—To be supplied by travel agent, or, where none, by the air carrier or an affiliate under its control where either of the latter performs or provides any travel agency function or service (excluding air transportation sales but including land tour arrangements).

1. What specific services have been or will be provided by agent to charterer on a group basis?

2. What specific services have been or will be provided by agent to individual participants in the proposed charter?

3. Has the agent or, to his knowledge, have any of his principals, officers, directors, associates or employees compensated any member of the chartering organization in relation either to the proposed charter flight or any land tour? Yes No

4. Does the agent have any financial interest in any organization rendering services to the chartering organization? Yes No If answer is "yes," explain:

WARRANTY¹

I, _____, represent and warrant that
(Name)

I have acted with regard to this charter operation (except to the extent fully and specifically explained in Part II, Section A) and will act with regard to such operation in a manner consistent with Part 295 of the Board's Economic Regulations.

(Signature and address of travel agent or, if none, of authorized official of air carrier where such carrier or an affiliate under its control performs any travel agency function or service (excluding air transportation sales but including land tour arrangements).)

¹ Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years, or both. Title 18, U.S.C., § 1001.

Section B—To be supplied by charterer:

1. Description of chartering organization, including its objectives and purposes:

2. What activities are sponsored by the chartering organization?

3. When was the organization founded?

4. Qualification or requirements for membership in organization and membership fee, if any:

5. Has there been any reference to prospective charter flights in soliciting new members for the chartering organization? Yes No

6. If total membership in the chartering organization is less than 1,000, submit list showing names and addresses of members in good standing.² If total membership in the chartering organization is 1,000 or more, state where a list of members is available for inspection.

7. Attach list of prospective passengers, showing for each: Name, address, and whether a member of chartering organization or relationship to a member of chartering group. (NOTE: This is a list of prospective passengers and does not necessarily have to represent the passengers actually carried.)

8. Purpose of trip:

9. What are requirements for participation in charter?

10. How were prospective participants for charter solicited (attach any solicitation material)?

11. Will there be any participants in the charter flight other than (1) members of the chartering organization or (2) spouse, dependent children, and parents of a member of the chartering group residing in the same household with the member? Yes No

12. Will there be any members of the chartering organization participating in the charter who will have been members of the organization for a period of less than six months prior to flight date? Yes No If answer is "yes," give names of participants who will not have been members for six months and justify (see § 295.2(k)).

13. If there is any intermediary involved in the charter, other than the travel agent whose participation is described in Part II, Section A, submit name, address, remuneration and scope of activity:

14. Estimated receipts: _____
(Pro rata charge)

× _____
(No. of passengers)

= \$ _____
(Estimated receipts from charter)

Estimated receipts from other sources, if any:

Explain: _____

(a) Total receipts: \$ _____

Estimated expenditures, including aircraft charter (separately itemize air transpor-

² Not applicable to college campus or study-group charters, nor to charters limited to employees of a single Government agency, industrial plant or mercantile company.

tation, land tour, and administrative expenses):

Item	Amount	Payable to
------	--------	------------

(b) Total expenditures: \$ _____

Explain any difference between (a) and (b): _____

15. Are any of the expenses included in Item 14, above, to be paid to any members of the chartering organization? Yes No If "yes," state how much, to whom and for what services:

16. Is any member of the chartering organization to receive any compensation or benefit directly or indirectly from the air carrier, the travel agent, or any organization providing services in relation to the air or land portion of the trip? Yes No If "yes," explain fully:

17. Will any person in the group (except children under two years) be transported without charge? Yes No

18. Will charter costs be divided equally among charter participants, except to the extent that a lesser charge is made for children under twelve years old? Yes No

19. Separately state for the outbound and inbound flights the number of one-way passengers anticipated to be transported in each direction:

20. If more than one round trip is contracted for, will each group move as a unit in both directions? Yes No

21. If transatlantic charters have been performed for organization during past 5 years, give dates and name of carrier performing charters:

22. Has a copy of Part 295, "Transatlantic Supplemental Air Transportation," of the Economic Regulations of the Civil Aeronautics Board been received by the charterer? Yes No

WARRANTY OF CHARTERER¹

I, _____ and _____
(Name) (Name)

represent and warrant that the charterer has acted with regard to this charter operation (except to the extent fully and specifically explained in Part II, Section B), and will act with regard to such operation, in a manner consistent with Part 295 of the Board's Economic Regulations.

(Signature of person within organization in charge of charter arrangements.)

(Signature and title of officer. This should be the chief officer of the chartering organization except in the case of a school charter, in which case the warranty must be by a school official not directly involved in charter.)

WARRANTY OF AIR CARRIER¹

To the best of my knowledge and belief all the information presented in this statement, including but not limited to, those parts warranted by the charterer and the travel agent, is true and correct. I represent

and warrant that the carrier has acted with regard to this charter operation (except to the extent fully and specifically explained in this statement or any attachment thereto) and will act with regard to such operation in a manner consistent with Part 295 of the Board's Economic Regulations.

(Signature and title of authorized official of air carrier.)

[F.R. Doc. 67-13960; Filed, Nov. 28, 1967; 8:49 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter V—Weather Bureau, Environmental Science Services Administration, Department of Commerce

TRANSFER OF REGULATIONS

CROSS REFERENCE: For a document consolidating and restating the matter now published in Chapter V of Title 15, and Chapter III of Title 33, see F.R. Doc. 67-13906, Chapter IX of this title, *infra*.

Chapter IX—Environmental Science Services Administration, Department of Commerce

TRANSFER OF REGULATIONS

The material that follows in Parts 906, 907, and 945 consolidates and restates in Chapter IX, Title 15, Code of Federal Regulations, matter now published in Chapter V, Title 15, and Chapter III, Title 33, Code of Federal Regulations. Chapter IX, Title 15, Code of Federal Regulations was assigned to the Environmental Science Services Administration, which was established July 13, 1965, pursuant to Reorganization Plan No. 2 of 1965, and which embraces the Weather Bureau and the Coast and Geodetic Survey. Section 906.1 of Part 906 cancels Part 502, Chapter V, Title 15, and Part 301, Chapter III, Title 33, Code of Federal Regulations. Part 907 cancels Part 503, Chapter V, Title 15, and Part 303, Chapter III, Title 33, Code of Federal Regulations. Part 945 restates without significant change information formerly appearing in and thereby canceling Part 501, Chapter V, Title 15, Code of Federal Regulations. Parts 906, 907, and 945 are added to Chapter IX, to read as set forth below:

SUBCHAPTER A—GENERAL REGULATIONS

PART 906—INTERNATIONAL AFFAIRS

- Sec.
906.1 International training.
906.2 Foreign visitors.

AUTHORITY: The provisions of this Part 906 issued under sec. 3, 26 Stat. 653, secs. 4-6, 61 Stat. 788, R.S. 4685; 15 U.S.C. 313, 22 U.S.C. 501, 33 U.S.C. 893d-893f, 884.

§ 906.1 International training.

(a) ESSA provides training in its disciplines for representatives from various

developing countries throughout the world. Those trained consist of the recipients of fellowships awarded by the United Nations and its Specialized Agencies; and the recipients of training awards from the Agency for International Development (AID), the Military Assistance Program (MAP), and under bilateral agreements arranged by the Department of State in cooperation with the participating foreign governments.

(b) Requests are received from the sponsors to provide training in the scientific and technical functions of ESSA, through individual training and/or through enrollment in recurring group courses. In individual or group training, the study program or course description is forwarded to the sponsor with the estimate cost or tuition fee and the amount of funds required for travel within the United States. Upon approval of the training program and the cost estimate, the sponsor informs the recipient of his acceptance and the date to begin training.

(c) Further information concerning eligibility of foreign nationals for training, course availability, course content, trainee qualifications, costs, funding, and other related information is available from the Director, International Affairs (IA), Environmental Science Services Administration, Rockville, Md. 20852.

§ 906.2 Foreign visitors.

(a) ESSA has been designated sponsor of an Exchange-Visitor Program in accordance with the administrative regulations issued under the Mutual Educational and Cultural Exchange Act of 1961. The program is identified as Exchange-Visitor Program No. G-V-228, and has an official description as follows: "A program to provide training and research opportunities at the Administration's facilities in various parts of the United States, for qualified foreign specialists, as a measure to increase international rapport among those interested in the development of the environmental sciences, and to promote the general interests of international exchange."

(b) In addition to the Exchange-Visitor Program described in paragraph (a) of this section, ESSA also accepts other visitors from various countries having a mutual interest with the United States in the environmental sciences. The duration of these visits extends from 1 to 10 days. Programs are arranged in accordance with the specific interests of the visitors and may include orientation, review, and consultation on: Organizational structure; operating methods; equipment and instrumentation; scientific and technical procedures; research; or exchange of ideas.

(c) Further information concerning international visits is available from the Director, International Affairs (IA), Environmental Science Services Administration, Rockville, Md. 20852.

PART 907—ENVIRONMENTAL INFORMATION

§ 907.1 Environmental information.

(a) ESSA gathers, processes, and issues information on weather conditions, river water height, coastal tides and currents, movement of ocean currents, structure and shape of ocean basins, seismic activity, the precise size and shape of the earth, and conditions of the upper atmosphere and space. It issues warnings against hurricanes, tornadoes, floods, and seismic sea-waves to areas in danger.

(b) ESSA information falls into three broad categories, namely:

(1) Current information and warnings on the dynamic or continually changing aspects of the environment, such as the weather and other geophysical phenomena.

(2) Longer term information, such as navigation charts, compilations or summaries of historical environmental data, and earth and ocean surveys and measurements.

(3) Scientific and technical research publications dealing with the earth sciences.

(c) ESSA information is available in many forms and from many sources throughout ESSA.

(1) Current information is disseminated in the form of forecasts, advisories, and warnings, directly by the local offices of ESSA, of which there are approximately 350, or through relaying intermediaries, such as radio and TV stations and telephone recorders. The address of local ESSA offices can be obtained by consulting local phone directories, generally under the heading of Commerce Department—Environmental Science Services Administration. The prime medium for disseminating weather information for the United States is the Daily Weather Map, which is available on a subscription basis. There is also published a Weekly Weather and Crop Bulletin, which narrates on a weekly basis the weather conditions and crop progress during the reporting period, generally on a State-by-State basis. Both the Daily Weather Map and the Weekly Weather and Crop Bulletin may be ordered from the Superintendent of Documents, Washington, D.C. 20402.

(2) Longer term information is available in various forms, such as charts, maps, books, and pamphlets, tabulations, individual data sheets, reproductions of original graphic recordings, and aerial photographs. These are available at varying prices, from various offices within ESSA. Also navigation charts may be purchased from contract sales agents, generally airport and marina operators. Catalogs or price lists of items in this category are available on request. Navigation chart catalogs are available from the Chief, Distribution Division (C44), ESSA, Rockville, Md. 20852. Price lists of climatological data, geophysical data, and geodetic data are available from the Director, Office of Data Information (D4), ESSA, Silver Spring, Md. 20910.

Requests or inquiries concerning other information in the longer term category, but excluding scientific and technical research publications, may be sent to the Chief, Administrative Controls Branch (AD14), ESSA, Rockville, Md. 20852, for referral to the responsible office.

(3) Scientific and technical research publications are disseminated in the form of printed journals, monographs, reports, and other paperbound publications. These range over the broad spectrum of the physical environment. Details concerning publications available and the prices may be obtained from the Chief, Scientific Information and Documentation Division (AD7), ESSA, Rockville, Md. 20852. Many of ESSA's scientific and technical research publications are sold by the Clearinghouse for Federal Scientific and Technical Information, Springfield, Va. 22151, and by the Superintendent of Documents, Washington, D.C. 20402. Additional details concerning ESSA's scientific and technical publications are given in Appendix B of the U.S. Government Organization Manual, published annually.

(Reorganization Plan No. 2 of 1965, 5 U.S.C. App. 133z-15 note)

SUBCHAPTER C—GENERAL REGULATIONS OF THE WEATHER BUREAU

PART 945—RULES FOR GUIDANCE OF THE PUBLIC

Sec.	
945.1	Connections to weather communications systems.
945.2	Time of release of weather information affecting crops.
945.3	False weather reports.
945.4	Certified data for use in court.
945.5	Appearance in court of weather bureau employees.
945.6	Agreements for radio and television weather broadcasts.

AUTHORITY: The provisions of this Part 945 issued under sec. 3, 26 Stat. 653; 15 U.S.C. 313.

§ 945.1 Connections to weather communications systems.

The Weather Bureau uses a number of federally operated weather communications systems in support of its internal operations. Connections to these circuits, for receiving purposes only, are permitted to be made by qualified organizations or individuals. Application to connect to these circuits should be made to the Director, ESSA Weather Bureau, Silver Spring, Md. 20910.

§ 945.2 Time of release of weather information affecting crops.

(a) Bulletins or radio broadcasts giving agricultural weather information are released at 10 a.m. each workday during the growing season in the affected areas.

(b) Weekly Weather and Crop Bulletins containing a synopsis of weather conditions and their effect on crops and farming operations (which show snow and ice conditions during the season) are released simultaneously at Washington, D.C., and approximately 45 field stations at 12 noon e.s.t., on Tuesday, or on

Wednesday if Monday or Tuesday is a holiday.

(c) Because of the influence that might be exerted upon the market value of the products of the soil by the information contained in the weather and crop bulletins, the law provides a fine of \$10,000 or imprisonment of 10 years, or both, for any responsible Government official who willfully imparts any information of speculative value contained in the bulletins before the times of release to the public (18 U.S.C. 1902).

§ 945.3 False weather reports.

Whoever knowingly issues or publishes any counterfeit forecast or warning of weather conditions falsely representing such forecast or warning to have been issued or published by the Weather Bureau, * * * shall be fined not more than \$500, or imprisoned not more than 90 days, or both (18 U.S.C. 2074).

§ 945.4 Certified data for use in court.

(a) 28 U.S.C. 1733 provides that authenticated copies of any books, records, papers, or other documents in any of the executive departments shall be admitted in evidence in courts of law equally with the originals thereof.

(b) All field stations and the Washington office are prepared to furnish applicants with duly certified copies of original or published weather records that are necessary for legal purposes, upon payment of appropriate fees to recover the reproduction, certification, and other related costs.

§ 945.5 Appearance in court of weather bureau employees.

In all cases of private litigation where it is required that an employee produce records or testify, it is necessary that he be duly subpoenaed to appear in court as an official of the Bureau. As the Federal Government will be deprived of his services while so testifying, the employee will collect the authorized witness fees and allowances for expenses of travel and subsistence, all of which he is required to account for to the Bureau. Arrangements should be made with the court to set a time for the appearance of an employee that will not interfere with important duties that would result in injury to interests of the community by delay in issuing important weather forecasts and danger warnings (15 Comp. Gen. 196).

§ 945.6 Agreements for radio and television weather broadcasts.

(a) Radio stations often desire to make special arrangements for the broadcast of daily weather forecasts, special warnings, and other weather information under commercial sponsorship. In such cases the Weather Bureau obtains an agreement setting forth conditions under which the broadcasts are to be made. This agreement specifies the regular time schedules of the broadcast; that the information be given exactly as issued by the Bureau; that while it is permissible to announce immediately before and at the conclusion of the weather broadcast that it is furnished by the

courtesy of a sponsor, care must be exercised to avoid the implication that the forecasts are made or paid for by the advertiser; and that there shall be nothing in the announcement associated with weather broadcasts to indicate that the Weather Bureau or the Government endorses the sponsor or the product advertised.

(b) An agreement is also required between the Weather Bureau and any radio or television station that wishes to install equipment or make other arrangements for direct broadcasts from a Weather Bureau office.

(c) No charge is made to the radio or television stations or the sponsor for weather information intended for public distribution. However, if there are communication tolls or leased wire charges in connection with the delivery of such information to the radio or television stations, such charges are borne by the radio or television stations or the sponsor.

WERNER A. BAUM,
Deputy Administrator, ESSA.

NOVEMBER 17, 1967.

[P.R. Doc. 67-13906; Filed, Nov. 28, 1967; 8:45 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

SUBCHAPTER A—GENERAL

[Dept. Reg. 108.573]

PART 7—BOARD OF APPELLATE REVIEW

Part 7 is added to Title 22 of the Code of Federal Regulations to read as set forth below:

Sec.	
7.1	Establishment of Board of Appellate Review; purpose.
7.2	Board membership.
7.3	Jurisdiction.

AUTHORITY: The provisions of this Part 7 issued under 63 Stat. 111, as amended; 22 U.S.C. 2658.

§ 7.1 Establishment of Board of Appellate Review; purpose.

There is hereby established the Board of Appellate Review in the Office of the Deputy Under Secretary for Administration for the purpose of promoting centralization of administrative appeal procedures required by law and regulation or otherwise as provided by the Department.

§ 7.2 Board membership.

The Board shall consist of regular members who shall serve on a full-time basis, one of whom shall be designated the head thereof, and such ad hoc members as may be designated from time to time by the Deputy Under Secretary for Administration. Nothing in this section shall prohibit the designation of ad hoc members from among persons not employed by the Department or its Foreign Service.

§ 7.3 Jurisdiction.

The jurisdiction of the Board shall include appeals from decisions in the following cases:

(a) *Nationality cases.* The Board shall consider and determine appeals under § 50.60 of this Title 22. The Board may adopt and make public rules of procedure approved by the Secretary (Part 50, Subpart D of this Title 22).

(b) *Passport cases.* (1) The Board shall consider and determine appeals under § 51.90 of this Title 22. The Board may adopt and make public rules of procedure approved by the Secretary (Part 51, Subpart F of this Title 22).

(2) The Board shall have responsibility for providing a regular or ad hoc member to act in the capacity of hearing officer under § 51.83 of this Title 22.

(c) *Contract cases.* The Board may, as directed by the Deputy Under Secretary for Administration, consider and determine appeals of contractors or grantees from final decisions of contracting officers arising under contracts or grants of the Department of State. This subpart shall not apply to contract appellate functions otherwise provided for in Department of State Procurement Regulations, Part 6-60 of Title 41 CFR.

(d) *Personnel cases.* (1) The Board shall have responsibility for providing a regular or ad hoc member to act in the capacity of hearing officer under section 1844.2, Volume 3, Foreign Affairs Manual (3 FAM 1844.2) in cases involving appeals from adverse decisions provided for in 3 FAM 1840.

(2) The Board shall make available, upon request of the Board of the Foreign Service under 3 FAM 764.2, regular and ad hoc members of the Board for designation as panel members for the purpose of taking testimony and making findings in cases involving the separation for cause of a Foreign Service officer or employee.

Effective date. The effective date of this regulation shall be July 28, 1967, except that for purposes of § 7.3 herein this regulation shall be effective upon publication in the FEDERAL REGISTER.

Dated: November 14, 1967.

For the Secretary of State.

IDAR RIMESTAD,
Deputy Under Secretary
for Administration.

[F.R. Doc. 67-13961; Filed, Nov. 28, 1967;
8:49 a.m.]

SUBCHAPTER F—NATIONALITY AND PASSPORTS
[Dept. Reg. 108.574]

PART 50—NATIONALITY
PROCEDURES

PART 51—PASSPORTS

Miscellaneous Amendments

Parts 50 and 51 of Title 22 of the Code of Federal Regulations are hereby amended as set forth below. The purpose of these amendments is to transfer to the Board of Appellate Review, Part 7

of this Title 22, the functions of the Board of Review on Loss of Nationality and the Board of Passport Appeals which are hereby abolished except as provided below in paragraph III.

I. Part 50 is amended as follows:

1. The heading of Subpart D—Board of Review on Loss of Nationality is changed to read: "Subpart D—Procedures for Review of Loss of Nationality".

2. Section 50.60 is amended by changing "Board of Review on Loss of Nationality" to read "Board of Appellate Review". As amended, § 50.60 reads as follows:

§ 50.60 Appeal by nationality claimant.

A person who contends that the Department's administrative holding of loss of nationality or expatriation in his case is contrary to law or fact shall be entitled, upon written request made within a reasonable time after receipt of notice of such holding, to appeal to the Board of Appellate Review.

3. Section 50.61 is revised to read:

§ 50.61 Composition of the Board of Appellate Review in Nationality Cases.

The Board of Appellate Review (Part 7 of this Title 22) when considering an appeal under § 50.60 shall consist of two Regular Members and one ad hoc member. The ad hoc member shall be selected from a panel of five officers of the Department designated by the Deputy Under Secretary for Administration. Such officers shall be attorneys.

4. Section 50.62 is amended by changing "the Secretary" to "the Deputy Under Secretary of State for Administration". As amended, § 50.62 reads as follows:

§ 50.62 Chairman.

One of the members of the Board shall be designated by the Deputy Under Secretary of State for Administration as Chairman. The Chairman or his designee shall preside at all hearings of the Board and shall be empowered in all respects to regulate the conduct of the hearing and to pass on all issues relating thereto. The Chairman or his designee shall be empowered to administer oaths and affirmations.

(Sec. 4, 63 Stat. III as amended, secs. 104, 360, 66 Stat. 174, 273; 5 U.S.C. 151c, 8 U.S.C. 1104, 1503)

II. Part 51 is amended as follows:

1. Section 51.84 is amended by changing "Board of Passport Appeals" to "Board of Appellate Review". As amended, § 51.84 reads as follows:

§ 51.84 Appearance at hearing.

The person adversely affected may appear at the hearing in person or by his attorney who must possess the qualifications prescribed for practice before the Board of Appellate Review.

2. Section 51.89 is amended by changing "Board of Passport Appeals" to "Board of Appellate Review". As amended, § 51.89 reads as follows:

§ 51.89 Decision of Administrator of the Bureau of Security and Consular Affairs.

The person adversely affected shall be promptly notified in writing of the decision of the Administrator of the Bureau of Security and Consular Affairs and, if the decision is adverse to him, the notification shall state the reasons for the decision and inform him of his right to appeal to the Board of Appellate Review under § 51.90.

3. Section 51.90 is amended by changing "Board of Passport Appeals" to "Board of Appellate Review". As amended, § 51.90 reads as follows:

§ 51.90 Time limit on appeal to Board of Appellate Review.

A person who has been subject of an adverse decision under § 51.89 shall be entitled, upon request made within 30 days after the receipt of notice of such decision, to appeal the decision to the Board of Appellate Review. If no appeal is made within 30 days, the decision will be considered final and not subject to further administrative review.

4. Section 51.91 is revised to read:

§ 51.91 Composition of the Board of Appellate Review in Passport Cases.

The Board of Appellate Review (Part 7 of this Title 22) when considering an appeal under § 51.90 shall consist of one Regular Member and two ad hoc members. The two ad hoc members shall be selected from a panel of five officers of the Department designated by the Deputy Under Secretary of State for Administration. Such officers shall be attorneys.

5. Section 51.92 is amended by changing "the Secretary" to "the Deputy Under Secretary of State for Administration". As amended, § 51.92 reads as follows:

§ 51.92 Chairman.

One of the members of the Board shall be designated by the Deputy Under Secretary of State for Administration as Chairman. The Chairman shall insure that there is a quorum, including himself or his designee, to hear an appeal. The Chairman or his designee shall preside at all hearings of the Board and shall be empowered in all respects to regulate the conduct of the hearing and to pass on all issues relating thereto. The Chairman or his designee shall be empowered to administer oaths and affirmations.

§ 51.93 [Deleted]

6. Section 51.93 is deleted.

7. Section 51.94 is revised to read:

§ 51.94 Functions of the Board.

The Board shall act on all appeals under § 51.90 and shall take any action necessary and proper to the disposition of the cases appealed to it. The Board may adopt and make public rules of procedure approved by the Secretary.

8. Section 51.101 is amended by deleting "the Legal Assistant to the Board." As amended, § 51.101 reads as follows:

§ 51.101 Privacy of hearing.

Unless otherwise requested by the person adversely affected, the hearing shall be private. There shall be present at the hearing only the appellant, his counsel, the members of the Board, official stenographers, Departmental employees directly concerned with the presentation of the case, and the witnesses. Witnesses shall be present at the hearing only while actually giving testimony or when otherwise directed by the Board.

(Sec. 1, 44 Stat. 887, sec. 4, 63 Stat. III, as amended; 22 U.S.C. 211a, 5 U.S.C. 151c, E.O. 11295, 31 F.R. 10603, 3 CFR 1966 Comp.)

III. Effective date. These amendments shall be effective upon publication in the FEDERAL REGISTER. The former regulations shall remain in effect as to any appeals which have been certified to the Board of Review for Loss of Nationality or Board of Passport Appeals as of the date of publication of these regulations.

Dated: November 16, 1967.

For the Secretary of State,

IDAR RIMESTAD,
Deputy Under Secretary
for Administration.

[F.R. Doc. 67-13962; Filed, Nov. 28, 1967;
8:49 a.m.]

Title 26—INTERNAL REVENUE**Chapter I—Internal Revenue Service,
Department of the Treasury****SUBCHAPTER E—ALCOHOL, TOBACCO AND
OTHER EXCISE TAXES**

[T.D. 6936]

**PART 170—MISCELLANEOUS REGU-
LATIONS RELATING TO LIQUOR****Wine or Wine Products Rendered
Unfit for Beverage Use**

On September 23, 1967, a notice of proposed rule making to amend 26 CFR Part 170, with respect to the removal free of tax from the bonded wine cellar of wine, or wine products made from wine, when rendered unfit for beverage use, was published in the FEDERAL REGISTER (32 F.R. 13416). In accordance with the notice, interested persons were afforded an opportunity to submit written comments or suggestions pertaining thereto. No comments or suggestions were received within the 30-day period prescribed in the notice and the amendments as published in the FEDERAL REGISTER are hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. The table of contents is changed to redesignate the heading of § 170.683 as "Notice and bond," and to redesignate the heading of § 170.684 as "Facilities."

PAR. 2. Section 170.683 and its heading are changed to require a written notice in lieu of an amended Form 698.

PAR. 3. Section 170.684 and its heading are changed to delete the requirement for segregated facilities.

PAR. 4. Section 170.689 is changed to delete the phrase "or (c)".

PAR. 5. Paragraph (b) of § 170.690 is changed to delete references to specific parts of Form 702.

Because this Treasury decision implements the provisions of Public Law 90-73 [81 Stat. 175], effective December 1, 1967, it is found impracticable and contrary to public interest to issue this Treasury decision subject to the effective date limitation of section 553(d) of title 5 of the United States Code. Accordingly, this Treasury decision shall become effective December 1, 1967.

(Sec. 7805, Internal Revenue Code (68 Stat. 917; 26 U.S.C. 7805))

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: November 22, 1967.

STANLEY E. SURREY,
Assistant Secretary
of the Treasury.

In order to implement the provisions of section 5362(d) of the Internal Revenue Code, as added by Public Law 90-73, relating to the withdrawal free of tax from bonded wine cellars, of wine, or wine products made from wine, when rendered unfit for beverage use, the regulations in 26 CFR Part 170, Miscellaneous Regulations Relating to Liquor, are amended by adding a new Subpart Z, Regulations Respecting Wine and Wine Products Rendered Unfit for Beverage Use, as follows:

**Subpart Z—Regulations Respecting Wine and
Wine Products Rendered Unfit for Beverage
Use****Sec.**

- 170.681 Scope of subpart.
- 170.682 Meaning of terms.
- 170.683 Notice and bond.
- 170.684 Facilities.
- 170.685 Production.
- 170.686 Formulas.
- 170.687 Removals.
- 170.688 Marks and labels.
- 170.689 Acknowledgment of receipt by user of nonbeverage wine.
- 170.690 Bonded wine cellar records.
- 170.691 Inventories.

AUTHORITY: The provisions of this Subpart Z issued under sec. 7805, Internal Revenue Code, 68A Stat. 917; 26 U.S.C. 7805; interpret or apply sec. 5362, I.R.C., as amended; 72 Stat. 1380, as amended; 26 U.S.C. 5362.

**Subpart Z—Regulations Respecting
Wine and Wine Products Rendered
Unfit for Beverage Use****§ 170.681 Scope of subpart.**

This subpart provides, pursuant to section 5362(d), I.R.C., temporary regulations for the removal free of tax from bonded wine cellars of wine, or wine products made from wine, which have been rendered unfit for beverage use and procedures relating thereto. Notwithstanding any provisions of Part 240 of this chapter, nonbeverage wine may be produced on and withdrawn from bonded wine cellar premises in accordance with the provisions of this subpart.

§ 170.682 Meaning of terms.

When used in this subpart, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meanings ascribed in Part 240 of this chapter and in this subpart.

Nonbeverage wine. Wine, or wine products made from wine, which have been rendered unfit for beverage use as provided in this subpart.

§ 170.683 Notice and bond.

Each proprietor who intends to produce nonbeverage wine for withdrawal free of tax from his bonded wine cellar shall, before commencing such operations, file with the assistant regional commissioner a written notice, in duplicate, of such intent. In addition, each proprietor who intends to operate under the provisions of this subpart shall file a consent of surety on Form 1533 to extend the terms of his existing bond, Form 700 or Form 2601, as applicable, or give a new bond. Each consent shall identify the particular bond to which it applies and shall contain a statement of purpose as follows—

To continue in effect said bond (including all extensions or limitations of terms and conditions previously consented to and approved), notwithstanding that nonbeverage wine will be produced on and withdrawn from bonded wine cellar premises under the provisions of Subpart Z of 26 CFR Part 170.

§ 170.684 Facilities.

A proprietor qualified to produce nonbeverage wine may use his existing bonded wine cellar facilities for such purpose but shall so conduct his operations as to prevent contamination of wine or wine products for beverage use. Each tank and receptacle being used in the production of nonbeverage wine will be marked to show its use in accordance with the provisions of Part 240 of this chapter.

§ 170.685 Production.

Wine, or wine products made from wine, may, in accordance with approved formulas, be treated with methods or materials which render such wine or wine products unfit for beverage use and suitable for their intended use. No wine or wine products so treated shall contain more than 21 percent of alcohol by volume at the time of withdrawal free of tax from the bonded wine cellar; nor shall any wine or wine products so withdrawn be used in the compounding of distilled spirits or wine for beverage use or in the manufacture of any product intended to be used in such compounding.

§ 170.686 Formulas.

Before producing any nonbeverage wine the proprietor must receive approval of the formula by which the wine, or wine product made from wine, is to be rendered unfit for beverage use. The formula and process shall be described on Form 698-Supplemental, which shall be filed, in triplicate, with the Director, Alcohol and Tobacco Tax Division. Each formula filed under the provisions of this section shall be numbered in serial order,

starting with No. 1, and shall be prefixed with the symbol "NB." One 1/4-quart sample of the base wine or wine product to be used, and one 1/4-quart sample of the nonbeverage wine made therefrom shall be submitted under separate cover at the time of filing the formula. The samples will be taken to be representative of the base wine and of the nonbeverage wine and any material change in characteristics of the finished product from those of the approved samples will require the filing of a new formula, even though the ingredients and process may be the same. The Director, Alcohol and Tobacco Tax Division, may require the submission of samples of the materials to be used in rendering the wine or wine products unfit for beverage use. All ingredients to be used will be shown on the Form 698-Supplemental, as well as the quantities required to make 100 gallons of the nonbeverage wine. The formula shall also show the intended use of the nonbeverage wine. The process used in rendering the wine or wine products unfit for beverage use shall be stated in detail.

§ 170.687 Removals.

(a) *Containers.* Nonbeverage wine may be removed from bond free of tax in containers authorized by § 240.560 of this chapter for removal of wine from bond.

(b) *Notice of removals.* Where a proprietor removes nonbeverage wine from his bonded wine cellar, or taxpaid room, or other premises operated by him, he shall, except where the removal is in bottles or other consumer packages, prepare, in quadruplicate, a notice of shipment (for example, commercial invoice, bill of lading). Each such notice shall identify the nonbeverage wine shipped, by formula number, quantity, and percent of alcohol by volume, and the name and address of the consignee. One copy of each notice shall be forwarded to the assistant regional commissioner with the proprietor's monthly report, Form 702; one copy shall be retained by the proprietor available for inspection by internal revenue officers; and two copies shall be forwarded to the consignee. The proprietor shall mark one of the consignee's copies as follows: "Receipt of this shipment must be acknowledged on this copy which shall be forwarded to the Assistant Regional Commissioner, Alcohol and Tobacco Tax _____" (insert mailing address of the assistant regional commissioner of the region in which the consignor is located.)

§ 170.688 Marks and labels.

Each container of nonbeverage wine shall be marked or labeled in a plain and durable manner with—

- (a) A serial number.
- (b) The name of the proprietor and the registry number and location (city and State) of the bonded wine cellar.
- (c) The formula number under which the nonbeverage wine was produced.
- (d) The contents of the container in wine gallons.
- (e) The date of removal or shipment, and
- (f) The legend "NOT FOR SALE OR USE AS A BEVERAGE".

The provisions of this section do not carry or import any relief from other statutory or regulatory labeling requirements. Further, if nonbeverage wine or products made therefrom are placed in bottles or other consumer packages, and the marks or labels thereon state or imply that the contents are wine or are made from wine, such marks or labels must state with equal prominence that the contents are not for beverage use.

§ 170.689 Acknowledgment of receipt by user of nonbeverage wine.

Each person receiving nonbeverage wine covered by a notice of shipment required by § 170.687(b) shall acknowledge receipt on one copy of the notice of shipment, indicating the date received and any shortages in shipment, and promptly forward such acknowledgment to the assistant regional commissioner designated on the notice of shipment.

§ 170.690 Bonded wine cellar records.

(a) *Daily records.* Every proprietor producing nonbeverage wine shall keep daily records, separate from other records required by Part 240 of this chapter, showing the following for each formula of nonbeverage wine produced and withdrawn:

- (1) The kind, quantity, and percent alcohol by volume of wine, or wine products made from wine, rendered unfit for beverage use;
- (2) The kind and quantity of materials received to render wine, or wine products made from wine, unfit for beverage use;
- (3) The kind and quantity of materials used to render wine, or wine products made from wine, unfit for beverage use;
- (4) The name, quantity, percent alcohol by volume, and formula number of each nonbeverage wine produced;
- (5) The name, quantity, percent alcohol by volume, and formula number of nonbeverage wine removed;
- (6) The date of removal; and
- (7) The name and address of the consignee if the removal is more than 5 wine gallons or two cases, or if the nonbeverage wine is shipped for resale.

Where a proprietor withdraws nonbeverage wine free of tax from his bonded wine cellar to his taxpaid room or to adjacent premises operated by him, he shall, at each such location, maintain the records required by subparagraphs (5), (6), and (7) of this paragraph.

(b) *Summaries and reports.* The quantity of wine, or wine products made from wine, used to produce nonbeverage wine shall be recorded daily on the appropriate Form 2056. At the close of each month, such quantities shall be totaled and the total recorded as a credit on Form 702. The quantities of nonbeverage wine produced and withdrawn each month shall be summarized by tax class and reported on Form 702 for that month.

§ 170.691 Inventories.

Each proprietor producing nonbeverage wines shall, as of the close of business June 30 and December 31 of each year,

take a physical inventory of all nonbeverage wines in storage in bond. A detailed report shall be prepared on a separate Form 702-C, in duplicate, of each inventory taken, showing nonbeverage wine by formula number and the total quantity of such wines in each tax class. The original of the Form 702-C shall be attached to the Form 702 to which it pertains and forwarded to the assistant regional commissioner. The duplicate of the Form 702-C shall be retained by the proprietor and shall be kept available for inspection by internal revenue officers.

[F.R. Doc. 67-13876; Filed, Nov. 28, 1967; 8:45 a.m.]

Title 29—LABOR

Chapter XIV—Equal Employment Opportunity Commission

PART 1610—AVAILABILITY OF RECORDS

In accordance with the provisions of the Public Information Section of the Administrative Procedure Act, as amended by P.L. 90-23, 81 Stat. 54; 5 U.S.C. 552, the Equal Employment Opportunity Commission does hereby establish a new Part 1610 in Title 29 of the Code of Federal Regulations.

As added, Part 1610 reads as follows:

Subpart A—Production or Disclosure Under 5 U.S.C. 552(a)

Sec.	Definitions.
1610.1	Definitions.
1610.2	Statutory requirements.
1610.4	Purpose and scope.
1610.5	Public reference facilities and current index.
1610.7	Deletion of identifying details.
1610.9	Regional offices.
1610.11	Requests for identifiable records and copies.
1610.13	Records of other Agencies.
1610.17	Schedule of fees and method of payment for services rendered.
1610.20	Exemptions.
1610.23	Administrative decision and review.

Subpart B—Production in Response to Subpenas or Demands of Courts or Other Authorities

1610.30	Purpose and scope.
1610.32	Production prohibited unless approved by the General Counsel.
1610.34	Procedure in the event of a demand for production or disclosure.
1610.36	Procedure in the event of an adverse ruling.

AUTHORITY: The provisions of this Part 1610 issued pursuant to sec. 713(b), 78 Stat. 265; 42 U.S.C. 2000e-12 and 5 U.S.C. 552.

Subpart A—Production or Disclosure Under 5 U.S.C. 552(a)

§ 1610.1 Definitions.

As used in this part:

(a) "Act" refers to Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. sec. 2000e et seq.

(b) "Commission" refers to the Equal Employment Opportunity Commission.

§ 1610.2 Statutory requirements.

5 U.S.C. 552(a)(3) requires each Agency, upon request for identifiable

records made in accordance with published rules stating the time, place, fees to the extent authorized by statute, and procedure to be followed, to make such records promptly available to any person. 5 U.S.C. 552(b) exempts specified classes of records from all of the public access requirements of 5 U.S.C. 552 and permits them to be withheld.

§ 1610.4 Purpose and scope.

(a) This subpart contains the regulations of the Equal Employment Opportunity Commission implementing 5 U.S.C. 552. The regulations of this subpart provide information concerning the procedures by which records may be obtained from all organizational units within the Commission. Official records of the Commission made available pursuant to the requirements of 5 U.S.C. 552 shall be furnished to members of the public only as prescribed by this subpart. Officers and employees of the Commission may continue to furnish to the public, informally and without compliance with the procedures prescribed herein, information and records which prior to the enactment of 5 U.S.C. 552 were furnished customarily in the regular performance of their duties. To the extent permitted by other laws, the Commission also will make available records which it is authorized to withhold under 5 U.S.C. 552 whenever it determines that such disclosure is in the public interest.

(b) The Attorney General's memorandum on the Public Information Section of the Administrative Procedure Act, which was published in June 1967 and is available from the Superintendent of Documents, should be consulted in considering questions arising under 5 U.S.C. 552.

§ 1610.5 Public reference facilities and current index.

The Commission will maintain in a public reading area located in the Commission's library at 1800 G Street NW., Washington, D.C. 20506, the materials which are required by 5 U.S.C. 552(a) (2) and 552(a) (4) to be made available for public inspection and copying. The Commission will maintain and make available for public inspection and copying in this public reading area a current index providing identifying information for the public as to any matter which is issued, adopted, or promulgated after July 4, 1967, and which is required to be indexed by 5 U.S.C. 552(a) (2). The Commission in its discretion may, however, include precedential materials issued, adopted, or promulgated prior to July 4, 1967. The Commission will also maintain on file in this public reading area all material published by the Commission in the FEDERAL REGISTER and currently in effect.

§ 1610.7 Deletion of identifying details.

When making available any records pursuant to § 1610.5, the Commission will delete identifying details to the extent required to prevent a clearly unwarranted invasion of personal privacy. To each record from which identifying details shall have been deleted when the record is made available for public in-

spection and copying, the Commission will attach a written justification for such deletions. A single such justification shall suffice for deletions made in a group of similar or related records. Subject to necessary or appropriate variations in individual instances, the justification will be in substantially the following form:

This record is (These records are) made available for public inspection and copying pursuant to 5 U.S.C. sec. 552(a) (2). As authorized therein, to prevent a clearly unwarranted invasion of personal privacy, identifying details have been deleted.

§ 1610.9 Regional offices.

Each office listed below will maintain in a public reading room or area various public materials dealing with the Act and the Commission:

Federal Office Building, Room 7515, 500 Gold Street SW., Albuquerque, N. Mex. 87101. Telephone No.: Area Code 505, 247-0311 Ext. 2061.

1776 Peachtree Street NW., Room 417, Atlanta, Ga. 30309. Telephone No.: Area Code 404, 526-5941.

300 East Eighth Street, Room G 115, Austin, Tex. 78701. Telephone No.: Area Code 512, 478-6411 Ext. 6845.

U.S. Courthouse and Federal Building, Room 1832, 219 South Dearborn Street, Chicago, Ill. 60604. Telephone No.: 312, 353-7550.

Engineers' Building, Room 402, 1365 Ontario Street, Cleveland, Ohio 44113. Telephone No.: 216, 522-4784.

911 Walnut Street, Room 305, Kansas City, Mo. 64106. Telephone No.: Area Code 816, 374-5773.

Federal Office Building, Room 7730, 300 North Los Angeles Street, Los Angeles, Calif. 90012. Telephone No.: Area Code 213, 688-3400.

Masonic Temple Building, 333 St. Charles Avenue, New Orleans, La. 70130. Telephone No.: Area Code 504, 527-2721.

346 Broadway, Suite 701, New York, N.Y. 10013. Telephone No.: 212, 264-3642.

Appraisers' Building, Room 126, 630 Sansome Street, San Francisco, Calif. 94111. Telephone No.: Area Code 415, 556-0260.

1016 16th Street NW., Room 104, Washington, D.C. 20036. Telephone No.: Area Code 202, 392-1914.

§ 1610.11 Requests for identifiable records and copies.

(a) A request for inspection or copying of a record of the Commission which is neither published in the FEDERAL REGISTER nor customarily made available and which is not available in the public reading area as described in § 1610.5, may be made in person or by mail to the Office of the General Counsel, 1800 G Street NW., Washington, D.C. 20506. Requests may be presented from 9 a.m. to 5:30 p.m., Mondays through Fridays, with the exception of holidays. Telephone inquiries or requests may be made by calling Washington, D.C., telephone number: Area Code 202, 343-7693. Collect calls will not be accepted.

(b) Charges for processing requests will be made in accordance with the schedule set forth in § 1610.17. Such charges are payable in advance.

(c) Each request shall contain a description of the record requested which is sufficiently specific with respect to names, dates, subject matter, and loca-

tion, to permit the record to be identified and located. A separate request must be submitted for each record requested.

(d) Except where circumstances require special processing, requests will be processed in the order in which they are received. Efforts will be made to make such records available as promptly as is reasonable under the particular circumstances.

(e) No obligation is undertaken by the Commission to compile or create information or records not already in existence at the time of the request.

(f) Where a requested record cannot be located from the information submitted or is known to have been destroyed or otherwise disposed of, the person making the request will be appropriately notified.

(g) When a requested record has been identified and is available, the person who made the request will be notified as to where and when the record will be available for inspection. Upon payment of the necessary fees, a copy of an available record may be furnished to the requester in person or by mail.

§ 1610.13 Records of other Agencies.

Request for records that originated in another Agency and are in the custody of the Commission, will be referred to that Agency for processing, and the person submitting the request shall be so notified. The decision made by that Agency with respect to such records will be honored by the Commission.

§ 1610.17 Schedule of fees and method of payment for services rendered.

(a) The following specific fees shall be applicable with respect to services rendered to members of the public under this subpart:

(1) Searching for records, per hour or fraction thereof	\$3.60
(2) Other facilitative services and index assistance—minimum charge, per hour or fraction thereof	3.60
(3) Copies made by Xerox or otherwise (per page)	.25
(4) Certification of each record as a true copy	.75
(5) Certification of each record as a true copy, under the seal of the Agency	1.00
(6) For each signed statement of negative result of search for record	1.00

(b) When no specific fee has been established for a service, e.g., legal or research assistance, or the request for a service does not fall under one of the above categories due to the amount, size, or type thereof, the Director of Administration is authorized to establish an appropriate fee pursuant to the criteria established in Bureau of the Budget Circular No. A-25, entitled "User Charges."

(c) When a request for identifiable records is made by mail, it should be accompanied by remittance of the total fee chargeable, as well as a self-addressed stamped envelope, if special mail services are desired.

(d) Fees must be paid in full prior to issuance of requested copies of records. If uncertainty as to the existence of a record, or as to the number of sheets to be copied or certified precludes remitting

the exact fee chargeable with the request, the Agency will inform the interested party of the exact amount required.

(e) Payment shall be in the form of a check, bank draft, money order, or, if personally delivered, may be made in cash. Remittances shall be made payable to the order of the Equal Employment Opportunity Commission. The Agency will assume no responsibility for cash which is lost in the mail.

(f) A receipt for fees paid will be given only upon request. Refund of fees paid for services actually rendered will not be made.

(g) No charge will be made for services performed at the request of other governmental agencies or officers thereof acting in their official capacities.

§ 1610.20 Exemptions.

(a) 5 U.S.C. 552 exempts from all of its publication and disclosure requirements nine categories of records which are described in subsection (b). These categories include such matters as national defense and foreign policy information, investigatory files, internal procedures and communications, materials exempted from disclosure by other statutes, information given in confidence, and matters involving personal privacy. The scope of the exemptions is discussed in the Attorney General's memorandum referred to in § 1610.4(b).

(b) Section 706(a) of the Act provides that the Commission shall not make public charges which have been filed. It also provides that (subsequent to the filing of a charge, an investigation, and a finding that there is reasonable cause to believe that the charge is true) nothing said or done during and as a part of the Commission's endeavors to eliminate any alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion may be made public by the Commission without the written consent of the parties; nor may it be used as evidence in a subsequent proceeding. Any officer or employee of the Commission, who shall make public in any manner whatever any information in violation of section 706(a) shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000 or imprisoned not more than 1 year.

(c) Section 709 of the Act authorizes the Commission to conduct investigations of charges filed under section 706, engage in cooperative efforts with State and local agencies charged with the administration of State fair employment practices laws, and issue regulations concerning reports and record-keeping. Subsection (e) of section 709 provides that it shall be unlawful for any officer or employee of the Commission to make public in any manner whatever any information obtained by the Commission pursuant to its authority under section 709 prior to the institution of any proceeding under the Act involving such information. Any officer or employee of the Commission who shall make public in any manner whatever any information in violation of section

709(e) shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000 or imprisoned not more than 1 year. The Commission will, however, make available for inspection and copying some tabulations of aggregate industry, area, and other statistics derived from the Commission's reporting programs authorized by section 709(e) of the Act, where such tabulations have been previously compiled by the Commission and are available in documentary form, to the extent that such tabulations do not consist of aggregate data from less than three respondents, and do not reveal the identity of an individual or the dominant respondent in a particular industry or area in any manner.

§ 1610.23 Administrative decision and review.

(a) The General Counsel shall grant or delay each request made. The denial of each request shall be in writing and shall contain a simple statement of the reasons for the denial. The decision of the General Counsel shall be final, subject only to review as provided in paragraph (b) of this section.

(b) Review of the decision of the General Counsel may be requested by the person submitting the request within 30 days after the date of the notice advising him of the decision. The 30-day limitation may be waived for good cause. The filing of a request for review by the Commission may be accomplished by mailing to the Chairman, Equal Employment Opportunity Commission, 1800 G Street NW., Washington, D.C. 20506, by certified mail, a copy of the written denial issued under paragraph (a) of this section and a statement of the circumstances, reasons or arguments advanced for insistence upon disclosure of the originally requested record. The decision of the Commission upon review shall be in writing and shall contain a simple statement of the reasons for the decision. The decision after review will be promptly communicated to the person requesting review, and will constitute the final action of the Commission.

(c) No personal appearance, oral argument or hearing will ordinarily be permitted in connection with an initial request made to the General Counsel or on review of a denial by him. Upon request and a showing of special circumstances, however, this limitation may be waived and an informal conference or appearance arranged with or before the General Counsel or the Commission, as the case may be, or any employee designated by him or it for this purpose.

Subpart B—Production in Response to Subpenas or Demands of Courts or Other Authorities

§ 1610.30 Purpose and scope.

This subpart contains the regulations of the Commission concerning procedures to be followed when a subpoena, order, or other demand (hereinafter in this subpart referred to as a "demand") of a court or other authority is issued for

the production or disclosure of (a) any material contained in the files of the Commission; (b) any information relating to material contained in the files of the Commission; or (c) any information or material acquired by any person while such person was an employee of the Commission as a part of the performance of his official duties or because of his official status.

§ 1610.32 Production prohibited unless approved by the General Counsel.

No employee or former employee of the Commission shall, in response to a demand of a court or other authority, produce any material contained in the files of the Commission or disclose any information or produce any material acquired as part of the performance of his official duties or because of his official status without the prior approval of the General Counsel.

§ 1610.34 Procedure in the event of a demand for production or disclosure.

(a) Whenever a demand is made upon an employee or former employee of the Commission for the production of material or the disclosure of information described in § 1610.30, he shall immediately notify the General Counsel. If possible, the General Counsel shall be notified before the employee or former employee concerned replies to or appears before the court or other authority.

(b) If response to the demand is required before instructions from the General Counsel are received, an attorney designated for that purpose by the Commission shall appear with the employee or former employee upon whom the demand has been made, and shall furnish the court or other authority with a copy of the regulations contained in this part and inform the court or other authority that the demand has been or is being, as the case may be, referred for prompt consideration by the General Counsel. The court or other authority shall be requested respectfully to stay the demand pending receipt of the requested instructions from the General Counsel.

§ 1610.36 Procedure in the event of an adverse ruling.

If the court or other authority declines to stay the effect of the demand in response to a request made in accordance with § 1610.34(b) pending receipt of instructions from the General Counsel, or if the court or other authority rules that the demand must be complied with irrespective of the instructions from the General Counsel not to produce the material or disclose the information sought, the employee or former employee upon whom the demand has been made shall respectfully decline to comply with the demand (United States ex rel. Touhy v. Ragen, 340 U.S. 462 (1951)).

Effective date. These regulations shall become effective July 4, 1967.

Dated: November 21, 1967.

C. L. ALEXANDER, Jr.,
Chairman.

[F.R. Doc. 67-13916; Filed, Nov. 28, 1967; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER B—CLAIMS AND ACCOUNTS

PART 536—CLAIMS AGAINST THE UNITED STATES

Claims Arising in Foreign Countries

In § 536.26, subdivision (iv) in paragraph (1) (1) is revised; subparagraph (3) in paragraph (k) is revised; subdivisions (1) and (1) are revised and new subdivision (iv) is added in paragraph (p) (1); and in paragraph (s), the addresses for Belgium and France are revised, as follows:

§ 536.26 Claims arising in foreign countries.

(1) *Causation.* (1) * * *

(iv) Civilian employees who are not U.S. citizens, and who were hired in the country in which they are employed and in which the incident occurred, while acting within the scope of employment, Claims arising from the operation of U.S. Armed Forces vehicles or other equipment by the employees described in the preceding sentence, however, may be paid, even though the employees are not acting within the scope of their employment, provided the employer and owner of the vehicle or other equipment would be liable under local law in the circumstances involved.

(k) *Claims not payable.* * * *

(3) Falls under the Federal Employees' Compensation Act (5 U.S.C. 8101-8150); the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424, 33 U.S.C. 901), or other workmen's compensation laws or regulations, including local law or custom, in cases where contribution is made or insurance premiums paid directly or indirectly by the United States on behalf of the injured employee. If, in the opinion of an approving or settlement authority the claim should be considered payable, e.g., the injuries did not result from a normal risk of employment or adequate compensation is not payable under workmen's compensation laws, the file will be forwarded with recommendations through normal channels to the Chief, U.S. Army Claims Service, who may authorize a foreign claims commission to make an appropriate award, provided workmen's compensation is not the exclusive remedy. The Chief, U.S. Army Claims Service, also may specify that all or any part of any compensation received by the claimant from workmen's compensation sources as above will be deducted from the award to claimant (see § 536.9).

(p) *Cross-servicing of claims—(1) Single-service claims responsibility (Department of Defense Directive 5515.8)—*

(i) *Statutes and agreements.* Department of Defense has assigned single-service responsibility for the settlement

of claims in certain countries under the following statutes and agreements:

(a) Foreign Claims Act (10 U.S.C. 2734); DoD Directive 5515.3, Settlement of Claims under 10 U.S.C. 2733 and 2734.

(b) Military Claims Act (10 U.S.C. 2733); DoD Directive 5515.3, Settlement of Claims under 10 U.S.C. 2733 and 2734.

(c) 10 U.S.C. 2734a, 2734b, Pro rata costsharing of claims pursuant to international agreement.

(d) NATO Status of Forces Agreement (4 UST 1792, TIAS 2846) and other similar agreements.

(e) Act of September 25, 1962 (42 U.S.C. 2651-2653), Claims for Reimbursement for Medical Care Furnished by the United States.

(f) 10 U.S.C. 2737, Claims not cognizable under any other provision of law.

(g) The Federal Claims Collection Act of 1966 (80 Stat. 308, 31 U.S.C. 951-953), as implemented by DoD Directive 5515.11, December 10, 1966; the Act of June 10, 1921 (42 Stat. 24, 31 U.S.C. 71), Claims and demands by the Government of the United States.

(h) 10 U.S.C. 2736, Advance or Emergency Payments.

(i) *Specified foreign countries.* Responsibility for settlement of claims cognizable under the laws listed above in the following countries has been assigned to military departments as indicated below:

(a) Department of the Army: Belgium, The Democratic Republic of the Congo, Ethiopia, France, the Federal Republic of Germany, Iran, Korea, Liberia, Mali, Senegal, and Republic of Vietnam.

(b) Department of the Navy: Australia, Iceland, Italy, and Portugal.

(c) Department of the Air Force: Canada, Denmark, Greece, India, Japan, Libya, Luxembourg, Nepal, Netherlands, Norway, Pakistan, Saudi Arabia, Spain, Turkey, and the United Kingdom.

The addresses of United States sending State offices and single-service offices are contained in paragraph(s) of this section.

(iv) On an interim basis prior to receiving confirmation and approval from the appropriate office in the Office of the Secretary of Defense, the unified commander may, when necessary to implement contingency plans, assign single-service responsibility for processing of claims in countries where such assignment has not already been made.

(s) *List of United States sending State offices and single service offices.*

ARMY ADDRESS

BELGIUM

The Military Attaché, Embassy of the United States, 27 Boulevard du Regent, Brussels, Belgium.

U.S. Claims Office, France, APO New York 09777.

(Assists the Attaché and has area claims responsibility)

FRANCE

U.S. Claims Office, France, APO New York 09777.

[C2, AR 27-28, Sept. 14, 1967] (Secs. 2734, 2736, 70A Stat. 154, 76 Stat. 767; sec. 1, 42 Stat. 1509; sec. 12, 70 Stat. 640, 10 U.S.C. 2734, 2736; 36 U.S.C. 131, 138b)

For the Adjutant General.

J. W. HURD,

Colonel, AGC, Comptroller, TAGO.

[P.R. Doc. 67-13909; Filed, Nov. 28, 1967; 8:45 a.m.]

Chapter VII—Department of the Air Force

SUBCHAPTER E—SECURITY

PART 852—INDUSTRIAL SECURITY

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

Part 852 is revised to read as follows:

Sec.	Purpose.
852.1	Industrial security cognizance.
852.2	Special security requirements.
852.3	Responsibilities of contracting commands.
852.4	Contracts performed on Air Force installations.
852.5	Contracts performed outside the United States.
852.6	Access to cryptomaterial by contractors.
852.7	Reimbursement.
852.8	Submission of reports.
852.9	Location of meetings.
852.10	Consultants and personal services contractors.
852.11	Commander's authority over access to installations.
852.12	On-base contractor activities.
852.13	Visits to Air Force activities.
852.14	Unsatisfactory security conditions.
852.15	Security classification guidance.

AUTHORITY: The provisions of this Part 852 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

SOURCE: AFR 205-4, July 21, 1967.

§ 852.1 Purpose.

This part contains instructions applicable to the USAF for procurement, security, and other personnel concerned with the classification and protection of classified defense information that has been or is to be disclosed or released to bidders, contractors, or grantees, or for any other procurement, research, or development purposes. It also contains instructions concerning the protection of classified information of foreign nations or international pact organizations released to U.S. contractors.

§ 852.2 Industrial security cognizance.

The Defense Supply Agency (DSA) exercises industrial security cognizance over all cleared contractor facilities and performs all cognizant security office functions on behalf of the Air Force except as provided in paragraph 1-108 b and e, Industrial Security Regulation (ISR) (DoD 5220.22R). DSA has further assigned responsibility for these functions to the directors of the Defense Contract Administration Services Regions

(DCASR) for all contractor facilities physically located or to be located within the geographical boundaries of their respective regions. (An appendix to the ISR defines regional offices and areas.)

§ 852.3 Special security requirements.

The commander (or chief of a major staff office in Hq USAF) for whom a classified contract is negotiated or awarded must:

(a) Develop special security requirements, when the situations so warrants because of the nature of the product or service to be provided, or the conditions under which the contract is to be performed, and furnish them to the procuring contracting officer (PCO) for inclusion in the contract. Specific consideration must always be given to the need for special security requirements for contracts to be performed within military installations or overseas. When special security requirements are necessary, the project office coordinates these special instructions with the security police staff within the appropriate headquarters. Special security requirements which will result in a contract being excluded from the DoD industrial security program will not be included in a contract without prior approval of Hq USAF.

(b) Review and approve or disapprove a contractor's proposal to publish and distribute unclassified brochures, promotional sales literature, or similar material when the administrative contracting officer (ACO) requests such a review.

§ 852.4 Responsibilities of contracting commands.

(a) *Contract administration.* In those instances where responsibility for contract administration rests with a major commander rather than with DSA, the major commander is responsible for insuring that all actions are taken which the Industrial Security Manual (ISM) (DoD 5220.22M), ISR, and this part charge to the contracting officer or the contracting user agency and which are appropriate for accomplishment after award of the contract. The ACO performs these functions unless the commander assigns them, in writing, to another officer.

(b) *Disposition instructions.* When a classified contract is completed, terminated, or cancelled, the ACO issues disposition instructions to the contractor in accordance with paragraph 7-104, ISR, advising him of the classified material which:

- (1) Must be returned to the contracting officer,
- (2) Must be destroyed,
- (3) Is declassified, or
- (4) May be retained in accordance with paragraph 5 k and l of the ISM. The project office will be requested to assist in the development of such instructions. A copy of the disposition instructions will be furnished to the cognizant security office of the facility involved.

(c) *Retention and recovery of classified material.* (1) The contracting officer is responsible for prompt, positive action to recover all classified material released

or produced in connection with a bid, proposal, or contract, except that which has been destroyed in accordance with paragraph 19, ISM, or which the contractor has been authorized specifically to retain pursuant to paragraph 5 k or l, ISM. The PCO is responsible for this action in the case of a bid or proposal. The ACO is responsible for the action upon the completion or termination of a contract. When a contractor requests an ACO for authority to retain classified material under the provisions of paragraph 5 l, ISM, the ACO forwards such requests to the PCO for action. The PCO, in conjunction with the program or project officer concerned, evaluates the request taking into consideration such factors as:

(i) To what extent will the retention of the requested material enable the Government to derive some future benefit?

(ii) Will the requested retention provide the contractor with a foundation for additional research and possible advancement in the state-of-the-art?

(iii) Is there the possibility of follow-on contracts or subcontracts issued to the contractor for which possessing the requested material would be essential?

(iv) Do the requested documents constitute the type of records that would be subject to an examination by the General Accounting Office under the Examination of Records clause in the contract?

(2) When a contracting officer authorizes a contractor to retain classified material under the authority given in paragraph 5 k or l, ISM, he furnishes a list or description of the material and a copy of the authorization to the cognizant security office concerned. In addition, when he authorizes such retention, the contracting officer retains a residual responsibility, in accordance with paragraph 7-104, ISR, for appropriate classification actions in regard to the classified information involved, and for recovering the material at the end of the authorized retention period. This responsibility continues until the classified information has been destroyed, declassified, or recovered in accordance with subparagraph (1) of this paragraph.

§ 852.5 Contracts performed on Air Force installations.

The Air Force Procurement Instruction (AFPI) (Subchapter W of this chapter) requires that each classified contract contain as a minimum a security clause requiring the contractor to apply the principles of his Security Agreement (DD Form 441) for the purpose of safeguarding classified information. The contractor is bound by this agreement regardless of where the contract is performed. However, security matters pertaining to Air Force installations are not governed by the ISM or ISR. Therefore, the following instructions (in addition to those contained in paragraph 1-108, ISR, as supplemented by this part) apply to classified contracts which require performance on Air Force installations.

(a) *Restrictions on facility security clearances.* Only contractor activities on Air Force installations located in the

United States, its possessions, trust territories, the Panama Canal Zone, or Puerto Rico which meet the criteria set forth in paragraph 1-108a, ISR, may be cleared as facilities.

(b) *Visits to contractor activities on Air Force installations.* Contractor personnel who in the performance of their duties, make visits to contractor activities located on Air Force installations will be treated as visitors in accordance with the provisions of part 2, section III, ISR, if they require access to classified information.

(c) *Additional security requirements.* Necessary security requirements which are additional to or different from those in the ISM must be made effective by including them in or modifying the contract pursuant to paragraph 5c, ISM. The specific duties and responsibilities of the contractor and of the installation where the contract is to be performed should be clearly defined. When the contractor's on-base operation is designated a separate facility, it normally is necessary only to include a special clause requiring compliance by the contractor with the appropriate security directives of the installation.

(d) When classified contracts are to be performed within restricted areas containing priority A, B, or C aerospace operational resources (AFR 207-1 (The USAF Aerospace Systems Security Program)), entry into such restricted areas by contractor personnel is subject to control as determined by the installation commander in accordance with the guidance provided in AFR 205-6 (Personnel Investigations, Security Clearances and Access Authorizations), chapters 6 and 10, AFM 207-1 (Doctrine and Requirements for Security of Aerospace Systems), and other appropriate Air Force guidance.

§ 852.6 Contracts performed outside the United States.

(a) *Contracting command.* The contracting command through the PCO, is responsible for:

(1) Insuring that the contractor has executed a DoD Security Agreement and has a facility security clearance for the facility in the United States which is responsible for performance on the contract concerned. Foreign subsidiaries owned or controlled by the contractor are not eligible for access to classified portions of the contract work and must be excluded therefrom. However, in extraordinary circumstances, the commander of the contracting major command may authorize the contractor to negotiate or award a subcontract to a foreign company or foreign affiliate or subsidiary pursuant to paragraph 8-104, ISR.

(2) Insuring that the contractor is informed of:

(i) The APO and/or other channels to be used by the contractor for classified correspondence with each oversea operating location,

(ii) Procedures for the shipment of classified material, when appropriate,

(iii) The U.S. Government activity designated to store classified material for the contractor,

(iv) Limitations on the use of foreign nationals,

(v) The name of the military activity responsible for providing security supervision of the contractor's operations in the oversea area, and

(vi) Any other special requirements developed by the project command.

(b) *Transmission outside the United States.* Paragraph 17 of the ISM provides that a contractor may transmit classified material outside the United States only when authorized in writing by the contracting officer or his authorized representative. Paragraph 17 of the ISM and paragraph 2-504 of the ISR provide guidance applicable to transmission of classified information to or from a contractor or contractor employees located outside the continental limits of the United States. Instructions issued by a contracting officer, when he authorizes a contractor to transmit classified material outside the continental United States, must be consistent with the requirements of paragraph 17, ISM, paragraph 2-504, ISR, and Part 850 of this subchapter. Normally, transmission will be only by registered mail through the U.S. military postal services or by the Armed Forces Courier Service.

(1) When transmission of classified material between oversea locations through normal military or other U.S. Government channels would create unacceptable operational problems, the contracting officer may appoint, in writing, upon approval of the activity responsible for the security supervision of the contract, appropriately cleared contractor personnel to act as courier or escort for the material, provided:

(i) The transmission does not cross national boundaries.

(ii) It is begun and completed during normal daytime hours of the same day, and

(iii) It is in accordance with the agreements in effect with the country concerned.

(2) When contract work within a foreign country involves a project of joint interest to the foreign government and the United States, it may be necessary to make special arrangements for transmitting classified information held jointly by the two governments. The phrase "held jointly by the two governments," as used in this section, refers to U.S. classified information which has been released to a foreign government, foreign classified information released to the United States, or classified information developed jointly by the two governments concerned. In such cases, either government may transmit the classified material to the contractor. The procedures for transmission may be those prescribed in this part and Part 850 of this subchapter, or when transmission is within the host country, the procedures authorized by that country may be used. However, the ACO, in collaboration with the project officer, should develop specific procedures which meet the practical requirements of the project while maintaining required standards of security for the information. Such procedures must be coordinated with the activity having

security supervisory responsibility for the contractor's oversea operation involved.

(3) If a U.S. contractor engaged in a bilateral project requires access to U.S. classified information which is releasable under Air Force regulations, but which has not been approved for release to the foreign government involved, under the provisions of AFR 200-9 (AF Disclosure of Classified Military Information to Foreign Governments), the procedures prescribed in this part and Part 850 of this subchapter for transmission of such material normally will be used. In exceptional cases, however, special transmission procedures may be established to meet unique operational requirements. In such cases, the ACO, in conjunction with the project officer and the activity responsible for security supervision of the contractor's activity, may develop appropriate procedures which will meet operational requirements while maintaining the necessary degree of security. The proposed procedure will be forwarded for approval to Hq. USAF (AFISPP). The request for approval must contain a detailed statement of facts and justification.

(c) *Storage in foreign countries.* (1) The storage of U.S. classified information in a foreign country within any location other than a U.S. military or other U.S. Government controlled installation is prohibited. Contractor personnel in foreign countries who must be given access to U.S. classified defense information must be advised that it is necessary, in order to assure security, for the material to remain under U.S. Government control. If storage at a U.S. military installation is not practical, the contractor will make prior arrangements for the storage of U.S. classified information with a U.S. Military Attache, Military Assistance Advisory Group, or a U.S. diplomatic or consular office.

(2) However, if the contract work involves a bilateral project, special arrangements may be developed for storing classified information held jointly by the participating governments. In such cases, the classified material may be retained for the contractor under the custody of the government which has the activity most conveniently located with regard to the contractor's operation. If such procedures are established, the material will be stored and safeguarded in accordance with the rules of the government accepting responsibility for the material and providing the storage facilities.

§ 852.7 Access to cryptomaterial by contractors.

(a) General: Air Force classified cryptomaterial is made available to DoD contractors and to their subcontractors, vendors, and suppliers, in accordance with the provisions of Appendix D, ISR, under one or a combination of the following conditions:

(1) When the contractor requires the use of cryptographic systems in the performance of his contract.

(2) When the contractor is required to accomplish research, development, or production of cryptographic systems or equipment.

(3) When the contractor is required to install, maintain, or operate cryptographic equipment for an activity of the U.S. Government.

(b) DoD contractor personnel may not enter crypto-equipment training prior to U.S. Communications Security Board (USCSB) approved release of the crypto-equipment to the contractor. If any question or particular problem arises, notify USAFSS (TCD), San Antonio, TX 78241.

(c) Monitoring contractor COMSEC accounts:

(1) AFSC will establish a COMSEC monitoring activity to monitor contractor COMSEC accounts. Monitoring includes but is not limited to:

(i) Insuring that the COMSEC interests of the contracting military departments are adequately protected.

(ii) Reviewing accounting reports and correspondence pertaining to COMSEC for completeness, accuracy, and compliance with directives.

(iii) Insuring follow-up action on all reports of investigations of possible compromises of cryptomaterial.

(iv) Programing for crypto-equipment.

(v) Insuring that cryptomaterial is removed from contractor facilities upon contract termination or when the material is no longer required.

(2) Air Force Cryptologic Depot (AFCD), in coordination with Hq. AFSC, will provide technical, operational, and accounting assistance to contractors as required.

§ 852.8 Reimbursement.

In fulfilling the functions prescribed in paragraph 1-108 b and e, ISR, a commander will not commit the Government to reimburse a contractor for funds expended in connection with its security program unless he is also responsible for contract performance.

§ 852.9 Submission of reports.

When the installation commander has elected to perform the functions listed in paragraph 1-108b, ISR, or when performing functions listed in paragraph 1-108e, ISR, at an installation located outside the United States, its possessions, trust territories, the Panama Canal Zone, and Puerto Rico, he will arrange to have the contractor submit the reports prescribed by paragraph 5t, ISM, through him to the cognizant security office concerned.

§ 852.10 Location of meetings.

Air Force activities will not approve the use of auditoriums, halls, gymnasiums, etc., located on the campus of a college or university for meetings at which Top Secret or Secret information is to be disclosed. Such buildings are not considered to be part of the cleared facility since they are used primarily for campus activities and other events open to the public. Moreover, they are not constructed or designed with security considerations in mind and, consequently,

are vulnerable to unauthorized visual, audio, or physical access. A meeting at which Top Secret or Secret information is to be disclosed may, however, be conducted within a building, room, or laboratory located on the campus of a college or university, provided that (a) the cognizant security office has identified the building, room, or laboratory as an integral part of the cleared facility, and (b) the cognizant security office has, during the performance of recurring inspections, determined that the security controls over the building, room or laboratory are adequate and would preclude unauthorized access during the conduct of a classified meeting.

§ 852.11 Consultants and personal services contractors.

(a) *Part-time Government employees.* Part-time Government employees include individuals (1) appointed under AFR 40-921 (Employment of Experts and Consultants) as experts or consultants with compensation when actually employed (WAE) or without compensation (WOC), and (2) contracted under AFR 25-4 (Expert and Consultant Services) to render personal services as experts or consultants. After investigation and determination of eligibility (AFR 205-6 (Personnel Investigations, Security Clearances and Access Authorization)), these employees may be authorized access to classified material or unescorted entry to restricted areas (AFM 207-1 (Doctrine and Requirements for Security of Aerospace Systems)) located within the Air Force activity concerned. They are not authorized to remove classified material from the Air Force agency, except in connection with an authorized visit, and it may not be sent to them except after further action as follows:

(i) Whenever it is determined that a consultant/expert utilized in this category must have physical custody of classified information at his place of business or residence and must exercise full responsibility for security of such information, the responsible commander will take action to qualify the individual as a cleared facility in accordance with paragraph 2-107, ISR.

(ii) Whenever it is determined that utilization of the consultant/expert requires that he be given access to the classified information at a cleared facility which is his regular employer, the responsible commander will take action as provided in paragraph 2-108, ISR, in order to provide for the safeguarding of classified material made available to or developed by the consultant/expert.

(b) *Personal service contractors.* A personal service contractor is a contractor who enters into a contract for one or more of his employees to perform personal services for an Air Force agency. Security clearances will be provided as follows:

(1) The contractor will be cleared as a facility in accordance with the ISR if the performance of such services involves access to classified information and requires classified information to be in the physical custody of the contractor. The contractor's executive personnel and employees concerned must be granted per-

sonnel security clearances prior to being granted access to classified material. Also, the contractor's facility is subject to inspection by a cognizant security office.

(2) If the consultant services are performed on the premises of the Air Force activity and the classified information is not removed from such premises, no facility clearance is required. However, the contractor and his employees performing the personal services must jointly execute the certificate prescribed in paragraph 2-106, ISR. Those personnel requiring access to classified information must be granted a personnel security clearance prior to being granted access.

§ 852.12 Commander's authority over access to installations.

An installation commander is responsible for the security, safety, and welfare of his command and has authority to control and limit entry to all or part of the installation as he finds necessary under the circumstances. The commander's authority to deny entry is absolute, and the individual concerned has no right to appeal. However, the authority to grant, deny, or revoke authorization for access to classified defense information by contractor personnel is separate and apart from the commander's authority over entry. The individual does have a right to a hearing on charges and to appeal an adverse decision regarding access to classified defense information (clearance). Denial of entry to restricted areas containing priority A, B, or C aerospace operational resources frequently has the collateral effect of making ineffectual a valid authorization for access to classified defense information by contractor personnel employed for a particular job. The potential for conflict is apparent when the two decisions are based on substantially the same investigative results. Specific guidance for exercising authority for control over entry to those restricted areas is provided in AFR 205-6 and other appropriate Air Force guidance.

§ 852.13 On-base contractor activities.

For on-base contractor activities, the commander exercising security supervision over such activity will be responsible for fulfilling the cognizant security office functions contained in paragraph 3-104, ISR. The commander will inform the contractor concerned of the procedures to be followed.

§ 852.14 Visits to Air Force activities.

(a) Normally commanders will not approve visits for periods in excess of 6 months. However, approval may be renewed for succeeding periods of 6 months if required.

(b) Commanders of organizations or installations overseas will evaluate requests for visits by contractors received from the International Programs Division, DISCO (if the visitor is based in the United States), or from Central Index File Europe (if visitor based in Europe), and approve, disapprove, or limit the visit as appropriate. Replies to requests for visits will be made direct to the initiating activity or visitor with in-

formation copies to higher echelons as desired.

§ 852.15 Unsatisfactory security conditions.

When a contracting officer receives a notification under the provisions of paragraph 4-201b, ISR, he will:

(a) Withhold the release to the facility of additional classified information (including Defense Documentation Center (DDC) information) until the deficient condition has been corrected, unless the project commander determines that the continuation of the contract work is so essential to the best interests of the United States that such consideration must override security considerations. In cases of flagrant or continuing failure to maintain prescribed security standards, or upon the request of the director of the DCASR exercising security cognizance over the facility, the contracting officer also will withdraw the classified information already in the custody of the facility. (This includes requiring the project commander and DDC to withhold or withdraw classified information furnished by them.)

(b) Initiate action, in coordination with the director of the DCASR exercising security cognizance over the facility, to terminate the classified contract by default. The contracting commander also will consider whether action should be taken to debar or suspend the contractor.

§ 852.16 Security classification guidance.

The focal point for policy and coordination of all security classification guidance and regarding and declassification actions will be the classification management office. Therefore, the commander for whom a classified contract is negotiated (i.e., project command) will require the project office and classification management personnel to provide and monitor security classification guidance and instructions concerning classified systems, programs, or projects for which they are responsible. The project office, and classification management and contracting personnel, will develop and furnish security classification guidance and other security instructions to contractors at the time of Request for Proposal or an Invitation to Bid is originated. The PCO will assure that the DD Form 254 or 254-1 indicates in the remarks section the office and address to which questions concerning security classification guidance and instructions should be directed. Air Force ACOs will request that prime contractors develop security classification guidance for their subcontractors and submit it to the ACO for approval. When necessary, the ACO will send the guidance to the project officer for review prior to approval and distribution.

By order of the Secretary of the Air Force.

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

[F.R. Doc. 67-13907; Filed, Nov. 28, 1967; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter III—Environmental Science Services Administration, Coast and Geodetic Survey, Department of Commerce

TRANSFER OF REGULATIONS

CROSS REFERENCE: For a document consolidating and restating the matter now published in Chapter V of Title 15 and Chapter III of Title 33, see F.R. Doc. 67-13906, Chapter IX of Title 15, *supra*.

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

REVISION OF CLAUSES FOR CONSTRUCTION CONTRACTS

This amendment of the Federal Procurement Regulations prescribes a revised "Changes" clause, a revised "Differing Site Conditions" clause, and a "Suspension of Work" clause for use in fixed-price construction contracts. These clauses are designed to facilitate administrative adjustment of claims arising under fixed-price construction contracts and to eliminate ambiguities and inconsistencies in the previously prescribed clauses. (The Appendix to these regulations identifies and explains significant modifications included in the clauses.)

PART 1-7—CONTRACT CLAUSES

The table of contents for Part 1-7 is amended by adding new entries designated as §§ 1-7.601-2, 1-7.601-3, and 1-7.601-4; and by deleting the caption for § 1-7.602-1 and substituting in lieu thereof the caption "Reserved." As amended, the entries read as follows:

Sec.	
1-7.601-2	Changes.
1-7.601-3	Differing site conditions.
1-7.601-4	Suspension of work.
1-7.602-1	[Reserved]

Subpart 1-7.6—Fixed-Price Construction Contracts

1. Section 1-7.601 is revised to indicate the scope of the section and to add new §§ 1-7.601-2, 1-7.601-3, and 1-7.601-4 which prescribe, respectively, a revised "Changes" clause, a revised "Differing Site Conditions" clause, and a revised "Suspension of Work" clause for use in fixed-price construction contracts. (See the amendment of § 1-16.401 regarding use of these clauses in connection with Standard Form 23-A.) As revised and added, §§ 1-7.601, 1-7.601-2, 1-7.601-3, and 1-7.601-4 reads as follows:

§ 1-7.601 Required clauses.

The clauses prescribed in this section shall be used in fixed-price construction contracts, advertised or negotiated, except for contracts:

- (a) Entered into on Standard Form 19;
- (b) For construction, alteration, or repair of vessels; and
- (c) For construction, alteration, or repair work in foreign countries.

§ 1-7.601-2 Changes.

CHANGES

(a) The Contracting Officer may, at any time, without notice to the sureties, by written order designated or indicated to be a change order, make any change in the work within the general scope of the contract, including but not limited to changes:

(i) in the specifications (including drawings and designs);

(ii) in the method or manner of performance of the work;

(iii) in the Government-furnished facilities, equipment, materials, services, or site; or

(iv) directing acceleration in the performance of the work.

(b) Any other written order or an oral order (which terms as used in this paragraph (b) shall include direction, instruction, interpretation, or determination) from the Contracting Officer, which causes any such change, shall be treated as a change order under this clause, provided that the Contractor gives the Contracting Officer written notice stating the date, circumstances, and source of the order and that the Contractor regards the order as a change order.

(c) Except as herein provided, no order, statement, or conduct of the Contracting Officer shall be treated as a change under this clause or entitle the Contractor to an equitable adjustment hereunder.

(d) If any change under this clause causes an increase or decrease in the Contractor's cost of, or the time required for, the performance of any part of the work under this contract, whether or not changed by any order, an equitable adjustment shall be made and the contract modified in writing accordingly: *Provided, however,* That except for claims based on defective specifications, no claim for any change under (b) above shall be allowed for any costs incurred more than 20 days before the Contractor gives written notice as therein required: *And provided further,* That in the case of defective specifications for which the Government is responsible, the equitable adjustment shall include any increased cost reasonably incurred by the Contractor in attempting to comply with such defective specifications.

(e) If the Contractor intends to assert a claim for an equitable adjustment under this clause, he must, within 30 days after receipt of a written change order under (a) above or the furnishing of a written notice under (b) above, submit to the Contracting Officer a written statement setting forth the general nature and monetary extent of such claim, unless this period is extended by the Government. The statement of claim hereunder may be included in the notice under (b) above.

(f) No claim by the Contractor for an equitable adjustment hereunder shall be allowed if asserted after final payment under this contract.

§ 1-7.601-3 Differing site conditions.

DIFFERING SITE CONDITIONS

(a) The Contractor shall promptly, and before such conditions are disturbed, notify the Contracting Officer in writing of: (1) Subsurface or latent physical conditions at the site differing materially from those indicated in this contract, or (2) unknown physical conditions at the site, of an unusual nature, differing materially from those ordinarily encountered and generally recognized as inhering in work of the character provided for

in this contract. The Contracting Officer shall promptly investigate the conditions, and if he finds that such conditions do materially so differ and cause an increase or decrease in the Contractor's cost of, or the time required for, performance of any part of the work under this contract, whether or not changed as a result of such conditions, an equitable adjustment shall be made and the contract modified in writing accordingly.

(b) No claim of the Contractor under this clause shall be allowed unless the Contractor has given the notice required in (a) above; provided, however, the time prescribed therefor may be extended by the Government.

(c) No claim by the Contractor for an equitable adjustment hereunder shall be allowed if asserted after final payment under this contract.

§ 1-7.601-4 Suspension of work.

SUSPENSION OF WORK

(a) The Contracting Officer may order the Contractor in writing to suspend, delay, or interrupt all or any part of the work for such period of time as he may determine to be appropriate for the convenience of the Government.

(b) If the performance of all or any part of the work is, for an unreasonable period of time, suspended, delayed, or interrupted by an act of the Contracting Officer in the administration of this contract, or by his failure to act within the time specified in this contract (or if no time is specified, within a reasonable time), and adjustment shall be made for any increase in the cost of performance of this contract (excluding profit) necessarily caused by such unreasonable suspension, delay, or interruption and the contract modified in writing accordingly. However, no adjustment shall be made under this clause for any suspension, delay, or interruption to the extent (1) that performance would have been so suspended, delayed, or interrupted by any other cause, including the fault or negligence of the Contractor or (2) for which an equitable adjustment is provided for or excluded under any other provision of this contract.

(c) No claim under this clause shall be allowed (1) for any costs incurred more than 20 days before the Contractor shall have notified the Contracting Officer in writing of the act or failure to act involved (but this requirement shall not apply as to a claim resulting from a suspension order), and (2) unless the claim, in an amount stated, is asserted in writing as soon as practicable after the termination of such suspension, delay, or interruption, but not later than the date of final payment under the contract.

§ 1-7.602-1 [Deleted]

2. Section 1-7.602-1 is deleted and the section is shown as "Reserved." (See revised clause in § 1-7.601-4.)

PART 1-16—PROCUREMENT FORMS

Subpart 1-16.4—Forms for Advertised Construction Contracts

Section 1-16.401(h) is revised to prescribe an interim revision of Standard Form 23-A, reading as follows:

§ 1-16.401 Forms prescribed.

(h) General Provisions (Construction Contract) (Standard Form 23-A, June 1964 edition). Pending revision of Standard Form 23-A, agencies shall modify this form by deleting Clause 3, "Changes," and Clause 4, "Changed Conditions," and

by substituting in lieu thereof the clauses prescribed in §§ 1-7.601-2 and 1-7.601-3, respectively, and shall add the "Suspension of Work" clause prescribed in § 1-7.601-4.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. These regulations are effective February 1, 1968, with respect to all invitations for bids and requests for proposals initiated on or after that date, but may be observed earlier.

Dated: November 22, 1967.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

APPENDIX

BACKGROUND AND NATURE OF REVISIONS TO CONTRACT CLAUSES

1. **Background.** This amendment prescribes three revised contract clauses for use by executive agencies in fixed-price construction contracts, namely: "Changes;" "Differing Site Conditions" (formerly designated "Changed Conditions"); and "Suspension of Work" (formerly designated "Price Adjustment for Suspension, Delay, or Interruption of the Work").

a. For many years problems have been encountered in the administration of these clauses. A study of the problems was initiated by GSA on June 18, 1964. The Study Group (which included the representatives of major construction contracting agencies) submitted a report on March 1, 1966, in which it set forth basic objectives, analyzed administrative difficulties, and recommended revised contract clauses. Included in the basic objectives were:

(1) Clarification of the authority of the contracting officer with respect to the making of changes.

(2) Express recognition in the contract document itself of the doctrine of "constructive changes."

(3) Elimination of the adverse effects of the "Rice" doctrine (insofar as it has been interpreted to preclude appropriate consideration of the effect of a change upon affected aspects of contract work not specifically covered by the change order).

(4) Clarification and revision of notice requirements imposed by the Government on the contractor.

Underlying these objectives was the desire to facilitate administrative adjustment of claims arising under construction contracts. It was believed that the elimination of "fractionalization" problems in the handling of such cases by contracting officers, contract appeals boards, the General Accounting Office, and courts will benefit both the Government and contractors.

b. The proposals set forth in the report of the Study Group were submitted for comment both to Government agencies and to construction industry representatives (including industry associations, professional bar groups, and interested individuals). In the light of the comments received from these organizations, the Study Group submitted on May 8, 1967, a supplemental report which set forth additional revisions in the text of the respective clauses. Thereafter, further reconciliations were made by GSA and the prescribed texts of the clauses were developed, giving due consideration to the views and recommendations of all interested parties, consistent with the interests of the Government.

2. **Nature of revisions to contract clauses.**—
a. **Changes clause.** (1) Paragraph (a), like a counterpart provision in the clause previously prescribed, establishes the authority of the contracting officer to make changes

within the general scope of the work. The revised clause makes it clear, however, that the change may relate to any aspect of the work to be performed under the contract. To effect this clarification, the clause sets forth illustrative categories for the making of changes, which embrace changes not only in the drawing, designs and specifications, but also changes in the method and manner of performance; in the provision of sites and services; or requiring acceleration in performance. These categories are intended to be descriptive of the kind of change actions which historically have been accommodated under the Changes clause. Deceleration actions not related to a change or unreasonable delay in the issuance of a change order were intentionally omitted since they are in the nature of a suspension, delay, or interruption covered by the Suspension of Work clause, which is now made a mandatory clause. Hence, it is not intended that the Changes clause cover actions which (i) are clearly denoted as a suspension order or (ii) have as a primary purpose the effecting of a suspension, delay, or interruption of the work. While the contracting officer is authorized to make changes in any aspect of the work itself, the clause does not authorize him to alter any of the collateral aspects of contract performance, such as are covered by the payment and so-called boilerplate clauses.

(2) Paragraph (b) of the clause (for which there is no counterpart provision in the clause previously prescribed) concerns "constructive changes." This paragraph provides that other written or oral orders (including directions, instructions, interpretations, or determinations) from the contracting officer which cause a change within the general scope of the work will be treated as changes under the clause. However, as a prerequisite to the consideration of a claim based on a constructive change, the contractor must notify the contracting officer that he considers such order to be one directing a change in the work to be performed.

(3) Paragraph (c) (for which there is no counterpart provision in the clause previously prescribed) provides that no order, statement, or conduct of the contracting officer shall be treated as a change, except as specifically provided for in the clause itself. With respect to constructive changes, accordingly, only those provided for in paragraph (b) may be considered under the Changes clause. This paragraph does not, of course, preclude the contractor from seeking such administrative relief as may be available under another clause contained in the contract, such as the Suspension of Work or a Government-furnished property clause. Likewise, it does not preclude the contractor from seeking judicial relief for breach of contract.

(4) Paragraph (d), like a counterpart provision in the clause previously prescribed, establishes the contractor's right to an equitable adjustment in situations involving the making of changes. More specifically, the paragraph states that if any change effected under the clause causes an increase in the cost of, or in the time required for, the performance of any part of the work, "whether or not changed by any order," an equitable adjustment is to be made.

(i) A significant revision in the clause is the adoption of additional text designed to eliminate the application of the "Rice" doctrine (which reflected interpretive rulings relating to the meaning of the clause previously prescribed). The elimination of the "Rice" doctrine has been accomplished primarily by adding the phrases "any part of the work" and "whether or not changed." These phrases now appear in the Changes clause of Standard Form 32, the general provisions for standard supply contracts. An equitable adjustment clearly encompasses the effect of a change order upon any part of the work, in-

cluding delay expense; provided, of course, that such effect was the necessary, reasonable, and foreseeable result of the change.

(ii) Except for defective specifications, the Changes clause as revised will continue to have no application to any delay prior to the issuance of a change order. An adjustment for such type of delay, if appropriate, will be for consideration under the provisions of the Suspension of Work clause.

(iii) A further revision in the equitable adjustment provision in paragraph (d) has been made by reason of the recognition in the clause of constructive changes under paragraph (b). Under this revision, a contractor who seeks relief in a constructive change situation not involving defective specifications cannot recover for any costs arising more than 20 days prior to his furnishing an appraisal notice as prescribed under paragraph (b). Accordingly, a cost limitation which has heretofore been prescribed for suspensions arising under the Suspension of Work clause will now also be prescribed for constructive changes arising under the Changes clause. The 20-day limitation is not waivable, and costs may not be recovered contrary to this limitation.

(iv) Notwithstanding the inapplicability of the 20-day cost incurrence limitation to constructive change orders involving defective specifications, the appraisal notice required by paragraph (b) must be given. Moreover, paragraph (d) also limits the equitable adjustment to costs reasonably incurred in attempting to comply with defective specifications. Thus, the time of the notice in relation to when the contractor becomes aware of the defect could be a factor in determining reasonableness of costs. Of course, no adjustment is intended to be allowed in connection with defective specifications unless the Government is responsible therefor.

(5) Paragraph (e) requires the contractor to submit to the contracting officer a statement setting forth the general nature and monetary extent of his claim for an equitable adjustment within 30 days after the receipt of a written change order issued under paragraph (a), or within 30 days after the furnishing by the contractor to the contracting officer of an appraisal notice pursuant to paragraph (b). The paragraph also indicates that in a constructive change situation arising under paragraph (b), the contractor may include his claim statement with his appraisal notice. Because the clause previously prescribed made no reference to the constructive change situation, that clause did not cover the furnishing in such a situation either of an appraisal notice or of a claim statement. In effect, the clause merely required the contractor to submit a notice of intent to assert a claim where a change order issued. Also, there was no specific requirement to provide information on the nature and extent of the claim, based on either a change order or a constructive change. Such additional information will enable the contracting officer to evaluate a claim properly, particularly in a constructive change situation. A further revision concerns the authorization to extend the time for the filing of a claim. Under the text of the clause previously prescribed, the time for submitting the assertion of a claim could be extended by the "contracting officer." Under the clause as revised, the time for the submission of the claim may be extended by the "Government," which includes a contract appeals board. Whether the Government would be prejudiced thereby is for consideration in granting an extension.

(6) Paragraph (f) (the subject matter of which appeared in the clause previously prescribed merely as a dependent phrase rather than as an independent statement) states that a claim for an equitable adjustment

under the clause must be asserted prior to final payment.

(7) The disputes provision which appeared in the text of the clause previously prescribed has been deleted. The existence of an administrative remedy is established by the Disputes clause. Accordingly, there is no need to reiterate in clauses covering particular aspects of the contractual agreement the availability of that remedy. It must be emphasized that deletion of a separate disputes provision from the Changes clause (or from the Differing Site Conditions clause or the Suspension of Work clause) does not alter or diminish in any respect the applicability of the Disputes clause or the jurisdiction of administrative boards, which will continue to be subject to the limitations imposed by the Wunderlich Act.

(8) The extra work or material provision which appeared in the final sentence of the clause previously prescribed has been deleted. The provision appears to be unnecessary because the revised clause will cover all applications for adjustment thereunder, whether based upon a change order or a constructive change.

b. *Differing Site Conditions clause.* The Differing Site Conditions clause has been developed to coordinate its text with that of the Changes clause as revised. The principal revisions in the Differing Site Conditions clause are as follows:

(1) The former title, "Changed Conditions," has been replaced by the new title, "Differing Site Conditions" to describe more accurately the subject matter of the clause.

(2) The phrases, "any part of the work" and "whether or not changed," have been added to conform the text of paragraph (a) with similar provisions of the Changes clause.

(3) Like paragraph (e) of the Changes clause, which relates to a prescribed notice to be provided by the contractor, paragraph (b) of the Differing Site Conditions clause states that the time for furnishing a prescribed notice may be extended by the "Government." The term "Government" has been substituted for the term "contracting officer" in this provision for the same reason that such substitution has been made in a similar provision of the Changes clause.

(4) The separate disputes provision included in the prior Changed Conditions clause has been deleted for the same reasons that such provision has been deleted from the Changes clause.

c. *Suspension of Work clause.* The Suspension of Work clause has been revised to coordinate its text with that of the Changes clause as revised. The principal revisions in the Suspension of Work clause are as follows:

(1) The abbreviated title, "Suspension of Work," commonly used in making reference to the clause, has been adopted in lieu of the longer title appearing in the clause previously prescribed.

(2) The text of paragraph (b) of the clause has been modified and some clarifications and editorial revisions have also been made. Accordingly, the phrase "without fault or negligence of the contractor" which appeared in the first sentence of the counterpart paragraph of the clause previously prescribed has been removed and has been added to the second sentence of the paragraph. For clarification, the second sentence of the clause as revised specifically indicates that an adjustment is not to be made under the clause in any instance where "an equitable adjustment is provided for or excluded under any other provision" of the contract. Accordingly, where a claim for delay expense is cognizable under the Changes clause or the Government-Furnished Property clause, for example, an adjustment will be for consideration under these clauses in preference to the Suspension

of Work clause. Furthermore, granting an extension of time under the "Delays-Damages" clause (Clause 5 of Standard Form 23-A) does not preclude a price adjustment under the Suspension of Work clause.

(3) The separate disputes provision appearing in the clause previously prescribed has been deleted from the text for the same reasons that such provision has been deleted from the Changes clause.

[P.R. Doc. 67-13492; Filed, Nov. 28, 1967; 8:49 a.m.]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER H—UTILIZATION AND DISPOSAL

PART 101-45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY

Mistakes in Bids

Part 101-45 is amended by the addition of a new Subpart 101-45.8 which prescribes policy and methods relating to mistakes in bids.

The table of contents for Part 101-45 is amended by reserving Subpart 101-45.7 and by providing for the addition of new entries for Subpart 101-45.8, as follows:

Subpart 101-45.7 [Reserved]

Subpart 101-45.8—Mistakes in Bids

Sec.	
101-45.800	Scope of subpart.
101-45.801	General.
101-45.802	Apparent clerical mistakes.
101-45.803	Other mistakes disclosed before award.
101-45.804	Mistakes disclosed after award.

AUTHORITY: The provisions of this Subpart 101-45.8 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subparts 101-45.9—101.45.48 [Reserved]

Part 101-45 is amended by reserving Subpart 101-45.7 and by providing for the addition of a new Subpart 101-45.8, as follows:

Subpart 101-45.7 [Reserved]

Subpart 101-45.8—Mistakes in Bids

§ 101-45.800 Scope of subpart.

This subpart prescribes the policies and methods governing the treatment by executive agencies of mistakes in bids by bidders in sales of personal property. The authorities prescribed herein are not intended to nullify previous authorities granted by the Comptroller General.

§ 101-45.801 General.

After the opening of bids, sales contracting officers shall examine all bids for mistakes. Where the sales contracting officer has reason to believe that a mistake may have been made, he shall request from the bidder a verification of the bid, calling attention to the suspected mistake. If the bidder alleges a mistake, the matter shall be processed in accordance with this Subpart 101-45.8. Such actions shall be taken prior to award.

§ 101-45.802 Apparent clerical mistakes.

Any clerical mistake apparent on the face of a bid may be corrected by the

sales contracting officer prior to award if the sales contracting officer has first obtained from the bidder verification of the bid actually intended. An example of such an apparent mistake is an error in placing the decimal point (e.g., a bidder bids \$10 each on 10 units, but shows an extended price of \$1,000 or a bidder bids \$0.50 per lb. for 1,000 lbs. but shows an extended price of \$50). Any correction made pursuant to this § 101-45.802 shall be reflected in the award document, if an award is made on the corrected bid.

§ 101-45.803 Other mistakes disclosed before award.

(a) Heads of executive agencies are authorized (with power of redelegation as provided in §§ 101-45.803(b) and 101-45.804(d)), in order to minimize delay in contract awards, to make the administrative determinations described in this § 101-45.803 in connection with mistakes in bids alleged after opening of bids and before award. The authority contained herein to permit correction of bids is limited to bids which, as submitted, are responsive to the invitation for bids, and may not be used to permit correction of bids to make them responsive. This authority is in addition to that in § 101-45.802 or that which may be otherwise available.

(1) A determination may be made permitting the bidder to withdraw his bid where the bidder requests permission to do so and clear and convincing evidence establishes the existence of a mistake. However, if the evidence is clear and convincing both as to the existence of a mistake and as to the bid actually intended, and if the bid as submitted and as corrected is the highest received, a determination may be made to correct the bid and not permit its withdrawal.

(2) A determination may be made permitting the bidder to correct his bid where the bidder requests permission to do so and clear and convincing evidence establishes both the existence of a mistake and the bid actually intended. However, if such correction would result in displacing one or more higher bids, the determination shall not be made unless the existence of the mistake and the bid actually intended are ascertainable substantially from the invitation and bid itself. If the evidence is clear and convincing only as to the mistake, but not as to the intended bid, a determination permitting the bidder to withdraw his bid may be made.

(3) If the evidence does not warrant a determination under (a) (1) or (2) of this § 101-45.803, a determination may be made that a bidder may neither withdraw nor correct his bid.

(b) Heads of executive agencies may delegate to one central authority in their agencies, without power of redelegation, authority to make the determinations under this § 101-45.803.

(c) Each proposed determination shall be approved by the agency's General Counsel, Deputy or Associate General Counsel, an Assistant General Counsel, or other comparable legal officer.

(d) Suspected or alleged mistakes shall be processed as follows:

(1) Whenever the sales contracting officer suspects that a mistake may have been made in a bid, he shall immediately request the bidder to verify the bid. Such request shall inform the bidder of the basis for suspecting a mistake and shall advise the bidder that if a mistake is alleged, to support his allegation by statements concerning the alleged mistake and by all pertinent evidence; such as the bidder's file copy of the bid, his original worksheets and other data used in preparing the bid, and any other evidence which conclusively establishes the existence of the error, the manner in which it occurred, and the bid actually intended. If the time for acceptance of bids is likely to expire before a decision can be made, the sales contracting officer shall request all bidders whose bids may become eligible for award to extend the time for acceptance of their bids. If the bidder whose bid is believed erroneous does not grant such extension of time and a decision cannot be reached before expiration of the time for acceptance, even if handled by telegraph or telephone as provided in § 101-45.803(d) (4), the bid shall be considered as originally submitted.

(2) If the bidder verifies his bid, the sales contracting officer shall consider it as originally submitted.

(3) Where the bidder furnishes evidence in support of an alleged mistake, the case shall be referred to the appropriate authority together with the following data:

(i) All evidence furnished by the bidder.

(ii) A copy of the bid and the invitation for bids.

(iii) An abstract or record of the bids received.

(iv) A written statement by the sales contracting officer setting forth—

(a) The expiration date of the bid in question and of the other bids submitted;

(b) Specific information as to how and when the mistake was alleged;

(c) Most recent contract price for a like item(s) involved, when sold, in what quantity, relative condition, etc.;

(d) A summary of the evidence submitted by the bidder;

(e) Any additional evidence considered pertinent, including copies of all correspondence between the sales contracting officer and the bidder concerning the alleged mistake; and

(f) The course of action with respect to the bid that the sales contracting officer considers proper on the basis of the evidence.

(4) When time is of the essence, because of the expiration of bids or otherwise, the sales contracting officer may refer the case by telegraph or telephone to the designated authority. Ordinarily, however, sales contracting officers will not refer mistake in bid cases to the designated authority by telegraph or telephone, particularly when the determinations set forth in (a) (2) and (3) of this § 101-45.803 are applicable, since actual examination of the evidence is generally

necessary to determine the proper action to be taken.

(5) Where the bidder fails or refuses to furnish evidence in support of a suspected or alleged mistake, the sales contracting officer shall consider the bid as submitted unless there are indications of error so clear as reasonably to justify the conclusion that acceptance of the bid would be unfair to the bidder or to other bona fide bidders, in which case it may be rejected. This action will be cleared through counsel serving the cognizant sales contracting officer. The attempts made to obtain the information required and the action taken with respect to the bid shall be fully documented.

(e) Nothing contained in this § 101-45.803 shall deprive the Comptroller General of his statutory right to question the correctness of any administrative determination made hereunder nor deprive any bidder of his right to have the matter determined by the Comptroller General should he so request. All doubtful cases shall be submitted to the Comptroller General for advance decision in accordance with agency procedures.

(f) Each agency shall maintain records of all administrative determinations made in accordance with this § 101-45.803, the facts involved, and the action taken in each case. Copies of all such administrative determinations shall be included in the case file. Where a contract is awarded, the General Accounting Office copy of the contract, whenever filed, shall be accompanied by a signed copy of any related determination.

§ 101-45.804 Mistakes disclosed after award.

(a) When a mistake in bid is not discovered until after the award, the mistake may be corrected by supplemental agreement if correcting the mistake would make the contract more favorable to the Government without changing the essential requirements of the contract.

(b) In addition to the cases contemplated in § 101-45.804(a), heads of executive agencies are authorized, under the circumstances set forth in § 101-45.804(c), to make the administrative determinations described below in connection with mistakes in bids alleged or disclosed after award. This authority is in addition to that provided by Public Law 85-804 (50 U.S.C. 1431-1435) or that which may be otherwise available.

(1) A contract in its entirety may be rescinded where the original total contract amount does not exceed \$1,000.

(2) A contract, irrespective of amount, may be reformed (i) by deleting the item or items involved in the mistake where such deletion does not reduce the contract amount by more than \$1,000; or (ii) by decreasing the price where the resultant decrease in price does not exceed \$1,000 and the reformed contract price is not less than that of the otherwise next high bid under the original invitation for bids.

(c) Determinations under § 101-45.804(b) may be made only on the basis

of clear and convincing evidence that a mistake in bid was made, and either that the mistake was mutual or that the unilateral mistake made by the purchaser was so apparent as to have charged the sales contracting officer with notice of the probability of the mistake. If the evidence does not warrant a determination under (b) (1) or (2) of this § 101-45.804, determination may be made that no change shall be made in the contract as awarded.

(d) Heads of executive agencies may delegate to one central authority in their agencies, without power of redelegation, authority to make the determinations under this § 101-45.804.

(e) Each proposed determination shall be approved by the agency's General Counsel, Deputy or Associate General Counsel, an Assistant General Counsel, or other comparable legal officer.

(f) Mistakes disclosed after award shall be processed as follows:

(1) Whenever a mistake in bid is alleged or disclosed after award, the sales contracting officer shall advise the purchaser to support the alleged error by written statements and by all pertinent evidence, such as the purchaser's file copy of the bid, his original worksheets and other data used in preparing the bid, and any other evidence which will serve to establish the mistake, the manner in which it occurred, and the bid actually intended.

(2) Where the purchaser furnishes evidence in support of an alleged mistake, the case shall be referred to the appropriate authority together with the following data:

(i) All evidence furnished by the purchaser.

(ii) A copy of the contract, including a copy of the bid.

(iii) An abstract or record of the bids received.

(iv) A written statement by the sales contracting officer setting forth—

(a) Specific information as to how and when the mistake was alleged or disclosed;

(b) A summary of the evidence submitted by the purchaser;

(c) His opinion whether a bona fide mistake was made in the bid and whether he was, or should have been, on constructive notice of the mistake before the award, together with the reasons or data upon which his opinion is based;

(d) Most recent contract price for a like item(s) involved, when sold, in what quantity, relative condition, etc.;

(e) Any additional evidence considered pertinent, including copies of all relevant correspondence between the sales contracting officer and the purchaser concerning the alleged mistake;

(f) The course of action with respect to the alleged mistake that the sales contracting officer considers proper on the basis of the evidence; and

(g) The status of performance and payments under the contract, including contemplated performance and payments.

(g) Nothing contained in this § 101-45.804 shall deprive the Comptroller

General of his statutory right to question the correctness of any administrative determination made hereunder nor deprive any purchaser of his right to have the matter determined by the Comptroller General should he so request.

(h) Each agency shall maintain records of all administrative determinations made in accordance with this § 101-45.804, the facts involved, and the action taken in each case. A copy of the determination shall be attached to each copy of any contract rescission or reformation resulting therefrom.

(i) Where administrative determination is precluded by the limitations set forth in this section, the matter will be submitted to the Comptroller General for decision in accordance with agency procedures.

(j) Nothing contained in this § 101-45.804 prevents an agency from submitting doubtful cases to the Comptroller General.

Subparts 101-45.9—101-45.48 [Reserved]

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

Dated: November 22, 1967.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

[F.R. Doc. 67-13945; Filed, Nov. 26, 1967;
8:48 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER G—EMERGENCY OPERATIONS

[General Order 82, 17th Rev.]

PART 309—VALUES FOR WAR RISK INSURANCE

Miscellaneous Amendments

Sections 309.1-309.101 of this part are hereby revised to read as follows:

FINDINGS AND SCOPE

Sec.	
309.1	Findings.
309.2	Scope.

BASIC VALUES

309.3	Vessels built during or after 1939.
309.4	Vessels built prior to 1939.

GENERAL PROVISIONS

309.5	Adjustments for condition, equipment, and other considerations.
309.6	Definitions.
309.7	Modifications.
309.8	Vessel data forms.

VALUES FOR INDIVIDUAL VESSELS

309.101	Values effective July 1, 1967.
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AUTHORITY: §§ 309.1 through 309.101 issued under sec. 204, 49 Stat. 1987, as amended, sec. 1209, 64 Stat. 775, as amended, 70 Stat. 984; 46 U.S.C. 1114, 1289.

FINDINGS AND SCOPE

§ 309.1 Findings.

The Ship Valuation Committee, Maritime Administration, has found that the values provided in this part constitute just compensation for the vessels to which they apply, computed in accordance with subsection 902(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1242), pursuant to section 1209(a), Merchant Marine Act, 1936, as amended (46 U.S.C. 1289(a)), Public Law 958, 84th Congress, and the authority delegated to the Maritime Administrator by the Secretary of Commerce in section 3 of Department Order No. 117-A effective May 20, 1966 (31 F.R. 8067), and redelegated to the Ship Valuation Committee (28 F.R. 12330, Nov. 21, 1963).

§ 309.2 Scope.

(a) **Vessels included.** (1) This part establishes values for self-propelled oceangoing iron and steel vessels (other than vessels excluded pursuant to paragraph (b) of this section) for which war risk insurance is provided by the Maritime Administration pursuant to Title XII, Merchant Marine Act, 1936, as amended (46 U.S.C. 1281-1294), Public Law 763, 81st Congress, Public Law 209, 84th Congress, Public Law 958, 84th Congress. The values established by §§ 309.1-309.101 represent the maximum amounts for which the Maritime Administration will provide war risk hull insurance for damage to or actual or constructive total loss of the vessel and for which claims for damage to or actual or constructive total loss of such insured vessels may be adjusted, compromised, settled, adjudged, or paid by the Maritime Administration with respect to insurance attaching during the period July 1, 1967, to December 31, 1967, inclusive, under the standard forms of war risk hull insurance interim binder or policy prescribed by §§ 308.106 and 308.107 of this chapter (General Order 75, 2d Rev., as amended): *Provided, however*, that if there is a substantial change in market values during said period, the Maritime Administration reserves the right to revise the values provided for herein or determined pursuant hereto at any time during said period.

(2) It is contemplated that the next revised values will be published as soon as practicable after January 1, 1968, to be effective with respect to insurance attaching during the period January 1, 1968, to June 30, 1968, inclusive.

(b) **Vessels excluded.** The values established pursuant to §§ 309.3 through 309.5 do not apply to passenger vessels, lumber schooners, car ferries, seatrains, cable ships, bulk cement and ore carriers, vessels operated on the Great Lakes and inland waterways, fully refrigerated vessels, vessels of less than 1,500 gross tons, or any other vessels or class of vessels to which the Maritime Administration finds that the provisions of said sections would not be appropriate. Values for vessels excluded by this paragraph (b) shall be specifically determined by

the Maritime Administration and set forth in § 309.101, revised, as provided therein.

(c) **Fuel, stores, and supplies.** Values for fuel, stores, and supplies shall be determined in accordance with §§ 309.201 through 309.204 (General Order 100, 29 F.R. 2944, Mar. 4, 1964; 29 F.R. 3708, Mar. 25, 1964).

BASIC VALUES

§ 309.3 Vessels built during or after 1939.

(a) **Basic values.** The values of vessels built during or after 1939 shall be determined in accordance with this section, subject to the applicable adjustments provided in § 309.5.

(b) **War-built vessels.** (1) The values of the standard types of war-built vessels under U.S. flag listed in this subparagraph (1) which have the lawful right to engage in the coastwise trade of the United States (which are the current domestic market values of such vessels as determined by the Ship Valuation Committee) are as follows:

Standard-type vessel:	Value
EC2-S-C1	\$275,000
EC2-S-AW1	235,000
VC2-S-AP2	550,000
C1-M-AV1	250,000
C1-A and B (Steam)	280,000
C1-A and B (Diesel)	275,000
C3-S-B1	605,000
C3-S-A2	1,100,000
C4-S-B5	1,550,000
T1-M-BT	295,000
T2-SE-A1	875,000
T3-S-A1	770,000
T3-S-BZ1	1,200,000

(2) The values of the standard types of war-built vessels under U.S. flag listed in this subparagraph (2) which do not have the lawful right to engage in the coastwise trade of the United States (which are the current domestic market values of such vessels as determined by the Ship Valuation Committee) are as follows:

Standard-type vessel:	Value
VC2-S-AP2	\$500,000
T2-SE-A1	625,000
T3-S-A1	540,000

(3) The values of the standard types of war-built vessels under foreign flag listed in this subparagraph (3) (which are the lower of (i) the restricted world market values, or (ii) the domestic market values of comparable U.S.-flag vessels which do not have the lawful right to engage in the coastwise trade of the United States, as determined by the Ship Valuation Committee) are as follows:

Standard-type vessel:	Value
T2-SE-A1	\$300,000
T3-S-A1	345,000

(4) The values of the standard subtypes of war-built vessels listed in this subparagraph (4) shall be determined as follows:

(i) If the subtype vessel is under U.S. flag and has the lawful right to engage in the coastwise trade of the United States, by multiplying the basic value of

the standard-type vessel listed in subparagraph (1) of this paragraph by the factor shown opposite the subtype in the table set forth in this subparagraph (4), or

(ii) If the subtype vessel is under the U.S. flag but does not have the lawful right to engage in the coastwise trade of the United States, by multiplying the basic value of the standard-type vessel listed in subparagraph (2) of this paragraph by the factor shown opposite the subtype in the table set forth in this subparagraph (4), or

(iii) If the subtype vessel is under foreign flag, by multiplying the basic value of the standard-type vessel listed in subparagraph (3) of this paragraph by the factor shown opposite the subtype in the table set forth in this subparagraph (4).

TABLE

Subtype	Factor
VC2-S-AP3	110%—VC2-S-AP2
C2-S-A1	80%—C2-S-B1
C2-S-AJ1	100%—C2-S-B1
C2-S-AJ2	106%—C2-S-B1
C2-S-AJ3	100%—C2-S-B1
C2-S-AJ5	100%—C2-S-B1
C2	88%—C2-S-B1
C2-S-E1	103%—C2-S-B1
C2-F	100%—C2-S-B1
C2-S	93%—C2-S-B1
C3	90%—C3-S-A2
C3-S-A1	100%—C3-S-A2
C3-S-A3	76%—C3-S-A2
C3-S-A4	106%—C3-S-A2
C3-S-A5	106%—C3-S-A2
C3-E	71%—C3-S-A2
C3-M	100%—C3-S-A2
C3-S-BH1	100%—C3-S-A2
C3-S-BH2	100%—C3-S-A2
C4-S-A4	100%—C4-S-B5
TI-M-BT1	100%—TI-M-BT
TI-M-BT2	100%—TI-M-BT
T3-M-AZ1	105%—T3-S-A1

(c) *Other vessels.* The value of a vessel built during or after 1939 which is not included in paragraph (b) of this section shall be the current domestic market value as determined by the Maritime Administration.

§ 309.4 Vessels built prior to 1939.

The values of vessels built prior to 1939 shall be specifically determined by the Maritime Administration and set forth in § 309.101.

GENERAL PROVISIONS

§ 309.5 Adjustments for condition, equipment and other considerations.

The basic values provided in § 309.3 shall be adjusted for individual vessels to the extent provided in paragraphs (a) to (c) of this section.

(a) *Adjustment for a vessel of substandard condition.* If the Maritime Administration determines that a vessel is not in class or is in substandard condition for a vessel of her type or subtype and age, there will be subtracted from the basic value of such vessel, as determined pursuant to § 309.3, the amount estimated by the Maritime Administration as the cost of putting the vessel in class or the amount estimated by the Maritime Administration as the difference in value of the substandard vessel and a vessel in standard condition.

(b) *Special equipment.* For any special equipment of material utility in the handling of cargo or utilization of the vessel, not otherwise included in determining the basic value pursuant to § 309.3, if the depreciated reproduction cost less construction subsidy, if any, of all such special equipment is in excess of \$50,000, an allowance in such amount as the Maritime Administration shall determine to be the fair and reasonable value of such equipment, shall be added to the basic value.

(c) *Government installations.* The values provided by §§ 309.1-309.101 shall not include any allowance for any special installations or equipment to the extent that their cost was borne by the United States.

§ 309.6 Definitions.

(a) *Date vessel is built.* The date a vessel is built is the date upon which the vessel is delivered by the shipbuilder.

(b) *Deadweight tonnage.* The deadweight tonnage of a vessel means her deadweight capacity established in accordance with normal Summer Freeboard as assigned pursuant to the International Load Line Convention, 1930, and shall be her capacity (in tons of 2,240 pounds) for cargo, fuel, fresh water spare parts, and stores, but exclusive of permanent ballast.

(c) *Speed of vessel.* The speed of a vessel means the speed determined in accordance with the formulae provided in Part 246 of this chapter (General Order 43, 3d revision).

(d) *Passenger vessel.* A passenger vessel is a ship which carries more than 12 passengers.

(e) *Construction subsidized vessel.* A construction subsidized vessel is a vessel built, reconstructed, or reconditioned with the aid of a construction-differential subsidy under Title V of the Merchant Marine Act, 1936, as amended, or a vessel sold by the United States which is subject by operation of law or contract to the provisions of section 802 of the Merchant Marine Act, 1936, as amended.

(f) *Vessel.* The stated valuation of a vessel in this part applies to a vessel in Class A-1 American Bureau of Shipping or equivalent, with all required certificates, including but not limited to marine inspection certificates of the U.S. Coast Guard, Department of Transportation, with all outstanding requirements and recommendations necessary for retention of class accomplished, without regard to any grace period; and so far as due diligence can make her so, tight, staunch, strong, and well and sufficiently tackled, appareled, furnished, and equipped, and in every respect seaworthy and in good running condition and repair, with clean swept holds and in all respects fit for service. A vessel in substandard condition is subject to § 309.5(a). The stated valuation of a vessel provided in this part does not include vessel stores and supplies, which consist of (1) Consumable Stores, (2) Subsistence Stores, (3) Slop Chest, (4) Bar Stock, and (5) Fuel, as defined in Maritime Administration Inventory Manual, Vessel Inven-

tories, Part I, and Maritime Administration Inventory Books Forms MA-4736, A through K, which will be valued separately.

§ 309.7 Modifications.

The Maritime Administration reserves the right to exempt specific vessels from the scope of this part, or to amend, modify, or terminate the provisions hereof.

§ 309.8 Vessel data forms.

(a) *To accompany application for insurance.* Each application for war risk hull insurance submitted in accordance with § 308.101 of this chapter (General Order 75, 2d Revision, as amended) shall be accompanied by information relating to the vessel for use by the Maritime Administration in determining the value pursuant to this part. The information shall be submitted in duplicate on the applicable form prescribed in this section, copies of which may be obtained from the American War Risk Agency, 99 John Street, New York, N.Y. 10038, or the Chief, Division of Insurance, Maritime Administration, Washington, D.C. 20235.

(b) *Vessels of 1,500 gross tons or more.* Vessel data for all vessels of 1,500 gross tons or more shall be submitted on Form MA-510.

(c) *Vessels under 1,500 gross tons.* Vessel data for all vessels under 1,500 gross tons shall be submitted on Form MA-511.

(d) *Modification to vessels.* Revised vessel data shall be submitted on the appropriate form prescribed above whenever a vessel undergoes a physical change which increases or decreases its value by 5 percent or more.

VALUES FOR INDIVIDUAL VESSELS

§ 309.101 Values effective July 1, 1967.

(a) *Vessels covered by §§ 309.3 through 309.5.* (1) The Maritime Administration has found that the values established in accordance with §§ 309.3-309.5 constitute just compensation for the vessels to which they apply, computed as provided in sections 902(a) and 1209(a), Merchant Marine Act, 1936, as amended; and pursuant thereto has determined the values of the vessels covered by interim binders for war risk hull insurance, Form MA-184, prescribed by Part 308 of this chapter.

(2) The interim binders listed below shall be deemed to have been amended as of July 1, 1967, by inserting in the space provided therefor or in substitution for any value now appearing in such space the stated valuation of the vessels set forth below for the binders and vessels as designated. Such stated valuation shall apply with respect to insurance attaching during the period July 1, 1967, to December 31, 1967, inclusive: *Provided, however,* That the Assured shall have the right within 60 days after date of publication of these §§ 309.1-309.101 or within 60 days after the attachment of the insurance under said binder, whichever is later, to reject such valuation and proceed as authorized by section 1209(a) (2), Merchant Marine Act, 1936 as amended.

RULES AND REGULATIONS

Blinder No.	Name of vessel	Official No.	Stated valuation (in thousands)	Blinder No.	Name of vessel	Official No.	Stated valuation (in thousands)	Blinder No.	Name of vessel	Official No.	Stated valuation (in thousands)
870	Achilles	281702	\$5,730	789	Andrey J. Lucken- bach	248884	1,550	165	Delaware Sun	264853	3,778
1660	Adabelle Lykes	291609	3,750	1435	Austin	247455	3,085	219	Del Campo	241923	2,271
1428	African Comet	289281	4,700	2083	Australian Galaxy	248813	605	320	Del Mar	251452	600
720	African Crescent	250561	1,100	2093	Australian Gem	248815	605	323	Del Monte	246628	277
1983	African Dawn	291781	4,875	2094	Australian Gulf	248812	605	321	Del Mundo	245370	605
722	African Glade	245035	605	2099	Australian Isle	246787	635	322	Del Norte	250053	605
723	African Glen	247294	605	2040	Australian Reef	244020	635	1225	Del Oro	286185	4,330
724	African Grove	244877	605	2090	Australian Surf	254842	635	324	Del Rio	284680	4,330
725	African Lightning	251451	1,100	210	Avila	267181	1,635	325	Del Santos	245377	605
1538	African Mercury	293143	4,800	239	Azalea City	243436	2,215	327	Del Sol	283171	4,330
1508	African Meteor	289792	4,735	707	Badger State	245136	605	328	Del Sud	251453	600
726	African Moon	251175	1,100	2067	Baltimore Trader	245963	875	329	Del Valle	245373	605
1607	African Neptune	290485	4,800	1894	Bangor	252336	605	2215	De Soto	245398	623
730	African Planet	249860	1,100	980	Barbara	248079	2,980	375	Dick Lykes	248488	600
731	African Rainbow	250116	1,100	347	Barbara Jane	278103	6,910	376	Doctor Lykes	249003	1,100
732	African Star	249351	1,100	2281	Battin Creek	247316	605	377	Dolly Turman	249747	605
1636	African Sun	291026	4,875	708	Bayou State	254012	605	1681	Duval	246641	400
1751	Alma Lykes	292614	3,750	949	Bay State	254130	605	700	Eagle Courier	277581	6,400
605	Alamar	246810	315	1915	Beauregard	251508	2,215	697	Eagle Transporter	277710	6,385
1299	Alaska Bear	246004	605	709	Bevier State	245283	605	697	Eagle Traveler	278442	7,018
1790	Alcoa Commander	248327	605	1755	Beloit Victory	245983	605	698	Eagle Voyager	278624	6,986
1793	Alcoa Explorer	248335	605	947	Bengal Mail	248844	1,100	167	Eastern Sun	270025	4,300
1629	Alcoa Mariner	247572	605	594	Bennington	243406	875	187	Edipse	287144	3,445
1748	Alcoa Marketer	245539	605	607	Bethlor	256034	2,210	786	Edgar F. Luckenbach	247049	1,355
1711	Alcoa Master	253572	605	605	Bethlor	255530	2,210	2078	Elaine	247049	600
1461	Alcoa Roumer	292567	605	419	Biddeford Victory	348433	500	378	Elizabeth Lykes	247822	24,822
1802	Alcoa Trader	248144	605	261	Bienville	243438	2,215	2086	Elizabeth Lykes	500702	5,530
1749	Alcoa Voyager	253289	605	710	Blue Grass State	253866	605	1917	Elizabethport	297001	4,330
1850	Aldins	229754	695	2107	Boise Victory	248786	605	1623	Elwell	245837	605
1061	Aldine	841	390	1986	Bowling Green	244750	605	705	Empire State	248312	600
659	Alice Brown	246027	605	1816	Bradford Island	247640	875	830	Erna Elisabeth	280193	7,225
1828	Allison Lykes	263817	3,900	1490	Brazos	247660	875	1629	Esparta	248253	600
1552	Alma Victory	248201	605	1593	Brighton	4445-59	2,415	983	Esso Baltimore	282272	9,455
370	Almeria Lykes	248696	1,100	1414	Brinton Lykes	288699	3,750	987	Esso Bangor	282773	3,770
352	Alma State	243207	1,100	1473	Brooklyn Heights	247872	550	1312	Esso Bogota	264791	800
2366	America Bear	252443	605	2157	Brooklynville	252679	605	984	Esso Boston	283784	3,675
1493	American Challenger	289699	4,800	353	Brooklyne State	244577	1,100	1310	Esso Brooklyn	283784	3,675
1618	American Champion	290524	4,800	220	Byron D. Benson	246173	875	995	Esso Chester	264445	3,410
1357	American Charer	290089	4,800	1348	California	287232	5,050	1378	Esso Colon	264445	3,410
1652	American Chieftain	291020	4,800	425	California Bear	266077	2,925	988	Esso Dallas	250248	2,915
331	American Clipper	249106	605	941	California Mail	252476	1,100	990	Esso Florence	260855	3,325
1653	American Command- er	290905	4,800	297	Californian	249230	2,720	1007	Esso Gettysburg	273362	7,090
1972	American Condor	252347	1,100	963	Californian Standard	262403	330	991	Esso Gloucester	265336	6,810
1670	American Corsair	291629	4,800	1949	Calmar	294756	4,325	993	Esso Huntington	266329	3,775
1605	American Courier	250225	4,800	1580	Calter Gothenburg	2249-48	390	994	Esso Jamestown	266329	3,775
1774	American Crusader	252580	4,800	1585	Calter Stockholm	2070-47	390	995	Esso Lexington	276270	7,430
1774	American Eagle	278327	5,945	1888	Calter Venice	2076-47	1,065	996	Esso Lima	276270	7,430
1799	American Falcon	232524	1,100	426	Canada Bear	247385	605	997	Esso Lexington	276270	7,430
534	American Forester	248974	605	1974	Canada Mail	297570	5,475	998	Esso Miami	276270	7,430
535	American Forwarder	248946	605	1370	Canigny	247452	3,050	1313	Esso Montevideo	290357	2,885
588	American Harvester	248143	605	67	Carbide Seadrift	241851	2,100	997	Esso Newark	264231	3,280
1791	American Hawk	243969	1,100	1931	Carbide Texas City	242832	2,100	998	Esso New York	250610	2,940
540	American Importer	248947	605	1600	Carbide U. E. Dant	244460	2,775	1314	Esso Norfolk	264231	3,280
541	American Leader	249517	605	1931	Chancellorville	244460	2,775	1315	Esso Norfolk	264231	3,280
940	American Mail	247321	1,100	373	Charlies Lykes	248487	605	1014	Esso Norfolk	264231	3,280
542	American Manu- facturer	247643	605	1753	Charlotte Lykes	292782	3,750	1898	Esso Norfolk	264231	3,280
544	American Merchant	248948	605	2228	Chatham	252460	605	1099	Esso Norfolk	264231	3,280
545	American Miller	243873	605	243	Chena	242704	297	379	Esso Norfolk	264231	3,280
1688	American Oriole	282304	1,100	697	Cherry Valley	242531	875	1099	Esso Norfolk	264231	3,280
546	American Packer	243982	605	964	Chevron	250641	235	354	Esso Norfolk	264231	3,280
547	American Pilot	248491	605	1041	Chevron Transporter	132	950	2080	Esso Norfolk	264231	3,280
549	American Press	247590	605	610	Chilore	253219	2,275	842	Esso Norfolk	264231	3,280
2326	American Pride	247252	605	1408	China Bear	288604	5,825	848	Esso Norfolk	264231	3,280
550	American Producer	246616	605	2213	Choctaw	242785	605	849	Esso Norfolk	264231	3,280
1924	American Racer	297001	5,450	2280	Choctaw Victory	247420	605	850	Esso Norfolk	264231	3,280
1989	American Ranger	288270	5,450	1788	Christopher Lykes	293220	3,900	851	Esso Norfolk	264231	3,280
2039	American Reliance	299371	5,600	1637	Cihao	251966	550	852	Esso Norfolk	264231	3,280
552	American Reporter	248334	605	1813	Cities Service Balti- more	271860	5,960	853	Esso Norfolk	264231	3,280
2082	American Resolve	500539	5,600	1814	Cities Service Miami	272977	5,960	854	Esso Norfolk	264231	3,280
1679	American Robin	242941	1,100	1815	Cities Service Norfolk	272839	6,105	855	Esso Norfolk	264231	3,280
1955	American Rover	267253	5,450	1050	Cities Service Valley Forge	401	1,600	1296	Esso Norfolk	264231	3,280
554	American Scientist	245653	605	2214	City of Alma	247592	623	1354	Esso Norfolk	264231	3,280
555	American Scout	249122	605	101	Claborne	243278	605	1372	Esso Norfolk	264231	3,280
556	American Shipper	248949	605	1967	Cleveland	243450	875	1401	Esso Norfolk	264231	3,280
1902	American Trader	244855	1,395	2353	Coastal Monarch	248669	250	1726	Esso Norfolk	264231	3,280
560	American Traveler	249123	605	2332	Coastal Nomad	248382	250	1771	Esso Norfolk	264231	3,280
561	American Veteran	247296	605	296	Coner D'Alens Victory	247113	605	1782	Esso Norfolk	264231	3,280
2228	America Son	240147	700	273	Cono Victory	247894	605	1801	Esso Norfolk	264231	3,280
2285	Amerigo	246798	605	186	Colina	242775	875	1809	Esso Norfolk	264231	3,280
272	Ames Victory	247292	605	2237	Colorado	245104	875	1938	Esso Norfolk	264231	3,280
1485	Amoco Connecticut	242881	2,190	2134	Columbia	247519	2,605	866	Esso Norfolk	264231	3,280
1488	Amoco Delaware	245258	2,125	1978	Columbia Victory	247765	580	2075	Esso Norfolk	264231	3,280
1768	Amoco Louisiana	244339	2,365	1628	Comayagua	249059	630	262	Esso Norfolk	264231	3,280
1484	Amoco New York	244901	930	2216	Commander	243309	2,530	2216	Esso Norfolk	264231	3,280
1489	Amoco Virginia	243518	2,365	2227	Connecticut	277291	7,010	2217	Esso Norfolk	264231	3,280
641	Amtank	247968	1,300	1536	Conoco Dubal	1650	1,135	2218	Esso Norfolk	264231	3,280
1914	Anchorage	246736	3,150	711	Constitution State	245985	605	153	Esso Norfolk	264231	3,280
2211	Andrew Jackson	247363	623	1589	Conoco Sopi	1665	1,185	1810	Esso Norfolk	264231	3,280
19	Angelo Petri	243882	3,870	712	Copper State	244137	1,100	221	Esso Norfolk	264231	3,280
1040	A. N. Kemp	149	975	2302	Cortez	253116	605	2278	Esso Norfolk	264231	3,280
2212	Anthous	245979	623	713	Cotton State	248440	550	1469	Esso Norfolk	264231	3,280
678	Arizona	266534	2,925	704	Cottonwood Creek	246864	1,600	1480	Esso Norfolk	264231	3,280
1444	Arizona Standard	248736	875	1305	Council Grove	247896	2,945	1468	Esso Norfolk	264231	3,280
1716	Ashley Lykes	292191	3,750	1651	Cradle of Liberty	467	1,630	1470	Esso Norfolk	264231	3,280
1039	Atholl McBean	141									

RULES AND REGULATIONS

Binder No.	Name of vessel	Official No.	Stated valuation (in thousands)	Binder No.	Name of vessel	Official No.	Stated valuation (in thousands)	Binder No.	Name of vessel	Official No.	Stated valuation (in thousands)
1681	Flying Trader	248750	650	433	Japan Bear	270296	3,250	44	Mormacoak	245955	605
2290	Portaena	245375	605	1418	Japan Mail	287976	4,980	46	Mormacappan	250541	1,166
584	Port Petterman	244935	2,290	945	Jawa Mail	282478	1,100	47	Mormacapple	247477	605
1211	Port Hoskins	248735	2,980	1304	Jean Lykes	287103	3,600	48	Mormacpride	282295	4,270
247	Portuna	245880	275	1285	J. E. Dyer	274440	6,340	1963	Mormacrigel	297384	5,450
498	Four Lakes	244971	2,365	274	Jefferson City Victory	247345	605	50	Mormacrio	298745	1,100
1630	Fra Heringa	247102	650	388	Jesse Lykes	247992	605	51	Mormacross	250540	1,166
360	Frank Lykes	245540	605	970	J. H. MacGregor	248596	875	1242	Mormacscant	285890	4,400
712	Free America	244794	605	973	J. H. Tuttle	242955	835	1384	Mormacstrade	287900	4,600
1035	Gage Lund	250827	765	967	J. I. Hanna	248531	875	1804	Mormacveps	296682	5,450
385	Gaines Mill	244464	1,035	221	John B. Waterman	249234	655	281	Mount Vernon Victory	284178	9,680
1830	Galena	248122	2,225	825	John F. Shea	242701	605	250	Nadina	245664	700
948	Garden City	252444	605	1017	John F. Shea	247095	605	588	Nancy Lykes	244663	1,650
353	Gateway City	251506	2,215	389	John Lykes	282772	3,450	400	Nashbulk	295650	3,600
1530	George S. Long	245913	400	1535	John Weyerhueser	245356	400	648	National Defender	247307	1,200
384	Gibbes Lykes	245192	605	580	Joseph Lykes	281326	3,450	1758	National Seafarer	279938	11,645
2344	Globe Carrier	243503	2,550	1632	Junior	248767	600	1941	Nechos	246208	990
1764	Globe Explorer	207748	2,550	413	Kendall Fish	248490	605	2034	Nevada Standard	244255	875
2352	Globe Progress	244888	2,550	612	Kenmar	246062	315	251	Neva West	249285	605
2343	Globe Traveler	269436	2,905	415	Kenneth McKay	247881	605	1441	Newberry Victory	249460	500
1885	Glory of the Seas	245169	605	568	Keystone	266730	1,610	661	New Jersey Sun	265748	3,800
428	Golden Bear	269028	3,250	350	Keystone State	247763	1,550	421	New Market	247276	875
714	Golden State	246544	600	600	Keytrader	265644	1,575	169	New York	248742	1,100
355	Gopher State	244979	1,100	599	Kinga Point	239334	900	2038	New York	283030	1,100
2073	Green Bay	248912	1,550	600	Korea Bear	269668	3,250	1608	Northberto Capay	244133	605
885	Green Cove	247268	605	2223	Kyaka	248654	623	1058	Norina	247468	2,905
1129	Green Dale	251748	605	13	Leland I. Dean	284217	8,910	1058	Norman Lykes	249018	1,100
896	Green Harbour	247760	970	788	Lena Luckenbach	244049	1,100	2099	Northfield	243233	2,775
887	Green Island	247079	970	1352	Leslie Lykes	287416	2,600	2119	Northwestern Victory	247492	605
2036	Green Lake	248700	1,550	391	Letitia Lykes	248897	605	298	Norwalk	245848	400
650	Green Mountain State	247108	550	1032	Liberty Bell	519	1,545	1466	Ocean Anna	266619	3,820
1950	Green Port	252346	1,100	1633	Limon	247352	650	1827	Ocean Evelyn	249217	1,166
1901	Green Ridge	247322	1,100	392	Lipsoomb Lykes	248897	1,100	931	Oceanic Cloud	251970	605
890	Green Valley	247360	970	715	Lonestar State	242765	1,100	1888	Oceanic Spray	245532	605
1249	Gunn Bear	252570	605	267	Longview Victory	247077	605	1895	Oceanic Tide	244612	605
1563	Gulf Banker	260249	3,900	1918	Los Angeles	241153	4,350	1896	Oceanic Victory	247440	550
790	Gulf Bear	247309	2,105	613	Losmar	245111	315	2347	Oceanic Wave	248065	500
791	Gulfbeaver	243657	2,125	393	Louise Lykes	247882	605	2163	Ocean Pioneer	257381	2,700
792	Gulfboat	247634	6,180	2062	Louise Lykes	299638	5,435	3056	Ocean Ulla	289004	7,535
793	Gulfover	245727	2,220	367	Louisiana Sulphur	242964	1,700	932	Ohio	246388	1,100
1549	Gulf Farmer	249625	3,900	638	Lucie Bloomfield	249291	605	684	Ohio Sun	244689	875
794	Gulfhar	246972	2,320	2224	Madaket	246992	623	1370	Oregon	287875	3,650
795	Gulfing	273193	6,430	716	Madnola State	247144	623	435	Oregon Bear	264497	2,925
796	Gulfmidget	277183	6,720	289	Malden Creek	248998	605	1047	Oregon Mail	294779	5,400
797	Gulfnet	246960	2,415	894	Mallory Lykes	244881	605	971	Oregon Standard	246773	875
806	Gulftube	254406	815	2333	Mallory Lykes	504077	5,630	1825	Our Lady of Peace	247571	605
1652	Gulf Merchant	297329	4,075	1336	Manhattan	287233	16,700	605	Overseas Denny	244215	605
798	Gulfover	283424	6,525	275	Manhato Victory	248789	605	01	Overseas Joyce	284049	9,680
799	Gulpanther	246543	2,230	2105	Marathon Victory	248563	605	01	Overseas Rose	245923	1,100
800	Gulpride	279769	6,455	1809	Marquette Lykes	263555	3,900	785	Pacific Bear	242315	605
801	Gulprince	276634	6,580	680	Margaret Brown	249174	605	1032	Palmetto State	247823	550
802	Gulfrusen	275583	6,495	2284	Marine Chemical Transporter	244942	1,200	1217	Parisina	251313	685
805	Gulfsail	247567	2,375	2087	Marine Clipper	248655	560	1635	Passadem	248894	3,580
811	Gulfservice	264224	1,500	2077	Marine Collier	247479	300	151	Paul Pigotti	163	980
1903	Gulf Shipper	269880	4,075	15	Marine Dow-Chen	267278	3,905	1037	P. C. Spencer	264903	3,215
803	Gulf Solar	280223	6,325	1510	Marine Electric	245673	3,060	1272	Pecos	243929	1,100
806	Gulfspray	282848	6,890	1570	Marine Merchant	247867	225	2121	Pelican State	245354	605
1358	Gulfspreme	287186	7,165	1070	Marine Trader	247274	225	718	Penn Carrier	246908	575
804	Gulftiger	247767	2,425	91	Marine Transport	247991	225	1592	Penn Challenger	280318	7,870
1888	Gulf Trader	266040	4,075	92	Marjorie Lykes	298874	3,750	339	Penn Exporter	247009	1,600
1639	Haleyon Panther	245923	605	1513	Marjorie Lykes	246101	875	1954	Pennmar	295108	4,325
2335	Haleyon Tiger	245474	605	614	Maryland Sun	247178	2,525	1860	Penn Baller	275391	2,225
646	Hampton Roads	248748	1,200	168	Maryland Trader	246101	875	171	Pennsylvania Sun	286292	9,750
804	Hans Isbrandtsen	277703	6,800	664	Mason Lykes	294730	4,325	171	Penn Transporier	248437	1,600
2158	Harbor Hills	245131	280	1940	Mayo Lykes	263224	3,900	341	Penn Vanguard	242780	400
412	Harry Culbreath	247824	605	2260	Meadowbrook	268879	3,115	581	Perryville	244644	2,705
2218	Hastings	246617	623	1789	M. E. Lombardi	240228	400	1367	Phillipine Bear	287683	3,825
1421	Hawaii	289119	5,050	1980	Metapan	245673	2,890	1419	Phillipine Mail	289686	4,950
208	Hawaiian	249353	2,720	1634	Metapor	262158	685	1750	Pioneer Contractor	292572	4,800
300	Hawaiian Builder	247386	3,690	1286	Meteor	247331	400	1715	Pioneer Cove	249748	605
983	Hawaiian Citizen	252149	1,100	681	Michigan	240590	1,100	562	Pioneer Mail	266181	2,925
301	Hawaiian Craftsman	247826	1,100	567	Mill Spring	244468	2,335	566	Pioneer Mast	267275	2,925
303	Hawaiian Farmer	248560	1,100	2033	Missouri	248888	1,850	567	Pioneer Mix	268343	2,925
304	Hawaiian Merchant	248845	1,100	1271	M. L. Gosney	269338	3,335	568	Pioneer Mix	268556	2,925
307	Hawaiian Planter	248741	1,100	1830	M. M. Dant	289547	5,050	509	Pioneer Mix	267441	2,925
308	Hawaiian Rancher	246204	1,100	188	Mobil Aero	278471	6,515	570	Pioneer Mix	267441	2,925
309	Hawaiian Refiner	245364	1,100	189	Mobil Fuel	274588	5,570	571	Pioneer Moon	289263	4,800
1443	Hawaiian Standard	248902	875	190	Mobilgas	271449	5,190	1432	Pioneer Moor	285143	2,925
965	H. D. Collier	248737	875	191	Mobil Lubr.	276931	5,720	572	Pioneer Myth	267033	2,925
2309	Helen D.	248842	550	605	Mobil Power	274996	5,615	578	Pioneer Tide	249390	605
873	Helen H.	248029	2,550	2065	Mon Pass	2389	390	2122	Plate	248133	2,495
383	Helen Lykes	243245	685	601	Monmouth	242426	875	1987	Plymouth Victory	247625	605
1681	Heredia	251777	685	1295	Monticello Victory	269819	9,885	1754	Point Loma	246982	875
2303	Hermira	248657	550	1447	Montpelier Victory	269745	9,950	1903	Point Star	243263	875
634	Hess Bunker	248394	2,775	2024	Morosan	255793	550	1999	Portmar	294731	4,325
828	Hess Petrol	244735	2,775	1985	Mormacaltair	298129	5,450	1505	Potomac	248900	2,550
1373	Hess Refiner	248344	2,810	1890	Mormacargo	296216	5,450	1260	Prairie Grove	246600	2,985
639	Hess Trader	246104	2,740	29	Mormacbay	283541	4,325	499	President Adams	266697	3,250
1638	Hibonera	254899	550	30	Mormaccape	284185	4,400	500	President Arthur	264794	3,250
961	Hillyer Brown	266233	1,575	1283	Mormacceve	286749	4,490	601	President Buchsman	226017	3,250
431	Hong Kong Bear	304428	2,925	31	Mormacdraco	250160	1,166	503	President Coolidge	267783	3,250
706	Hoosier State	247702	1,550	2031	Mormacdraco	299008	5,450	506	President Fillmore	267262	1,100
1640	Horace Irvine	246653	400	33	Mormacdraco	248363	605	505	President Garfield	266092	3,250
787	Horace Luckenbach	245644	1,100	34	Mormacdraco	248650	605	606	President Grant	248424	1,166
176	Houston	242636	3,685	1241	Mormacdraco	2852					

Binder No.	Name of vessel	Official No.	Stated valuation (in thousands)	Binder No.	Name of vessel	Official No.	Stated valuation (in thousands)	Binder No.	Name of vessel	Official No.	Stated valuation (in thousands)
521	President Taft	248275	1,166	456	Steel Seafarer	248738	1,100	224	William F. Humphrey	246557	875
522	President Taylor	260927	3,250	457	Steel Surveyor	244968	1,100	410	William Lykes	247998	605
523	President Van Buren	257213	1,100	458	Steel Traveler	247198	1,100	420	Wilmar	246507	315
919	Producer	245888	2,550	459	Steel Vendor	246464	1,100	1809	Windsor Victory	247843	605
228	Prudential Getty	254889	235	460	Steel Voyager	252501	1,100	1511	Wingless Victory	247243	50
210	Prudential Oceanjet	504615	5,630	461	Steel Worker	247834	1,100	358	Wolverine State	248740	1,550
2139	Prudential Seajet	502726	5,590	462	Stella Lykes	247504	605	2226	Yaka	246555	625
1573	Puerto Rico	243959	286	2248	Stella Lykes	504982	5,675	1645	Yacrus	251694	1,550
2064	Pure Oil	248837	795	403	Sue Lykes	248145	605	2098	Yellowstone	248883	1,550
1773	P. W. Thirtle	270179	3,750	252	Susitna	248389	250	2030	Yorkmar	246261	4,325
1640	Quisqueya	252391	550	404	Sylvia Lykes	247841	605	2103	Young America	243034	605
2341	Rachel V	248785	605	253	Talkeetna	245733	275	411	Zoella Lykes	282126	3,450
1301	Rainbow	247030	400	1415	Tampico	246344	3,085				
1859	Ranger	244598	605	254	Tanana	247310	250				
264	Raphael Semmes	243074	2,215	255	Tatalina	247995	250				
2164	Rappahannock	253226	605	1430	Texaco Bristol	3481	1,105				
972	R. C. Stoner	243128	835								
1475	Remsen Heights	247865	550	463	Texaco California	260910	2,100				
417	Reuben Tipton	247830	605	464	Texaco Colorado	241758	680				
99	R. E. Wilson	244090	950	465	Texaco Connecticut	260501	2,015				
1162	Richmond	241939	535	466	Texaco Florida	271820	2,320				
2281	Ridgefield Victory	247454	605	1867	Texaco Georgia	263819	6,650				
1038	Robert Watt Miller	172	980	469	Texaco Illinois	246993	2,740				
135	Robin Goodfellow	247254	1,100	471	Texaco Kansas	244230	2,600				
156	Robin Gray	252626	1,100	1077	Texaco Kentucky	243950	910				
157	Robin Hood	247255	1,100	1218	Texaco London	1166	1,106				
158	Robin Kirk	254272	1,100	473	Texaco Louisiana	245033	875				
159	Robin Lockaley	240353	567	1078	Texaco Maine	450059	2,455				
100	Robin Mowbray	255310	1,100	1823	Texaco Maryland	292735	6,500				
161	Robin Sherwood	240805	557	1824	Texaco Massachusetts	260306	6,280				
162	Robin Trent	254641	1,100	475	Texaco Minnesota	243202	3,185				
400	Ruth Lykes	247903	605	476	Texaco Mississippi	245082	3,185				
2102	Ruth Lykes	502928	5,610	2028	Texaco Montana	260918	7,080				
172	Sabine Sun	241558	478	478	Texaco Nebraska	242845	2,670				
1879	Sacramento	245497	2,675	479	Texaco Nevada	245175	2,465				
2256	Sagamore Hill	252251	605	480	Texaco New Jersey	245831	2,430				
1919	San Francisco	241220	4,350	481	Texaco New York	265981	2,065				
1636	San Jose	247694	650	483	Texaco North Dakota	265006	2,030				
1920	San Juan	242653	4,350	1081	Texaco Ohio	244750	910				
891	Santa Adela	242243	605	1873	Texaco Oklahoma	273882	6,530				
2385	Santa Alicia	252747	1,100	1883	Texaco Pennsylvania	243850	895				
2259	Santa Ana	252746	1,100	1889	Texaco Rhode Island	296380	6,850				
2267	Santa Anita	252748	1,100	1085	Texaco Texas	244850	905				
895	Santa Catalina	245834	641	1270	Texaco Wisconsin	277805	6,825				
2287	Santa Eilana	251812	1,100	489	Texaco Wyoming	243048	2,775				
898	Santa Elisa	245835	641	209	Texas	245641	1,100				
1811	Santa Emilla	247570	605	386	Texas Sun	283897	10,295				
899	Santa Fe	256602	280	174	Thalia	248127	2,810				
900	Santa Flavia	242762	605	2147	The Cabins	246143	2,430				
901	Santa Ines	245836	641	497	Thetis	270627	8,450				
903	Santa Juana	242111	605	925	Thomas A.	260654	3,475				
2264	Santa Leonor	252325	1,100	3096	Thompson Lykes	263413	3,450				
906	Santa Malta	245459	605	405	Thunderbird	247092	550				
1574	Santa Magdalena	290270	7,800	1357	Thunderhead	246038	605				
211	Santa Maria	263781	1,475	1622	Ticonderoga	242344	1,120				
1736	Santa Maria	292838	7,800	602	Tille Lykes	248661	1,100				
1678	Santa Marianna	291811	7,800	406	Timbo	1778	1,215				
1830	Santa Mercedes	260943	7,800	1797	Tivives	254488	550				
911	Santa Olivia	245172	641	1643	Tonsina	252547	275				
2286	Santa Regina	240348	990	256	Topa Topa	247006	623				
915	Santa Rita	245545	641	2222	Transborinquen	246540	280				
893	Santa Victoria	245130	280	881	Transcaribbean	248749	650				
1641	Santo Cerro	252829	550	1722	Transatlantic	279438	9,010				
619	Santore	254624	2,275	231	Transatlantic	241992	730				
1822	Sasstown	1876	1,215	2253	Transatlantic	242942	875				
26	Sealdy	244457	400	1456	Transatlantic	248910	875				
1970	Seamar	204729	4,325	2252	Transatlantic	242915	280				
2057	Sea Pioneer	257115	2,650	1526	Transatlantic	245244	605	752	A. H. Dumont	230224	388
65	Seatrains Georgia	262536	1,050	2254	Transatlantic	245445	875	1906	Ahl	251250	225
66	Seatrains Louisiana	262835	1,050	2337	Transatlantic	243223	875	1686	Atlantic	262007	146
67	Seatrains New Jersey	239688	535	1455	Transatlantic	242056	280	1188	Barge 115		8
68	Seatrains New York	231905	310	1752	Transatlantic	251767	1,100	1197	Barge 129		8
69	Seatrains Savannah	231916	310	2253	Transatlantic	239271	990	1198	Barge 133		24
70	Seatrains Texas	239549	535	2251	Transatlantic	433658	2,330	1199	Barge 134		9
1921	Seattle	247275	3,150	1698	Trinidad	246600	1,395	1256	Blue Line 107	263055	180
1610	Sheldon Lykes	290508	3,750	1492	Trinity	247177	2,910	1153	Britton	119	20
1438	Shirley Lykes	280283	3,750	22	Trojan	248066	2,705	1562	Challenger	283882	303
336	Sierra	247831	1,100	590	Tulahoma	246662	605	1876	Coaddo	293169	125
1476	Sir John Franklin	244734	280	407	Tyson Lykes	248066	2,705	1165	Dammam 7		14
1266	Sister Katingo	277936	6,845	1644	Ulus	353135	550	1166	Dammam 8	255059	14
1642	Sixnola	254211	350	1409	U.S. Conqueror	245319	275	1170	Dammam 12		56
202	Socony Vacuum	268801	3,720	1842	U.S. Pecos	242949	275	1171	Dammam 13		46
982	Solon Turman	285889	3,600	966	Utah Standard	251140	765	1172	Dammam 14		56
357	Sonoma	252413	1,100	2340	Utah Standard	245623	613	1877	Dorado	263380	130
357	Sooner State	247139	605	2339	Vantage Progress	242676	770	1664	Everglades	279377	300
1803	Southport II	245183	605	408	Vantage Venture	247684	605	1563	Fort Lauderdale	250532	195
1049	Statue of Liberty	420	1,615	621	Velma Lykes	248225	2,060	764	George S.	241390	100
1016	Steel Admiral	252403	1,100	338	Ventura	252523	1,100	764	George Whitlock II		112
439	Steel Advocate	245731	1,100	666	Virginia Trader	244789	1,980	1150	Hobb		57
450	Steel Age	244161	1,100	719	Volunteer State	247792	550	1942	H. J. Sheridan	235802	100
441	Steel Apprentice	252498	1,100	1946	Volusia	245415	400	1563	Hollywood		17
442	Steel Architect	247168	1,100	1398	Washington	288603	5,050	1151	Horae	115	209
443	Steel Artisan	247833	1,100	437	Washington Bear	264232	2,925	765	Hygrade No. 2	276766	175
444	Steel Chemist	252037	1,100	1349	Washington Mall	287238	4,850	767	Hygrade No. 8	176732	175
445	Steel Designer	247832	1,100	974	Washington Standard	242033	875	768	Hygrade No. 14	250807	175
446	Steel Director	246975	1,100	667	Washington Trader	245566	980	769	Hygrade No. 18	272741	190
447	Steel Executive	248843	1,100	1713	Welladay Victory	247664	605	771	Hygrade No. 26	252977	175
448	Steel Fabricator	251781	1,100	1779	Western Clipper	268288	3,965	772	Hygrade No. 28	263666	175
449	Steel Flyer	244831	1,100	1780	Western Comet	266305	3,795	773	Hygrade No. 30	264104	175
450	Steel King	252499	1,100	1302	Western Hunter	267156	12,500	774	Hygrade No. 32	267113	185
451	Steel Maker	247221	1,100	1781	Western Planet	268078	3,950	1908	Isleways No. 1	251436	45
452	Steel Navigator	248846	1,100	175	Western Sun	268798	4,200	1909	Isleways No. 2	251519	45
453	Steel Recorder	251847	1,100	1900	Whitehall	250664	605	1910	Isleways No. 3	251682	45
454	Steel Rover	252500	1,100	1537	W. H. Penbody	240065	400	1911	Isleways No. 4	251773	45
455	Steel Scientists	245730	1,100	2225	Wild Ranger	240518	605	1912	Isleways No. 5	251859	45

(b) Vessels of less than 1,500 gross tons—As of July 1, 1967. (1) The Maritime Administration has determined for certain vessels of less than 1,500 gross tons the values which constitute just compensation for the vessels to which they apply, computed as provided in sections 902(a) and 1209(a), Merchant Marine Act, 1936, as amended; and pursuant thereto has determined the values of vessels covered by interim binders for war risk hull insurance, Form MA-184, prescribed in Part 308 of this chapter.

(2) The interim binders listed below shall be deemed to have been amended as of July 1, 1967, by inserting in the space provided herefor or in substitution for any value now appearing in such space the stated valuation of the vessels set forth below for the binders and vessels as designated. Such stated valuation shall apply with respect to insurance attaching during the period July 1, 1967, to December 31, 1967, inclusive; *Provided, however*, That the Assured shall have the right within 60 days after date of publication of this section or within 60 days after the attachment of the insurance under said binder, whichever is later, to reject such valuation and proceed as authorized by section 1209(a) (2), Merchant Marine Act, 1936, as amended.

Binder No.	Name of vessel	Official No.	Stated valuation (in thousands)
752	A. H. Dumont	230224	388
1906	Ahl	251250	225
1686	Atlantic	262007	146
1188	Barge 115		8
1197	Barge 129		8
1198	Barge 133		24
1199	Barge 134		9
1256	Blue Line 107	263055	180
1153	Britton	119	20
1562	Challenger	283882	303
1876	Coaddo	293169	125
1165	Dammam 7		14
1166	Dammam 8	255059	14
1170	Dammam 12		56
1171	Dammam 13		46
1172	Dammam 14		56
1877	Dorado	263380	130
1664	Everglades	279377	300
1563	Fort Lauderdale	250532	195
764	George S.	241390	100
764	George Whitlock II		112
1150	Hobb		57
1942	H. J. Sheridan	235802	100
1563	Hollywood		17
115			

Binder No.	Name of vessel	Official No.	Stated valuation (in thousands)
1054	Lewis No. 8	244276	73
1702	Mohawk	254429	210
241	Ocean King	248921	102
742	Ocean Prince	276461	385
1907	Oro	222117	225
1802	Perth Amboy No. 1	171776	170
1003	Perth Amboy No. 2	171886	179
709	Phillip Lemier	251890	89
1719	Ponce de Leon	244296	73
754	Port Jefferson	274512	373
1176	Qatiff		66
1177	Qatiff 8		66
1148	Sandy	114	17
1278	Saratoga	254128	85
1303	Spartan	274515	424
1132	Swigart	118	18
18	Virginia Phillips	239671	60
763	W. A. Weber	251322	70

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

Dated: November 21, 1967.

L. C. HOFFMANN,
Chairman,
Ship Valuation Committee.

[P.R. Doc. 67-13831; Filed, Nov. 28, 1967; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission and Department of Transportation

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Docket No. 3666; Amdt. 75-1]

PARTS 171-190—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Notice of Postponement of Effective Date

At a session of the Hazardous Materials Regulations Board on November 21, 1967, consideration was given to several requests for extension of the mandatory effective date of Amendment No. 75, Docket 3666, issued September 15, 1967. Petitions for reconsideration of the effective date have been received from the following for additional time to facilitate compliance with the requirements for implementing shipping paper documentation:

- (1) Adhesives and Sealant Council,
- (2) Colgate-Palmolive Co.,
- (3) Enjay Chemical Co.,
- (4) Monsanto Co.,
- (5) National Paint, Varnish, and Lacquer Association,
- (6) National Small Shipments Traffic Conference, Inc.

These petitions, although not timely filed, are considered to have merit and are of such substance as to warrant consideration and disposition by Board action. Petitioners claim (1) that the 75 days beginning September 15, 1967, for compliance is not sufficient time and that the usual 90 days for notice of an adopted rule should be afforded, (2) that existing stocks of preprinted bills of lading must

be discarded or be prepared manually at great cost, and (3) that the total quantity requirements of § 173.427(a) cannot be satisfied because electronic data processing machines cannot separate the weight of exempt articles from that of nonregulated articles with which they are included.

Extensions of 1 month to 6 months after the date of December 1, 1967, have been requested to allow the depletion of existing stocks of shipping papers or to accommodate changeover programs for automatic billing methods. In order to facilitate compliance with the requirements for implementing shipping paper documentation a 30-day extension of the effective date is considered reasonable but extension beyond that does not appear warranted.

Since this amendment is an extension of the effective date of Amendment No. 75, and imposes no additional burden on any person, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, Amendment No. 75 to the Department's Hazardous Materials Regulations is hereby made effective on December 31, 1967, in place of December 1, 1967.

This amendment is issued under the authority of 62 Stat. 738, 74 Stat. 803, 80 Stat. 931, and 18 U.S.C. 834.

Issued in Washington, D.C., on November 24, 1967.

ALAN S. BOYD,
Secretary of Transportation.

LOWELL K. BRIDWELL,
Administrator,
Federal Highway Administration.

A. SCHEFFER LANG,
Administrator,
Federal Railroad Administration.

[P.R. Doc. 67-13954; Filed, Nov. 28, 1967; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Imperial National Wildlife Refuge, Arizona and California

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

IMPERIAL NATIONAL WILDLIFE REFUGE

Sport fishing on the Imperial National Wildlife Refuge, Arizona and California, is permitted only on the areas designated as open to fishing. These open areas,

comprising 8,100 acres, are delineated on maps available at refuge headquarters, Yuma, Ariz., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from January 1 through December 31, 1968, inclusive, except an area of approximately 165 acres in Martinez Lake as posted to be closed during the periods January 1 through February 28, 1968, inclusive, and October 1 through December 31, 1968, inclusive.

(2) The use of bow and arrow for the taking of carp, buffalo, mullet, and suckers is permitted.

The provisions of this special regulations supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1968.

CLAUDE F. LARD,
Refuge Manager, Imperial National Wildlife Refuge, Yuma, Ariz.

NOVEMBER 14, 1967.

[P.R. Doc. 67-13921; Filed, Nov. 28, 1967; 8:46 a.m.]

PART 33—SPORT FISHING

Quivira National Wildlife Refuge, Kans.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

KANSAS

QUIVIRA NATIONAL WILDLIFE REFUGE

Sport fishing on the Quivira National Wildlife Refuge, Stafford, Kans., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 990 acres, are delineated on maps available at refuge headquarters, Stafford, Kans., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from June 1, 1968, to September 30, 1968, inclusive.

(2) Fishing will be with closely attended rod(s) and line(s) only.

(3) The use of boats is not permitted. One-man floater tubes may be used.

(4) Overnight camping is not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50,

Code of Federal Regulations, Part 33, and are effective through September 30, 1968.

CHARLES R. DARLING,
Refuge Manager, Quivira National Wildlife Refuge, Stafford, Kans.

NOVEMBER 22, 1967.

[F.R. Doc. 67-13922; Filed, Nov. 28, 1967; 8:46 a.m.]

PART 33—SPORT FISHING

Tamarac National Wildlife Refuge, Minn.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MINNESOTA

TAMARAC NATIONAL WILDLIFE REFUGE

Sport fishing on the Tamarac National Wildlife Refuge, Rochert, Minn., is permitted only on the areas designated by signs as open to fishing. These posted areas comprising 13,000 acres, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from January 1, 1968, through December 31, 1968, during daylight hours only.

(2) The use of minnows or fish, or parts thereof, for bait is not permitted in waters north of the Governor's Consent Line.

(3) The use of boats is not permitted on Chippewa Lake. The use of boats without motors is permitted on Lost and Wauboose Lakes.

(4) Fishing in the Ottertall River at the bridge on County Road 26 is limited as posted by signs to approximately 50 yards upstream and approximately 100 yards downstream from the bridge.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through December 31, 1968.

NELIUS B. NELSON,
Refuge Manager, Tamarac National Wildlife Refuge, Rochert, Minn.

NOVEMBER 21, 1967.

[F.R. Doc. 67-13923; Filed, Nov. 28, 1967; 8:46 a.m.]

PART 33—SPORT FISHING

Tishomingo National Wildlife Refuge, Okla.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

OKLAHOMA

TISHOMINGO NATIONAL WILDLIFE REFUGE

Sport fishing on the Tishomingo National Wildlife Refuge, Tishomingo, Okla., is permitted only on the area designated by signs as open to fishing. These open areas, comprising 10,000 acres, are delineated on maps available at refuge headquarters, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following condition:

(1) The open seasons for sport fishing on the refuge extend from January 1, through December 31, 1968, inclusive, on the waters of Lake Texoma east of the north-south centerline of secs. 19, 30, and 31, T. 4 S., R. 7 E., and in Rock Creek, Polecat Creek, Bell Creek, Big Sandy Creek, Dick's Pond, and Goose Pen Pond; from April 1, through September 30, 1968, inclusive, for waters of Lake Texoma west of the north-south centerline of secs. 19, 30, and 31, T. 4 S., R. 7 E.; and from January 15, through September 30, 1968, inclusive, for all other refuge waters.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1968.

ERNEST S. JEMISON,
Refuge Manager, Tishomingo National Wildlife Refuge, Tishomingo, Okla.

OCTOBER 27, 1967.

[F.R. Doc. 67-13924; Filed, Nov. 28, 1967; 8:46 a.m.]

PART 33—SPORT FISHING

Wichita Mountains Wildlife Refuge, Okla.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

OKLAHOMA

WICHITA MOUNTAINS WILDLIFE REFUGE

Sport fishing on the Wichita Mountains Wildlife Refuge, Cache, Okla., is permitted from January 1, through December 31, 1968, inclusive, in all waters of that portion of the refuge open for recreational uses by the general public. These open waters, comprising 550 acres of lakes and one mile of intermittent stream, are delineated on maps available at refuge headquarters, Cache, Okla. 73527, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State reg-

ulations subject to the following special conditions:

(1) Fishing will be with closely attended pole and line only, including rod and reel. Trotlines, throw lines, and multiple set lines are not permitted.

(2) The use of outboard motors and boats is permitted only on Lake Elmer Thomas where the provisions of Part 28.10 of this title and those of the Oklahoma Boat and Water Safety Act, as amended, govern. The use of boats or other floating devices on all other refuge lakes is prohibited except the use of one-man inner tube type "fishing floaters"; inner tubes and similar safety floats commonly used by swimmers are not considered floating devices for purposes of this regulation.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1968.

JULIAN A. HOWARD,
Refuge Manager, Wichita Mountains Wildlife Refuge, Cache, Okla.

NOVEMBER 15, 1967.

[F.R. Doc. 67-13925; Filed, Nov. 28, 1967; 8:46 a.m.]

PART 33—SPORT FISHING

Horicon National Wildlife Refuge, Wis.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

WISCONSIN

HORICON NATIONAL WILDLIFE REFUGE

Sport fishing on the Horicon National Wildlife Refuge, Mayville, Wis., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 15 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from January 1, 1968, through February 29, 1968, inclusive.

(2) Permit is required to take carp for sale.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through February 29, 1968.

ROBERT G. PERSONIUS,
Refuge Manager, Horicon National Wildlife Refuge, Mayville, Wis.

NOVEMBER 18, 1967.

[F.R. Doc. 67-13926; Filed, Nov. 28, 1967; 8:46 a.m.]

Notices

DEPARTMENT OF DEFENSE

Department of the Army STATEMENT OF ORGANIZATION AND FUNCTIONS

Description of Central and Field Agencies

Section 3 of the Statement of Organization and Functions, appearing at 32 F.R. 13016-13028, September 13, 1967, is amended by revising paragraph (f), Military Traffic Management and Terminal Service, to read as follows:

Sec. 3. Major Army Field Commands. * * *

(f) *Military Traffic Management and Terminal Service*—(1) *Purpose*. This paragraph sets for the mission and principal functions of the Commander, Military Traffic Management and Terminal Service (MTMTS), and prescribes his command and staff relationships with higher and collateral echelons.

(2) *Authority*. (i) The Secretary of Defense has designated the Secretary of the Army as the Single Manager and has directed him to establish and organize as a jointly staffed major command of the Department of the Army, the Single Manager Operating Agency for military traffic, land transportation, and common-user ocean terminals (herein referred to as MTMTS).

(ii) The Secretary of the Army has been charged to designate, subject to the approval of the Secretary of Defense, a general officer as Executive Director for the Single Manager Operating Agency who shall have no other duties but to direct the operations of the agency. The Executive Director is also designated as the Commander, MTMTS.

(iii) MTMTS operations will be conducted within the United States, excluding Alaska and Hawaii, except for those assigned functions which require operations outside the continental United States.

(3) *Definitions*. To assure uniform interpretation of this paragraph, the definitions of terms set forth below and in AR 320-5 and JCS Pub 1 will apply.

(i) *Military Traffic Management and Terminal Service (MTMTS)*. The Single Manager Operating Agency for military traffic, land transportation, and common-user ocean terminals. The term MTMTS includes the headquarters, major subordinate commands, installations and activities, together with personnel assigned thereto, under the command of the Commander, MTMTS. MTMTS is a major command of the Department of the Army.

(ii) *Department of Defense components*. For the purpose of this paragraph, Department of Defense compo-

nents include the Office of the Secretary of Defense, the Organization of the Joint Chiefs of Staff, the unified and specified commands, the Military Departments, the Military Services, and the Defense agencies.

(iii) *Common-user ocean terminal*. A military installation or a commercial facility operated under contract or arrangement of MTMTS which regularly provides for two or more Services' terminal functions of receipt, transit storage or staging, processing and loading and unloading of passengers or cargo aboard ships.

(iv) *Military land transportation resources*. All military-owned transportation resources designated for common-user, over the ground, point-to-point use within the continental United States.

(v) *Military traffic*. Department of Defense personnel and materiel to be transported.

(vi) *Military traffic management*. The direction, control, and supervision of all functions incident to the effective and economical procurement and use of freight and passenger transportation service from commercial for-hire transportation companies (including rail, highway, air, inland waterway, coastwise, and intercoastal carriers). Reference to coastwise and intercoastal carriers is not intended to affect those responsibilities of ocean carrier functions assigned to the Military Sea Transportation Service but has reference to the traffic management authority necessary to determine the proper mode of shipment. Reference to air carriers is not intended to affect those responsibilities for procurement of commercial airlift services assigned to the Military Airlift Command.

(vii) *Passenger groups*. Passenger groups are usually composed of 10 or more travelers; however, this is subject to change based upon traffic management considerations.

(viii) *Release unit of cargo*. Release unit of cargo for surface shipment is usually 10,000 pounds; however, this is subject to change based upon traffic management considerations.

(ix) *Water Terminal Clearance Authority*. An activity designated by MTMTS or an oversea theater commander to control and monitor the flow of cargo into water terminals.

(x) *Traffic engineering*. The planning and design of streets and highways, together with abutting land, in connection with traffic operations thereon, as such uses are related to safe, convenient, and economic transportation of persons and things.

(xi) *Transportation engineering*. The science of evaluating the requirements for and planning the layout and functional aspects of transportation facilities; and of developing the most efficient relationships with respect to transporta-

tion equipment, transportation facilities, and traffic movement patterns so as to insure adequate, safe, and efficient movement by all modes of transportation.

(xii) *Transportability*. The capability of efficiently and effectively transporting an end item of military equipment, or component thereof, over railways, highways, waterways, oceans and airways, either by carrier, towing, or self-propulsion.

(4) *Mission and general responsibilities*. The Commander, MTMTS will—

(i) Within the mission of MTMTS, provide transportation planning support to the Organization of the Joint Chiefs of Staff, the unified and specified commands, the Military Services, and the Department of Defense agencies in support of the plans of the Joint Chiefs of Staff and other military operations as required.

(ii) Provide traffic management and common-user and commercial ocean terminal support for assigned functions and responsibilities to the Department of Defense components as required.

(iii) Develop, establish, and operate an integrated transportation information data system to support the mission of the agency.

(iv) Develop plans to assure the efficient use and control of military-owned and commercial continental U.S. land transportation resources and capabilities made available to the Department of Defense under mobilization or other emergency conditions.

(v) Receive, consolidate, and analyze total oversea passenger and cargo requirements from the Department of Defense components to determine continental U.S. transportation and terminal capability needed to satisfy the requirements. Advise the Organization of the Joint Chiefs of Staff, and other appropriate Department of Defense components, of insufficient continental U.S. transportation and continental U.S. ocean terminal capabilities with recommendations to the Organization of the Joint Chiefs of Staff for appropriate actions when requirements exceed capabilities.

(vi) Provide for diversions of passenger groups or release unit cargo within continental United States between modes of transportation, to a continental U.S. port of embarkation other than that originally intended, or to intransit storage in the case of cargo. However, no diversion is to be made without the concurrence of the shipper service or shipper agency.

(vii) In cooperation with Military Airlift Command and Military Sea Transportation Service perform analytical studies of all oversea outbound passenger travel patterns within continental United States and make appropriate recommendations to the Secretary of Defense

through the Joint Chiefs of Staff regarding improvements in passenger traffic management and relationship between continental United States and oversea movement.

(viii) Develop, in coordination with the Department of Defense components, joint regulations regarding preparation of air and ocean passengers for oversea travel. Based upon the feedback of information from ocean terminals and Military Airlift Command, provide information and advice to the appropriate Department of Defense components as to problems encountered at aerial and ocean ports of embarkation which prevent passengers from being processed for oversea travel.

(ix) Control the use of and, as directed by the Secretary of Defense, operate military-owned continental U.S. land transportation resources required to supplement the capability of commercial transportation carriers when the land transportation resources of commercial transportation carriers operating within the continental United States are inadequate to meet military requirements.

(x) Command oversea Army terminal units providing terminal service in oversea areas in support of the Department of the Air Force and other agencies as assigned.

(xi) Provide worldwide traffic management for the Department of Defense Household Goods Moving and Storage Program. Develop uniform Department of Defense regulations governing all traffic management and related aspects of the Department of Defense household goods moving and storage program so as not to require further implementation by separate military service regulations.

(xii) Command and operate, or arrange for the operation of, holding and reconignment points and other intransit control activities or installations when required for en route shipments of cargo within the continental United States.

(xiii) Command and operate common-user military ocean terminals assigned to MTMTS by the Secretary of Defense, providing such fleet support requirements to the Navy as are required by the Department of the Navy and delineated in applicable cross-servicing agreements. (Assignments of command and operation of ocean terminals to either Navy or MTMTS will be based upon the concept that the entire terminal operations at any one installation will be conducted by only one Department of Defense activity.)

(xiv) Arrange for the utilization of common-user military ocean terminals operated by any Military Service on a reimbursable basis. The Navy may operate common-user ocean terminals at designated tidewater installations for manifested Department of Defense cargo in accordance with interservice support agreement between MTMTS and the Navy. This function may include responsibility for all manifested Department of Defense cargo moving through the entire port complex, if in accord-

ance with the interservice support agreement in effect between MTMTS and the Navy.

(xv) Arrange for the operation or use of commercial ocean terminals within the continental United States for the shipment of military manifested cargo.

(xvi) Control and direct the operations of military-owned railway rolling stock registered for interchange service other than that permanently assigned to intrabase or intraplant operations, to include supply accountability and maintenance of the Defense Freight Railway Interchange Fleet.

(xvii) In coordination with affected Department of Defense components establish the size of passenger groups and release unit cargo.

(xviii) Prescribe, under guidance of the Joint Chiefs of Staff, the methods and format for use by the Military Services and other Department of Defense components to develop and forecast their continental U.S. transportation requirements by mode or modes (including the assumptions and computations on which they are based), which will assure responsiveness to their individual logistic systems, and evaluate and question, where necessary, the validity of the requirements specified.

(xix) Develop and improve the small shipment consolidation programs and develop and improve the loss and damage prevention program.

(xx) Administer the Department of Defense activities pertaining to Highways for National Defense, executing the transportation oriented aspects of the Department of Defense Engineering for Transportability Program assigned to Department of the Army; provide transportation engineering services for the Army, including those pertaining to access roads, highway system needs, special defense utilization of public highways, traffic engineering, transportability criteria and guidance, safety during transportation, and transportability economic analysis; and command the U.S. Army Transportation Engineering Agency, Fort Eustis, Va.

(xxi) Plan, program, and execute measures to modernize and improve military traffic, land transportation, and common-user ocean terminal operations as necessary to provide an effective and efficient continental U.S. complement to improved strategic mobility systems and military wholesale logistic systems.

(xxii) Perform the additional specific functions outlined in subparagraph (5) of this paragraph.

(5) *Specific functions.* The specific functions and responsibilities of the Commander, MTMTS with respect to the various type movement operations are as follows:

(1) *Commercial Freight and Passenger Traffic Movement between continental U.S. Points.* The Commander, MTMTS will—

(a) Provide traffic management for freight movements for all components of the Department of Defense (except common-user transportation service procured by Military Airlift Command

under its Single Manager operating authority).

(b) Advise and assist, by provision of adequate cost, rate, and traffic data services:

(1) Procurement agencies in developing the most economical sources of supply;

(2) Production activities in programming the processing of raw materials and semifinished and finished products through Government-operated facilities;

(3) Distribution agencies in programming the position of stocks;

(4) Site selection authorities in evaluating transportation considerations in the selection of sites for plants and facilities;

(5) Fiscal agencies in the development and improvement of cost data techniques;

(6) Appropriate agencies as to the effect of packing and packaging costs on transportation and distribution costs and the utilization of transportation equipment.

(c) Determine or establish proper freight classification and freight and passenger rates, fares, charges, rules, and regulations for Department of Defense traffic.

(d) Negotiate, as necessary, with for-hire commercial carriers of cargo or passengers or their rate-making agencies, for the classification, rates, fares, charges, rules and regulations to carry out the functions assigned in (c) above; and negotiate for through-bill-of-lading service with all commercial carriers except air and ocean carriers which are under the cognizance of Military Airlift Command and Military Sea Transportation Service. Overall evaluation of quality of service rendered by contract air carriers and manner of use of contract service, in light of initial justifying requirements, is a function of MTMTS.

(e) Administer the transit management program.

(f) Maintain surveillance of reissued freight and passenger tariffs and of tariff supplements to determine changes made which would affect the cost of moving or the routing of military traffic.

(g) Review all for-hire commercial carrier (freight and passenger) dockets and other proposals to determine the extent to which military traffic would be affected and the action required. (This includes, in addition to dockets and proposals issued by the Interstate Commerce Commission, dockets and notices issued by the Civil Aeronautics Board and the Federal Aviation Administration on rate and service matters involving movements between points in continental United States, for determination of Department of Defense interests, and recommendations to the Assistant Secretary of Defense (Installations and Logistics) on issues to be presented before these agencies.)

(h) Recommend to The Judge Advocate General, Department of the Army, actions concerning Department of Defense litigation in the transportation and traffic management areas necessary to protect or promote the interests of the Department of Defense.

(i) Plan, develop, and monitor the Freight Classification Guide System.

(j) Develop and maintain current transportation cost and statistical data necessary to facilitate efficient and effective performance of the functions assigned in subparagraph (4) (iii) through (ix) of this paragraph.

(k) Maintain tariff files.

(l) Obtain and quote rates.

(m) Determine the transportation mode and type of service required to move freight in release unit lots.

(n) Arrange with carriers for the transportation required for the movement of passenger groups and release unit cargo (except common-user transportation service procured by Military Airlift Command under its Single Manager operating authority).

(o) Route traffic or prescribe rules, regulations, and criteria for the guidance of those assigned routing responsibilities.

(p) In coordination with affected Department of Defense components, prescribe regulations and disseminate technical instructions on the issuance and completion of transportation documentation (e.g., bills of lading and transportation requests).

(q) In coordination with affected Department of Defense components, develop and improve procedures for facilitating and assuring control and expeditious movement of traffic within continental United States (except common-user transportation service procured by Military Airlift Command under its Single Manager operating authority).

(r) In coordination with affected Department of Defense components, develop and maintain uniform procedures, regulations, forms and other documents for the movement of traffic within continental United States (except common-user transportation service procured by Military Airlift Command under its Single Manager operating authority).

(s) In coordination with affected Department of Defense components, develop and maintain procedures, regulations, systems, forms, and other documents for monitoring en route traffic within continental United States (except common-user transportation service which is procured by Military Airlift Command under its Single Manager operating authority).

(t) Advise, as required, affected Department of Defense components with respect to status of en route traffic within the continental United States.

(u) Based on evaluated requirements submitted by the Department of Defense components, prepare long and short range forecasts of continental U.S. transportation and ocean terminals' requirements and match them with capabilities of continental U.S. transportation and ocean terminals. In accordance with procedures established by the Organization of the Joint Chiefs of Staff, submit requirements and capabilities to the Organization of the Joint Chiefs of Staff

together with recommendations, as appropriate, to assure a proper balance.

(v) In coordination with other affected Department of Defense components, establish specific cargo movement procedures to be followed by the Department of Defense components in requesting routing and release of cargo for movement within the continental United States.

(w) In coordination with other affected Department of Defense components, establish specific movement procedures for passenger groups and units for movement within continental United States.

(x) Arrange for and manage the flow of passenger groups and units and cargo from point of origin to point of destination within the continental United States. This responsibility excludes cargo movements made on airlift services procured by Military Airlift Command. Unit moves within continental United States under the auspices of a unified or specified command will be arranged in accordance with instructions of that command.

(y) Perform analytical studies of all passenger travel patterns of domestic movements within the continental United States and make appropriate recommendations to the Secretary of Defense regarding improvements in passenger traffic management.

(z) Maintain cognizance of, and take appropriate action on, problems of commercial leave travel of military personnel within continental United States.

(ii) *Continental U.S. outbound air passenger traffic (other than Joint Chiefs of Staff-directed deployments or training exercises)*. The Commander, MTMTS will—

(a) Based on space assignments made by Military Airlift Command, receive specific reservation requests from the Army, and receive copies of reservation confirmations from Military Airlift Command for all overseas passengers and port call Army passengers.

(b) Receive requests from the Military Services and other Department of Defense components for desired departure dates and required arrival dates at aerial ports of embarkation of passenger group moves, and plan, program and manage the flow of continental U.S. originated passenger groups to appropriate air terminals.

(c) Make necessary arrangements, in accordance with Organization of the Joint Chiefs of Staff procedures for air or land transportation of units between inland continental U.S. points and the aerial ports of embarkation, and advise the Military Services and other Department of Defense components of the transportation mode, the particular carrier within a mode, or the particular charter to be used, as appropriate, as well as the time and place from which the continental U.S. portion of the travel will originate.

(d) Participate with Military Airlift Command in the selection of routes for

commercial service other than chartered flights.

(iii) *Continental U.S. outbound ocean passenger traffic (other than Joint Chiefs of Staff-directed deployment or training exercises)*. The Commander, MTMTS will—

(a) Based upon space assignments made by Military Sea Transportation Service, receive specific reservation requests from the Army and Air Force and copies of reservation requests from the Navy and Marine Corps.

(b) Advise Military Sea Transportation Service of Army and Air Force passenger identifications. Port call Army and Air Force passengers.

(c) Provide temporary accommodations of ocean passengers when passenger arrivals at ocean terminals do not coincide with ship availability.

(d) Receive requests from the Military Services and other Department of Defense components for desired departure dates and required arrival dates at ocean ports of embarkation of passenger group moves and plan, program, and manage the flow of continental U.S. originated passenger groups to and through appropriate ocean terminals.

(e) Make necessary arrangements, in accordance with Organization of the Joint Chiefs of Staff procedures for air or land transportation of units between inland continental U.S. points and the ocean terminals, and advise the Military Services and other Department of Defense components of the transportation mode, the particular carrier within a mode, or the particular charter to be used, as appropriate, as well as the time and place from which the continental U.S. portion of the travel will originate.

(f) Provide or arrange for, with respect to passengers at ocean terminals, information and services as required or requested.

(iv) *Continental U.S. movement of outbound air cargo (other than Joint Chiefs of Staff-directed deployment or training exercises)*. The Commander, MTMTS will—

(a) Select the continental U.S. mode of transportation for release unit shipments that will be responsive to the priority and the delivery date that the Department of Defense component has established. The use of either air or surface movement from continental United States to overseas may be questioned by MTMTS.

(b) Provide for diversion of outbound air cargo within continental United States between transportation modes, to intransit storage, or to a continental U.S. port of embarkation other than that originally intended. However, no diversion is to be made without concurrence of the shipper Service or shipper agency. When cargo cannot be cleared for movement to an aerial port of embarkation, provide timely advice to the shipper as prescribed by military standard transportation and movement procedures.

(c) Acting as the point of contact between the sponsoring agency and the airlift system, perform the following Airlift Clearance Authority functions as

prescribed by Military standard transportation and movement procedures:

(1) Control the movement of air eligible cargo into the airlift system.

(2) Arrange for diversion of cargo as conditions require in coordination with the shipper Service. However, no diversion is to be made without the concurrence of the shipper Service or agency affected.

(3) Initiate necessary corrective action with the shipper Service on discrepancies in documentation and shipment identification.

(4) Furnish the terminal operator with an advance Transportation Control and Movement Document for each shipment unit prior to shipment arrival.

(5) Monitor retrograde cargo requiring onward movement from the aerial port of debarkation to assure shipment to the ultimate consignee.

(6) Respond to requests for movement information, expediting services (including expedited handling shipments—RDD Code "999"), and tracer action.

(7) Coordinate the movement of classified and/or courier materiel. When classified materiel is diverted to surface transportation, the Airlift Clearance Authority will insure that the shipment is properly coded and documented.

(d) Operate Military Air Traffic Coordinating Offices at the continental U.S. aerial ports of embarkation to perform on behalf of all shipper Services and agencies those Airlift Clearance Authority functions requiring physical presence at the air terminals. Each Military Air Traffic Coordinating Office will be jointly staffed. In addition, shipper Services or agencies may have logistic officers at the continental U.S. aerial ports of embarkation to take necessary corrective action on cargo packaging, to advise the Military Air Traffic Coordinating Offices with respect to diversions, to identify to Military Airlift Command or Military Air Traffic Coordinating Offices, as appropriate, materiel which should be moved promptly to meet specific service requirements, and to inspect their service shipments received directly from vendors. However, these representatives will not perform Military Air Traffic Coordinating Offices Air Clearance Authority functions; conversely, Military Air Traffic Coordinating Offices will not perform functions assigned to the Service Logistic Officer unless requested to do so by the shipper Service or agency concerned. Similarly, the Military Air Traffic Coordinating Offices will not duplicate the responsibilities of Military Airlift Command for air terminal operations, nor will Military Airlift Command duplicate the airlift clearance functions of MTMTS within the United States.

(v) *Continental U.S. movement of outbound ocean cargo (other than Joint Chiefs of Staff-directed deployment or training exercises).* The Commander, MTMTS will—

(a) Select the continental U.S. mode of transportation for release unit shipment that will be responsive to the priority and the delivery date that the

Department of Defense components has established. The use of either air or surface movements from continental United States to overseas may be questioned by MTMTS.

(b) Provide for diversion of outbound ocean cargo within continental United States between transportation modes, to intransit storage, or to a continental U.S. port of embarkation other than that originally intended. However, no diversion is to be made without concurrence of the shipper service or shipper agency. When cargo cannot be cleared for movement to an ocean port of embarkation, provide timely advice to the shipper as prescribed by Military standard transportation and movement procedures.

(c) Provide traffic management and terminal service incident to the continental U.S. movement of Department of Defense-sponsored freight/cargo through common-user military and commercial ocean terminals, to include routing via the inland carrier, releasing and control of the input and flow into the terminal, and processing through the ocean terminal. MTMTS services will be in accordance with the program and operational requirements of the Department of Defense components. The foregoing does not modify Navy responsibilities for control over movements within the tidewater installation of fleet support cargo to be lifted via fleet ships.

(d) Control the flow of Department of Defense-sponsored traffic into ocean terminal facilities through the offering, acceptance, and release procedures.

(e) Make cost evaluations, ascertain port-handling capability, select port, offer cargo for booking by Military Sea Transportation Service, call cargo forward to designated terminal facilities, provide terminal operator(s) with shipment data, and issue appropriate export release with due dates, rate, route, and tariff or tender information.

(f) Operate designated common-user ocean terminals. This function includes responsibility for all manifested Department of Defense cargo moving through the entire port complex and for any fleet support requirements set forth in cross-servicing agreements in effect between MTMTS and the Navy.

(g) Establish and command outport detachments or other subordinate activities, as required; or through cross-servicing agreements or contracts, execute MTMTS terminal service operations incident to the transshipment of Department of Defense cargo through commercial ocean facilities.

(h) For release-unit freight, determine specific inland mode and carrier, and ocean terminal based on lowest landed cost within priority and delivery data limitations and operational requirements established by the appropriate Department of Defense components.

(i) Provide or arrange for terminal service to include receipt, transit storage and marshaling of cargo, loading and discharge of ships, and preparation of required documents.

(j) Supervise, direct, and control operations, staffing, and physical plant of assigned terminal facilities and activities.

(k) Offer cargo to Military Sea Transportation Service for booking and accept satisfactory bookings, provide traffic information essential to Military Sea Transportation Service in regard to booking of Department of Defense-sponsored manifested export cargo.

(l) Provide movement information, tonnage on hand awaiting lift, and expediting services and tracer action for the Department of Defense components as required.

(m) Provide or arrange for reoperating, repacking, and marking service as required for cargo in transit and report discrepancies to Department of Defense components for future correction.

(n) Correct, or provide for correction of, and report discrepancies to applicable Department of Defense components in documentation and Technical Order violations, to include preparation of mechanized Transportation Control and Movement Documents when required.

(o) Arrange for shipment of retrograde cargo requiring onward movement from ocean terminals to inland points.

(p) Furnish each Department of Defense component copies of required documents covering all of their sponsored export cargo moved via Military Sea Transportation Service.

(q) Perform the Water Terminal Clearance Authority functions as prescribed by military standard transportation and movement procedures.

(r) Develop and maintain a terminal selection guide for use by continental U.S. shipping activities in routing less than release unit shipments to continental U.S. ports of embarkation in accordance with military standard transportation and movement procedures requirements.

(vi) Overseas Joint Chiefs of Staff-directed deployment and training exercise. The Commander, MTMTS will—

(a) Participate in the planning cycle as it affects the mission of MTMTS.

(b) Prepare and submit continental U.S. transportation plans to Joint Chiefs of Staff in support of Joint Chiefs of Staff deployments and training exercises.

(6) *Command and staff relationships.* The Commander, MTMTS is responsible to the Secretary of the Army through channels prescribed by the Secretary.

(i) Operationally, for traffic management, transportation, and ocean terminal matters, the Commander, MTMTS is under the general direction and supervision of and is directly responsible to the Assistant Secretary of the Army (Installations and Logistics) by delegation of the Secretary of the Army. The Commander, MTMTS is authorized to communicate directly with the Assistant Secretary of the Army (Installation and Logistics) except on matters involving U.S. Army military operations and MTMTS financial, manpower, and logistic resources.

(ii) In connection with matters outside the scope of his traffic management, transportation, and ocean terminal authorities and responsibilities, the Commander, MTMTS is directly responsible to the Chief of Staff, U.S. Army. Directives, authorities, policy, planning and

programming guidance, approved programs, and allocations involving U.S. Army military operations and MTMTS financial, manpower, and logistic resources are issued to the Commander, MTMTS by the Chief of Staff, U.S. Army through normal Army command and administrative channels.

(7) *Other relationships.* (i) As a major Army command, MTMTS will be operated as an integral part of the Department of the Army, and will be administered in accordance with its rules, regulations, and directives. The Commander, MTMTS will accomplish his responsibility through the issuance of regulations, procedures, technical staff assistance visits to military installations and activities, accumulation and analysis of data, traffic management and transportation research, and other similar means. Joint regulations and amendments thereto will be coordinated with the military departments in accordance with applicable Department of Defense directives and instructions.

(ii) As traffic and terminal service manager for Department of Defense, the Commander, MTMTS is authorized to communicate and coordinate on traffic management, transportation and terminal operations and related matters directly with all components of Department of Defense and with other departments and agencies of Government.

(iii) MTMTS will be jointly staffed in accordance with a Joint Table of Distribution developed by the Secretary of the Army in coordination with the Secretaries of the Navy and Air Force and approved by the Secretary of Defense. The Joint Table of Distribution is subject to adjustment by the Chief of Staff, U.S. Army, within the authority and limitations delegated by the Secretary of Defense to the Secretary of the Army.

For the Adjutant General.

J. W. HURD,

Colonel, AGC, Comptroller, TAGO.

[F.R. Doc. 67-13910; Filed, Nov. 28, 1967; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Gallup Area Office Redlegation Order 2]

GALLUP AREA OFFICE

Redelegation of Authority; Revocation

NOVEMBER 21, 1967.

Gallup Area Office Redlegation Order 2 (19 F.R. 8675) as amended (20 F.R. 2894, 3941, 8780; 21 F.R. 5848, 6286; 22 F.R. 8829; 23 F.R. 6841; 24 F.R. 683, 1319, 8467, 9402; 25 F.R. 10036; 26 F.R. 8468; 28 F.R. 1349), having been superseded by Albuquerque Area Office Redlegation Order 1 (32 F.R. 15764) and Navajo Area Office Redlegation Order 1 (32 F.R. 15765), is revoked.

T. W. TAYLOR,
Deputy Commissioner.

[F.R. Doc. 67-13928; Filed, Nov. 28, 1967; 8:46 a.m.]

[Albuquerque Area Redlegation Order 1]

ASSISTANT AREA DIRECTORS ET AL, ALBUQUERQUE AREA

Redelegations of Authority; Correction

NOVEMBER 21, 1967.

F.R. Doc. 67-13459, published at pages 15764 and 15765 in the issued dated November 16, 1967, is corrected by changing the date "May 27, 1966," appearing in the seventh line of sec. 2.353, to read "May 27, 1955."

T. W. TAYLOR,
Deputy Commissioner.

[F.R. Doc. 67-13927; Filed, Nov. 28, 1967; 8:46 a.m.]

Bureau of Land Management

[Group No. 491]

ARIZONA

Notice of Filing of Plat of Survey

NOVEMBER 20, 1967.

1. Plat of survey of the land described below will be officially filed in the Land Office, Phoenix, Ariz., effective at 10 a.m., December 26, 1967;

GILA AND SALT RIVER MERIDIAN

T. 38 N., R. 17 E.,
Tracts 37 and 38.

The areas described aggregate 400 acres of land included in the Navajo Indian Reservation.

The plat represents a retracement and reestablishment of Tract 37 (160.00 acres) (Betatakin Section Navajo National Monument), designed to restore the corners in their true original positions according to the best available evidence, and a survey of Tract 38 (240 acres).

2. The lands in Tract 37 vary from nearly level to vertical cliffs with scattered timber with rock outcroppings and undergrowth.

3. The lands in Tract 38 vary from gently sloping to vertical cliffs and deep canyons with timber and dense undergrowth.

4. The lands are within the exterior limits of the Navajo Indian Reservation as withdrawn by Executive order of May 17, 1884. This order withdrew lands from sale and settlement, setting them apart as a reservation for Indian purposes; excepting lands settled upon or occupied or to which valid rights had attached under existing laws of the United States prior to date of the order.

Since the lands are withdrawn from the Navajo Indian Reservation, they will not be subject to disposition under the General Public Land Laws by reason of the official filing of the plat.

GLENDON E. COLLINS,
Manager.

[F.R. Doc. 67-13932; Filed, Nov. 28, 1967; 8:47 a.m.]

[C-2359]

COLORADO

Notice of Classification of Public Lands for Multiple Use Management

NOVEMBER 22, 1967.

F.R. Doc. 67-11869 appearing at pages 13986 and 13987 of the issue for Saturday, October 7, 1967, is hereby amended to include the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

DOLORES AND MONTEZUMA COUNTIES

T. 39 N., R. 19 W.,
Secs. 18 and 19.

E. I. ROWLAND,
State Director.

[F.R. Doc. 67-13958; Filed, Nov. 28, 1967; 8:49 a.m.]

[Montana 5155]

MONTANA

Order Providing for Opening of Public Lands

NOVEMBER 20, 1967.

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 June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g), the following lands have been reconveyed to the United States:

PRINCIPAL MERIDIAN, MONTANA

T. 9 N., R. 38 E.,
Sec. 26, all;
Sec. 27, all.

T. 10 N., R. 38 E.,

Sec. 1, lots 1, 2, 3, and 4, $S\frac{1}{2}N\frac{1}{2}$, and $S\frac{1}{2}$.

T. 11 N., R. 38 E.,

Sec. 25, all;

Sec. 35, all.

T. 10 N., R. 39 E.,

Sec. 5, lots 1, 2, 3, and 4, $S\frac{1}{2}N\frac{1}{2}$, and $S\frac{1}{2}$;
Sec. 8, $N\frac{1}{2}N\frac{1}{2}$, $SE\frac{1}{4}NW\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$,
 $SW\frac{1}{4}NE\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$, and $S\frac{1}{2}S\frac{1}{2}$;

Sec. 17, all.

T. 11 N., R. 39 E.,

Sec. 29, all;

Sec. 31, lots 1, 2, 3, and 4, $E\frac{1}{2}W\frac{1}{2}$, and $E\frac{1}{2}$;

Sec. 33, all.

T. 8 N., R. 40 E.,

Sec. 17, $S\frac{1}{2}$.

The area described contains 7,195.24 acres.

2. The above-described lands are located in Rosebud County, 25 air miles north of Forsyth, Mont. The lands are rolling to rough with a thin forage cover and a poorly developed unfertile soil which produces a heavy runoff. The lands have a high wildlife value. Acquisition of these lands blocked a large area of public domain which will beneficially augment the Bureau's natural resource program in that it will provide control of an area where land treatment practices are needed, provide control of wildlife habitat, and further provide a large public hunting area.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby restored to the public domain status and are open to application, petition, location and selection. All valid applications received at or prior

to 10 a.m., December 26, 1967, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing.

4. The mineral rights in the lands were not exchanged. Therefore, the mineral status of the lands are not affected by this order.

5. Inquiries concerning the lands should be addressed to the Land Office Manager, Bureau of Land Management, Billings, Mont. 59101.

EUGENE H. NEWELL,
Land Office Manager.

[F.R. Doc. 67-13933; Filed, Nov. 28, 1967;
8:47 a.m.]

[New Mexico 3756]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 22, 1967.

The Forest Service, U.S. Department of Agriculture has filed application, Serial No. New Mexico 3756 for the withdrawal of lands described below. The lands were conveyed to the United States pursuant to section 8 of the Taylor Grazing Act. They lie within the exterior boundaries of the Cibola National Forest. They have not been open to entry under the public land laws. The applicant desires the lands for the addition to, and the consolidation with national forest lands to permit more efficient administration thereof in the conservation of national resources.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Chief, Division of Lands and Minerals, Program Management and Land Office, Post Office Box 1449, Santa Fe, N. Mex. 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

- T. 4 N., R. 5 E.,
Sec. 10, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 11, E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 12, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;
NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, and
W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 13, NE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$,
N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 14, E $\frac{1}{2}$ NE $\frac{1}{4}$.
T. 11 N., R. 15 W.,
Sec. 7, lots 1, 2, NE $\frac{1}{4}$, and E $\frac{1}{2}$ NW $\frac{1}{4}$;
and SE $\frac{1}{4}$;
Sec. 7, lots 1, 2, NE $\frac{1}{4}$, and E $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 8, N $\frac{1}{2}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 11 N., R. 16 W.,
Sec. 1, lots 1, 2, 3, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$,
and SE $\frac{1}{4}$;
Sec. 2, lots 1 and 2;
Sec. 3, lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$;
Sec. 9;
Sec. 14, W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$,
and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Secs. 15, 21, 23, and 27.

The areas described aggregate 6,715.46 acres.

MICHAEL T. SOLAN,
Chief, Division of Lands and
Minerals, Program Manage-
ment and Land Office.

[F.R. Doc. 67-13934; Filed, Nov. 28, 1967;
8:47 a.m.]

[New Mexico 3863]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 22, 1967.

The Forest Service, U.S. Department of Agriculture has filed application, Serial No. New Mexico 3863 for the withdrawal of lands described below. The lands were conveyed to the United States pursuant to section 8 of the Taylor Grazing Act. They lie within the exterior boundaries of the Carson National Forest. They have not been open to entry under the public land laws. The applicant desires the lands for the addition to, and the consolidation with national forest lands to permit more efficient administration thereof in the conservation of national resources.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Chief, Division of Lands and Minerals, Program Management and Land Office, Post Office Box 1449, Santa Fe, N. Mex. 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency

with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

- T. 26 N., R. 10 E.,
Sec. 6, lots 1, 2, and S $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 23, N $\frac{1}{2}$.
T. 27 N., R. 10 E.,
Sec. 31, SE $\frac{1}{4}$.

The areas described aggregate 637.05 acres.

MICHAEL T. SOLAN,
Chief, Division of Lands and
Minerals, Program Manage-
ment and Land Office.

[F.R. Doc. 67-13935; Filed, Nov. 28, 1967;
8:47 a.m.]

[OR 1630]

OREGON

Notice of Termination of Proposed Classification of Public Lands

NOVEMBER 22, 1967.

Notice of a proposed classification of public lands for multiple-use management was published as F.R. Doc. 67-5185 on page 7095 of the issue for May 10, 1967. The proposed classification has been canceled insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR 2411.2(e) (2) (ii), such lands will be at 10 a.m. on December 28, 1967, relieved of any segregative effect the above-mentioned proposed classification may have had.

The lands involved in this notice of termination are:

WILLAMETTE MERIDIAN

- T. 23 S., R. 16 E.,
Sec. 2, NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$
SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 24 S., R. 14 E.,
Sec. 2, W $\frac{1}{2}$;
Sec. 10, N $\frac{1}{2}$.
T. 25 S., R. 13 E.,
Sec. 9, W $\frac{1}{2}$;
Sec. 17, N $\frac{1}{2}$ and SW $\frac{1}{4}$;
Sec. 20, W $\frac{1}{2}$;
Sec. 29, NW $\frac{1}{4}$.
T. 27 S., R. 13 E.,
Sec. 21;
Sec. 22, W $\frac{1}{2}$;
Sec. 27, W $\frac{1}{2}$.

T. 29 S., R. 13 E.,
 Sec. 14, SW $\frac{1}{4}$;
 Sec. 15, S $\frac{1}{2}$;
 Sec. 16, S $\frac{1}{2}$;
 Sec. 18, W $\frac{1}{2}$;
 T. 29 S., R. 14 E.,
 Sec. 13, S $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
 Sec. 14;
 Sec. 15, SW $\frac{1}{4}$;
 Sec. 16, S $\frac{1}{2}$;
 Sec. 17, S $\frac{1}{2}$;
 Sec. 18, S $\frac{1}{2}$;
 T. 29 S., R. 15 E.,
 Sec. 18, SW $\frac{1}{4}$;
 T. 29 S., R. 16 E.,
 Secs. 31 to 34, inclusive;
 Sec. 35, SW $\frac{1}{4}$;
 T. 30 S., R. 16 E.,
 Sec. 2, W $\frac{1}{2}$;
 Sec. 11, W $\frac{1}{2}$;
 Sec. 14, W $\frac{1}{2}$;
 T. 33 S., R. 17 E.,
 Sec. 17, W $\frac{1}{2}$;
 Sec. 23, S $\frac{1}{2}$;
 Sec. 24, S $\frac{1}{2}$;
 T. 33 S., R. 26 E.,
 Sec. 25, S $\frac{1}{2}$;
 Sec. 35, S $\frac{1}{2}$;
 T. 34 S., R. 26 E.,
 Sec. 10, E $\frac{1}{2}$;
 Sec. 16, E $\frac{1}{2}$;
 Sec. 20, E $\frac{1}{2}$;
 Sec. 31;
 T. 35 S., R. 19 E.,
 Sec. 6, W $\frac{1}{2}$;
 Sec. 17, W $\frac{1}{2}$;
 Secs. 20 and 21;
 Sec. 27, W $\frac{1}{2}$;
 Sec. 34, W $\frac{1}{2}$, and SE $\frac{1}{4}$;
 T. 35 S., R. 25 E.,
 Sec. 1, E $\frac{1}{2}$;
 Sec. 20, E $\frac{1}{2}$;
 Sec. 29, E $\frac{1}{2}$;
 Sec. 32, E $\frac{1}{2}$;
 T. 37 S., R. 22 E.,
 Sec. 21, W $\frac{1}{2}$, and SE $\frac{1}{4}$;
 T. 38 S., R. 22 E.,
 Sec. 15, N $\frac{1}{2}$, and SW $\frac{1}{4}$;
 Sec. 29, W $\frac{1}{2}$;
 T. 40 S., R. 22 E.,
 Sec. 5, W $\frac{1}{2}$;
 Sec. 8, NW $\frac{1}{4}$;
 Sec. 17, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 20, W $\frac{1}{2}$.

IRVING W. ANDERSON,
 Acting State Director.

[P.R. Doc. 67-13936; Filed, Nov. 28, 1967;
 8:47 a.m.]

[OR 1630]

OREGON

Notice of Classification of Public Lands for Multiple-Use Management

NOVEMBER 22, 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 in paragraph 3, together with any lands therein that may become public lands in the future, are hereby classified for multiple-use management. Publication of this notice has the effect of segregating the lands described in paragraph 3 from appropriation only under the agricultural land laws (43 U.S.C., Chs. 7 and 9; 25 U.S.C., sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the lands shall remain open to all other ap-

plicable 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 adverse comments were received following publication of the notice of proposed classification (32 F.R. 7095 of May 10, 1967), or at the public hearing at Lakeview, Oreg., which was held on June 15, 1967. Therefore, no changes have been made in the list of lands included in this classification, except that the May 10, 1967, notice of proposed classification (32 F.R. 7095) contained in error certain lands which are already included in the Deschutes and Fremont National Forests, and in the withdrawal for the Hart Mountain National Antelope Refuge. These lands are not included in this notice, but are listed in a separate notice of termination. The record showing the comments received and other information is on file and can be examined in the Lakeview District Office, Lakeview, Oreg., and the Land Office, Bureau of Land Management, 729 Northeast Oregon Street, Portland, Oreg.

3. As provided in paragraph 1 above, the public lands affected by this classification are located within the following described areas and are shown on a map designated "OR 1630, 2411.2:36-010, April 1967" on file in the Lakeview District Office, Bureau of Land Management, Lakeview, Oreg., and the Land Office, Bureau of Land Management, 729 Northeast Oregon Street, Portland, Oreg. The description of the area is as follows:

WILLAMETTE MERIDIAN LAKE COUNTY

T. 23 S., R. 15 E.,
 Secs. 33 and 34.
 T. 23 S., R. 16 E.,
 Sec. 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ sec. 2, secs. 11 to 14, inclusive, secs. 23 to 27, inclusive, and secs. 34 to 36, inclusive.
 T. 23 S., R. 17 E.,
 Secs. 1 to 36, inclusive.
 T. 23 S., R. 18 E.,
 Secs. 1 to 36, inclusive.
 T. 23 S., R. 19 E.,
 Secs. 1 to 36, inclusive.
 T. 23 S., R. 20 E.,
 Secs. 1 to 36, inclusive.
 T. 23 S., R. 21 E.,
 Secs. 7, 18, and 19, and secs. 26 to 36, inclusive.
 T. 23 S., R. 23 E.,
 Secs. 21 to 28, inclusive, and secs. 33 to 36, inclusive.
 T. 24 S., R. 13 E.,
 Secs. 35 and 36.
 T. 24 S., R. 14 E.,
 Sec. 1, E $\frac{1}{2}$ sec. 2, S $\frac{1}{2}$ sec. 10, secs. 11 to 16, inclusive, and secs. 20 to 36, inclusive.
 T. 24 S., R. 15 E.,
 Secs. 1 to 36, inclusive.
 T. 24 S., R. 16 E.,
 Secs. 1 to 36, inclusive.
 T. 24 S., R. 17 E.,
 Secs. 1 to 36, inclusive.
 T. 24 S., R. 18 E.,
 Secs. 1 to 30, inclusive, and secs. 35 and 36.

T. 24 S., R. 19 E.,
 Secs. 1 to 36, inclusive.
 T. 24 S., R. 20 E.,
 Secs. 1 to 36, inclusive.
 T. 24 S., R. 21 E.,
 Secs. 3 to 10, inclusive, and secs. 15 to 36, inclusive.
 T. 24 S., R. 22 E.,
 Secs. 30 and 31.
 T. 24 S., R. 23 E.,
 Secs. 1 to 4, inclusive, secs. 9 to 16, inclusive, secs. 21 to 28, inclusive, and secs. 33 to 36, inclusive.
 T. 25 S., R. 13 E.,
 Secs. 1 to 3, inclusive, E $\frac{1}{2}$ sec. 9, secs. 10 to 16, inclusive, SE $\frac{1}{4}$ sec. 17, E $\frac{1}{2}$ sec. 20, secs. 21 to 23, inclusive, NE $\frac{1}{4}$, S $\frac{1}{2}$ sec. 29, and secs. 32 to 36, inclusive.
 T. 25 S., R. 14 E.,
 Secs. 1 to 36, inclusive.
 T. 25 S., R. 15 E.,
 Secs. 1 to 36, inclusive.
 T. 25 S., R. 16 E.,
 Secs. 1 to 36, inclusive.
 T. 25 S., R. 17 E.,
 Secs. 2 to 10, inclusive, W $\frac{1}{2}$ W $\frac{1}{2}$ sec. 11, W $\frac{1}{2}$ W $\frac{1}{2}$ sec. 14, and secs. 15 to 36, inclusive.
 T. 25 S., R. 18 E.,
 Secs. 1, 12, 13, W $\frac{1}{2}$ sec. 19, W $\frac{1}{2}$ sec. 30, and NW $\frac{1}{4}$ sec. 31.
 T. 25 S., R. 19 E.,
 Secs. 1 to 18, inclusive, secs. 21 to 26, inclusive, and secs. 34 to 36, inclusive.
 T. 25 S., R. 20 E.,
 Secs. 1 to 36, inclusive.
 T. 25 S., R. 21 E.,
 Secs. 1 to 36, inclusive.
 T. 25 S., R. 22 E.,
 Secs. 1 to 36, inclusive.
 T. 25 S., R. 23 E.,
 Secs. 1 to 36, inclusive.
 T. 26 S., R. 13 E.,
 Secs. 1 to 4, inclusive, secs. 9 to 16, inclusive, secs. 21 to 28, inclusive, and secs. 33 to 36, inclusive.
 T. 26 S., R. 14 E.,
 Secs. 1 to 36, inclusive.
 T. 26 S., R. 15 E.,
 Secs. 1 to 20, inclusive, and secs. 29 to 32, inclusive.
 T. 26 S., R. 16 E.,
 Secs. 1 to 14, inclusive, secs. 23 to 25, inclusive, and sec. 36.
 T. 26 S., R. 17 E.,
 Secs. 1 to 24, inclusive, and secs. 27 to 31, inclusive.
 T. 26 S., R. 18 E.,
 Secs. 6, 7, 8, 17, 18, 19, 20, 21, 27, 28, 29, 30, 33, 34, and 35.
 T. 26 S., R. 19 E.,
 Secs. 1, 2, and 3, secs. 7 to 28, inclusive, secs. 34, 35, and 36.
 T. 26 S., R. 20 E.,
 Secs. 1 to 36, inclusive.
 T. 26 S., R. 21 E.,
 Secs. 1 to 36, inclusive.
 T. 26 S., R. 22 E.,
 Secs. 1 to 36, inclusive.
 T. 26 S., R. 23 E.,
 Secs. 1 to 36, inclusive.
 T. 27 S., R. 13 E.,
 Secs. 1 to 4, inclusive, secs. 9 to 16, inclusive, E $\frac{1}{2}$ sec. 23, secs. 23 to 26, inclusive, E $\frac{1}{2}$ sec. 27, and secs. 33 to 36, inclusive.
 T. 27 S., R. 14 E.,
 Secs. 1 to 36, inclusive.
 T. 27 S., R. 15 E.,
 Secs. 4 to 10, inclusive, secs. 14 to 23, inclusive, and secs. 26 to 36, inclusive.
 T. 27 S., R. 17 E.,
 S $\frac{1}{2}$ S $\frac{1}{2}$ sec. 25, S $\frac{1}{2}$ SE $\frac{1}{4}$ sec. 26, E $\frac{1}{2}$ sec. 35, and sec. 36.
 T. 27 S., R. 18 E.,
 N $\frac{1}{2}$ sec. 3, N $\frac{1}{2}$ sec. 4, S $\frac{1}{2}$ S $\frac{1}{2}$ sec. 22, secs. 23 to 29, inclusive, S $\frac{1}{2}$ S $\frac{1}{2}$ sec. 30, and secs. 31 to 36, inclusive.

- T. 27 S., R. 19 E.,
Secs. 1, 2, 3, 10, 11, 12, 13, 14, secs. 23 to 26, inclusive, W $\frac{1}{2}$ SW $\frac{1}{4}$ sec. 30, secs. 31, 35, and 36.
- T. 27 S., R. 20 E.,
Secs. 1 to 36, inclusive.
- T. 27 S., R. 21 E.,
Secs. 1 to 36, inclusive.
- T. 27 S., R. 22 E.,
Secs. 1 to 36, inclusive.
- T. 27 S., R. 23 E.,
Secs. 1 to 36, inclusive.
- T. 28 S., R. 13 E.,
Secs. 1 to 17, inclusive, and secs. 20 to 36, inclusive.
- T. 28 S., R. 14 E.,
Secs. 1 to 36, inclusive.
- T. 28 S., R. 15 E.,
Secs. 1 to 36, inclusive.
- T. 28 S., R. 16 E.,
Secs. 6, 7, 8, 12, 13, 14, E $\frac{1}{2}$ SE $\frac{1}{4}$ sec. 15, and secs. 17 to 36, inclusive.
- T. 28 S., R. 17 E.,
Secs. 1 to 5, inclusive, S $\frac{1}{2}$ sec. 6, and secs. 7 to 36, inclusive.
- T. 28 S., R. 18 E.,
Secs. 1 to 36, inclusive.
- T. 28 S., R. 19 E.,
Sec. 1, E $\frac{1}{2}$ sec. 2, W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ sec. 4, secs. 5 to 8, inclusive, W $\frac{1}{2}$, W $\frac{1}{2}$ E $\frac{1}{2}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ sec. 9, and secs. 10 to 36, inclusive.
- T. 28 S., R. 20 E.,
Secs. 1 to 36, inclusive.
- T. 28 S., R. 21 E.,
Secs. 1 to 36, inclusive.
- T. 28 S., R. 22 E.,
Secs. 1 to 36, inclusive.
- T. 28 S., R. 23 E.,
Secs. 1 to 36, inclusive.
- T. 29 S., R. 12 E.,
Sec. 1.
- T. 29 S., R. 13 E.,
Secs. 1 to 13, inclusive, N $\frac{1}{2}$, SE $\frac{1}{4}$ sec. 14, N $\frac{1}{2}$ sec. 15, N $\frac{1}{2}$ sec. 16, sec. 17, and E $\frac{1}{2}$ sec. 18.
- T. 29 S., R. 14 E.,
Secs. 1 to 12, inclusive, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ sec. 13, sec. 14, N $\frac{1}{2}$, SE $\frac{1}{4}$ sec. 15, N $\frac{1}{2}$ sec. 16, N $\frac{1}{2}$ sec. 17, and N $\frac{1}{2}$ sec. 18.
- T. 29 S., R. 15 E.,
Secs. 1 to 17, inclusive, N $\frac{1}{2}$, SE $\frac{1}{4}$ sec. 18, and secs. 21 to 28, inclusive.
- T. 29 S., R. 16 E.,
Secs. 1 to 30, inclusive, N $\frac{1}{2}$, SE $\frac{1}{4}$ sec. 35, and sec. 36.
- T. 29 S., R. 17 E.,
Secs. 1 to 36, inclusive.
- T. 29 S., R. 18 E.,
Secs. 1 to 36, inclusive.
- T. 29 S., R. 19 E.,
Secs. 1 to 36, inclusive.
- T. 29 S., R. 20 E.,
Secs. 1 to 36, inclusive.
- T. 29 S., R. 21 E.,
Secs. 1 to 36, inclusive.
- T. 29 S., R. 22 E.,
Secs. 1 to 36, inclusive.
- T. 29 S., R. 23 E.,
Secs. 1 to 36, inclusive.
- T. 30 S., R. 16 E.,
E $\frac{1}{2}$ sec. 2, E $\frac{1}{2}$ sec. 11, and E $\frac{1}{2}$ sec. 14.
- T. 30 S., R. 17 E.,
Secs. 1 to 5, inclusive, secs. 6 to 16, inclusive, secs. 21 to 28, inclusive, secs. 34, 35, and 36.
- T. 30 S., R. 18 E.,
Secs. 1 to 36, inclusive.
- T. 30 S., R. 19 E.,
Secs. 1 to 36, inclusive.
- T. 30 S., R. 20 E.,
Secs. 1 to 36, inclusive.
- T. 30 S., R. 21 E.,
Secs. 1 to 36, inclusive.
- T. 30 S., R. 22 E.,
Secs. 1 to 36, inclusive.
- T. 30 S., R. 23 E.,
Secs. 1 to 36, inclusive.
- T. 31 S., R. 16 E.,
Sec. 3.
- T. 31 S., R. 17 E.,
Secs. 1, 2, and 3, and secs. 7 to 36, inclusive.
- T. 31 S., R. 18 E.,
Secs. 1 to 36, inclusive.
- T. 31 S., R. 19 E.,
Secs. 1 to 36, inclusive.
- T. 31 S., R. 20 E.,
Secs. 1 to 36, inclusive.
- T. 31 S., R. 21 E.,
Secs. 1 to 36, inclusive.
- T. 31 S., R. 22 E.,
Secs. 1 to 36, inclusive.
- T. 31 S., R. 23 E.,
Secs. 1 to 36, inclusive.
- T. 32 S., R. 17 E.,
Secs. 1 to 36, inclusive.
- T. 32 S., R. 18 E.,
Secs. 1 to 36, inclusive.
- T. 32 S., R. 19 E.,
Secs. 1 to 36, inclusive.
- T. 32 S., R. 20 E.,
Secs. 1 to 36, inclusive.
- T. 32 S., R. 21 E.,
Secs. 1 to 36, inclusive.
- T. 32 S., R. 22 E.,
Secs. 1 to 36, inclusive.
- T. 32 S., R. 23 E.,
Secs. 1 to 36, inclusive.
- T. 33 S., R. 17 E.,
Secs. 1 to 6, inclusive, secs. 8 to 16, inclusive, E $\frac{1}{2}$ sec. 17, N $\frac{1}{2}$ sec. 23, and N $\frac{1}{2}$ sec. 24.
- T. 33 S., R. 18 E.,
Secs. 1 to 29, inclusive, and secs. 32 to 36, inclusive.
- T. 33 S., R. 19 E.,
Secs. 1 to 36, inclusive.
- T. 33 S., R. 20 E.,
Secs. 1 to 36, inclusive.
- T. 33 S., R. 21 E.,
Secs. 1 to 36, inclusive.
- T. 33 S., R. 22 E.,
Secs. 1 to 36, inclusive.
- T. 33 S., R. 23 E.,
Secs. 1 to 36, inclusive.
- T. 33 S., R. 24 E.,
Secs. 1 to 36, inclusive.
- T. 33 S., R. 25 E.,
Secs. 1 to 36, inclusive.
- T. 33 S., R. 26 E.,
Secs. 1 to 24, inclusive, N $\frac{1}{2}$ sec. 25, secs. 26 to 34, inclusive, and N $\frac{1}{2}$ sec. 35.
- T. 33 S., R. 27 E.,
Secs. 4 to 8, inclusive, and secs. 17 to 19, inclusive.
- T. 34 S., R. 18 E.,
Secs. 1 to 4, inclusive.
- T. 34 S., R. 19 E.,
Secs. 1 to 36, inclusive.
- T. 34 S., R. 20 E.,
Secs. 1 to 36, inclusive.
- T. 34 S., R. 21 E.,
Secs. 1 to 36, inclusive.
- T. 34 S., R. 22 E.,
Secs. 1 to 36, inclusive.
- T. 34 S., R. 23 E.,
Secs. 1 to 36, inclusive.
- T. 34 S., R. 24 E.,
Secs. 1 to 36, inclusive.
- T. 34 S., R. 25 E.,
Secs. 1 to 36, inclusive.
- T. 34 S., R. 26 E.,
Secs. 3 to 9, inclusive, W $\frac{1}{4}$ sec. 10, W $\frac{1}{2}$ sec. 16, secs. 17 to 19, inclusive, W $\frac{1}{2}$ sec. 20, and sec. 30.
- T. 34 S., R. 28 E.,
Secs. 1 to 36, inclusive.
- T. 35 S., R. 19 E.,
Secs. 1 to 5, inclusive, E $\frac{1}{2}$ sec. 6, secs. 8 to 16, inclusive, E $\frac{1}{2}$ sec. 17, secs. 22 to 26, inclusive, E $\frac{1}{2}$ sec. 27, NE $\frac{1}{4}$ sec. 34, and secs. 35 and 36.
- T. 35 S., R. 20 E.,
Secs. 1 to 36, inclusive.
- T. 35 S., R. 21 E.,
Secs. 1 to 36, inclusive.
- T. 35 S., R. 22 E.,
Secs. 1 to 36, inclusive.
- T. 35 S., R. 23 E.,
Secs. 1 to 36, inclusive.
- T. 35 S., R. 24 E.,
Secs. 1 to 36, inclusive.
- T. 35 S., R. 25 E.,
Secs. 1 to 36, inclusive.
- T. 35 S., R. 26 E.,
Secs. 1 to 36, inclusive.
- T. 35 S., R. 27 E.,
Secs. 1 to 36, inclusive.
- T. 35 S., R. 28 E.,
Secs. 1 to 36, inclusive.
- T. 35 S., R. 29 E.,
Secs. 1 to 36, inclusive.
- T. 35 S., R. 30 E.,
Secs. 1 to 36, inclusive.
- T. 35 S., R. 31 E.,
Secs. 1 to 36, inclusive.
- T. 35 S., R. 32 E.,
Secs. 1 to 36, inclusive.
- T. 35 S., R. 33 E.,
Secs. 1 to 36, inclusive.
- T. 35 S., R. 34 E.,
Secs. 1 to 36, inclusive.
- T. 35 S., R. 35 E.,
Secs. 1 to 36, inclusive.
- T. 35 S., R. 36 E.,
Secs. 1 to 36, inclusive.

T. 41 S., R. 25 E.
Secs. 1 to 24, inclusive.
T. 41 S., R. 26 E.
Secs. 1 to 24, inclusive.
T. 41 S., R. 27 E.
Secs. 1 to 24, inclusive.
T. 41 S., R. 28 E.
Secs. 1 to 24, inclusive.

The areas described aggregate approximately 2,404,000 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)).

IRVING W. ANDERSON,
Acting State Director.

[P.R. Doc. 67-13937; Filed, Nov. 28, 1967;
8:47 a.m.]

UTAH

Notice of Filing of Plats of Survey and Order Providing for Opening of Public Lands

1. Plats of survey of the lands described below will be officially filed in the Land Office, Salt Lake City, Utah, effective at 10 a.m., on January 8, 1968:

SALT LAKE MERIDIAN

Plats of survey accepted September 22, 1967:

T. 28 S., R. 3 E.,
Sec. 1, lots 1 to 4, inclusive, S $\frac{1}{2}$;
Sec. 3, lots 1 to 4, inclusive, S $\frac{1}{2}$;
Sec. 4, lots 1 to 4, inclusive, S $\frac{1}{2}$;
Sec. 5, lots 1 to 4, inclusive, S $\frac{1}{2}$;
Sec. 6, lots 1 to 6, inclusive, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 7, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Secs. 8 to 15, inclusive;
Sec. 17;
Sec. 18, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 19, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Secs. 20 to 29, inclusive;
Sec. 30, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 31, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Secs. 33 to 35, inclusive.

Plats of survey accepted April 5, 1967:

T. 41 S., R. 3 E.,
Sec. 1, lots 1 to 8, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 3, lots 1 to 8, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 4, lots 1 to 8, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 5, lots 1 to 8, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 6, lots 1 to 11, inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 7, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Secs. 8 to 15, inclusive;
Sec. 17;
Sec. 18, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 19, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Secs. 20 to 29, inclusive;
Sec. 30, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 31, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Secs. 33 to 35, inclusive.

T. 39 S., R. 4 E.,
Sec. 1, lots 1 to 4, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 3, lots 1 to 4, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 4, lots 1 to 4, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 5, lots 1 to 4, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 6, lots 1 to 7, inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 7, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Secs. 8 to 15, inclusive;
Sec. 17;
Sec. 18, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 19, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Secs. 20 to 29, inclusive;
Sec. 30, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 31, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Secs. 33 to 35, inclusive.

T. 40 S., R. 5 E.,
Sec. 1, lots 1 to 4, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 3, lots 1 to 4, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 4, lots 1 to 4, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 5, lots 1 to 4, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 6, lots 1 to 7, inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 7, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Secs. 8 to 15, inclusive;
Sec. 17;
Sec. 18, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 19, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Secs. 20 to 29, inclusive;
Sec. 30, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 31, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Secs. 33 to 35, inclusive.
T. 42 S., R. 5 E.,
Sec. 1, lots 1 to 4, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 3, lots 1 to 4, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 4, lots 1 to 4, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 5, lots 1 to 4, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 6, lots 1 to 7, inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 7, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Secs. 8 to 15, inclusive;
Sec. 17;
Sec. 18, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 19, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Secs. 20 to 29, inclusive;
Sec. 30, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 31, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Secs. 33 to 35, inclusive.

The area described aggregates 101,575.51 acres.

2. The following lands were withdrawn June 11, 1954, by the Bureau of Reclamation for the Colorado River Project:

T. 42 S., R. 5 E.,
Sec. 1, secs. 3 to 15, inclusive, secs. 17 and 18, secs. 22 to 27, inclusive, secs. 34 and 35.

3. The following were withdrawn June 28, 1941, and September 11, 1953, respectively, for Power Site Classifications 323 and 430:

T. 42 S., R. 5 E.,
Sec. 3, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 10, E $\frac{1}{2}$ E $\frac{1}{2}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 11, E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 12, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$;
Sec. 13, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 24, E $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 34, S $\frac{1}{2}$ SE $\frac{1}{4}$.

4. The following lands are within State Exchange application U-3297, and are not open to application, selection and petition unless it is withdrawn or finally rejected, in which event these lands will become open as provided by 43 CFR 2244.2-3(c):

T. 39 S., R. 4 E.,
Secs. 5 to 8, inclusive;
Secs. 17 to 21, inclusive;
Secs. 28 to 31, inclusive;
Sec. 33.

5. Except for the lands shown in paragraphs 2 and 3, the lands listed in paragraph 1 of this order are open to application, selection and petition as outlined in paragraph 6 below. No application for these lands will be allowed under the Homestead, Desert Land, Small Tract, or any other nonmineral public land law unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

6. Subject to any existing valid rights and the requirements of applicable law, the lands referred to in paragraph 5 hereof are hereby opened to filing of applications and selections, in accordance with the following:

a. Applications and selections under the nonmineral public land laws, except applications for Small Tracts, may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes unnumbered in the following paragraphs.

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph, will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10 a.m., on January 8, 1968, will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

7. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

8. Available data indicate that the lands opened by this order vary from broken desert lands of 3,600 feet elevation to rolling and broken mountains reaching to 7,200 feet. Vegetation consists of native desert-type plants and grasses, with scattered juniper and pinon, except that more dense stands of timber are found in T. 39 S., R. 4 E. There is no evidence of mineral values, except coal.

9. Inquiries concerning the lands should be addressed to the Manager, Utah Land Office, Post Office Box 11505, Salt Lake City, Utah 84111.

J. E. KEOGH,
Manager, Utah Land Office.

NOVEMBER 21, 1967.

[P.R. Doc. 67-13938; Filed, Nov. 28, 1967;
8:47 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

HARRIS TRUST AND SAVINGS BANK

Notice of Approval of Applicant as Trustee

Notice is hereby given that Harris Trust and Savings Bank, an Illinois

banking association, with offices at 111 West Monroe Street, Chicago, Ill., has been approved as a trustee pursuant to Public Law 89-346 and 46 CFR 221.21-221.30.

Dated: November 22, 1967.

M. I. GOODMAN,
Chief,

Office of Ship Operations.

[F.R. Doc. 67-13930; Filed, Nov. 28, 1967;
8:47 a.m.]

Office of the Secretary

[Dept. Order 2-B, Amdt. 5]

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

Research Laboratories

This material further amends the material appearing at 32 F.R. 13680 of September 29, 1967; 32 F.R. 13339 of September 21, 1967; 32 F.R. 10271 of July 12, 1967; 32 F.R. 3465 of March 1, 1967; 31 F.R. 15548 of December 9, 1966; and 31 F.R. 10700 of August 11, 1966.

Department Order 2-B, dated August 1, 1966, is hereby further amended as follows:

1. Section 5 is revised to read:

Sec. 5. *Research laboratories.* The Research Laboratories conducts an integrated program of research and services relating to the oceans and inland waters, the lower and upper atmosphere, the space environment, and the solid earth to increase understanding of man's geophysical environment in order to provide the scientific basis for improved services. The Research Laboratories also serves as the central federal agency for the conduct of research and services directed toward improving national utilization of radio, infrared, and optical waves for telecommunications. The Research Laboratories consists of the Office of the Director, located at Boulder, Colo., and other major components located at Boulder and elsewhere, as described below. Each of the other major components is a separate management unit, consisting of one or more laboratories or other groups.

.01 The Office of the Director includes:

a. The Director, Deputy Director, other immediate staff as may be required, and the following units.

b. The Office of Programs serves as focal point for policy and management advice to Director; Research Laboratories on research and service programs; leads and coordinates program planning activities, including PPBS requirements; conducts program liaison; coordinates Research Laboratories activities in the framework of national and international scientific programs; reviews and evaluates current programs and plans; advises on resource allocation and reallocation; develops a management information system; conducts public information functions; and provides staff assistance to Director and his immediate staff.

c. The Office of Administrative and Technical Services provides administrative and technical services to all Research Laboratories components located at its headquarters at Boulder, Colo., and to its field locations as designated. This office also is responsible for providing services to NBS-Boulder Labs and coordinating services received from NBS under an administrative cross-servicing agreement.

.02 The Earth Sciences Laboratories conducts research in geomagnetism, seismology, geodesy, and related earth sciences, seeking fundamental knowledge of earthquake processes, of the internal structure and accurate figure of the earth and the distribution of its mass.

.03 The Atlantic Oceanographic Laboratories and the Pacific Oceanographic Laboratories conduct oceanographic research toward fuller understanding of the ocean basins and borders, of oceanic processes, sea-air, and land-sea interactions as required to improve the marine scientific services and operations of the ESSA.

.04 The Atmospheric Physics and Chemistry Laboratory performs research on processes of cloud physics and precipitation and the chemical composition and nucleating substance in the lower atmosphere. The laboratory is ESSA's major focus for design and conduct of laboratory and field experiments toward developing feasible methods of practical, beneficial weather modification.

.05 The Air Resources Laboratory conducts research on the diffusion, transport, and dissipation of atmospheric contaminants, using laboratory and field experiments to develop method for prediction and control of atmospheric pollution.

.06 The Geophysical Fluid Dynamics Laboratory conducts investigations of the dynamics and physics of geophysical fluid systems to develop a theoretical basis, by mathematical modeling and computer simulation, for the behavior and properties of the atmosphere and the oceans.

.07 The National Hurricane Research Laboratory studies hurricanes and other tropical weather phenomena by observational, analytical and theoretical means, and conducts experiments in hurricane modification to improve understanding of these phenomena and improve methods for analysis of developing tropical storms and prediction of their movement and severity.

.08 The National Severe Storms Laboratory conducts studies of tornadoes, squall lines, thunderstorms and other severe local convective phenomena in order to achieve improved methods of forecasting, detecting and providing advance warning of their occurrence and severity.

.09 The Space Disturbances Laboratory conducts research on the nature of space disturbances and provides forecasts of these disturbances. Studies are made of the behavior of these disturbances, the mechanisms producing them, and their consequences to man's activities. Also included is the development of techniques and their use to continuously

monitor those characteristics of the space environment necessary for the early detection and reporting of important disturbances.

.10 The Aeronomy Laboratory studies the nature of and the physical and chemical processes controlling the ionosphere and exosphere of the earth and other planets. The program includes theoretical, laboratory, ground-based, rocket and satellite studies.

.11 The Wave Propagation Laboratory acts as a focal point for the development of new methods for remote sensing of man's geophysical environment. Special emphasis is given to the propagation of sound waves, and electromagnetic waves at millimeter, infrared and optical frequencies.

.12 The Institute for Telecommunication Sciences serves as the central federal agency for the conduct of research and services on the propagation of radio waves, on the radio properties of the earth and its atmosphere, on the nature of radio noise and interference, on information transmission and antennas, and on methods for the more effective use of the radio spectrum for telecommunication purposes.

.13 The Research Flight Facility meets the requirements of ESSA and other interests for atmospheric and other environmental measurements from aircraft, and for outfitting and operating aircraft specially instrumented for research.

Effective date: November 9, 1967.

DAVID R. BALDWIN,
Assistant Secretary for Administration.
[F.R. Doc. 67-13981; Filed, Nov. 28, 1967;
8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

AIR POLLUTION CONTROL; INTERSTATE AIR POLLUTION IN NATIONAL CAPITAL METROPOLITAN AREA

Notice of Change in Place for Conference of Air Pollution Control Agencies

The notice of the date, time, and place of the conference of air pollution control agencies concerning interstate air pollution in the National Capital Metropolitan Area published in the FEDERAL REGISTER on November 10, 1967 (32 F.R. 15648) is hereby revised to change the place of such conference to the Maryland Suite of the Sheraton Park Hotel, 2600 Connecticut Avenue NW., Washington, D.C. 20008.

Dated: November 28, 1967.

S. SMITH GRISWOLD,
Presiding Officer
of the Conference.

[F.R. Doc. 67-14048; Filed, Nov. 28, 1967;
11:29 a.m.]

ATOMIC ENERGY COMMISSION

PLUTONIUM AND URANIUM ENRICHED IN U²³⁵

Use Charges

1. The U.S. Atomic Energy Commission hereby gives notice of an increase in its use charge for plutonium and uranium enriched in U²³⁵.

2. This notice amends a notice entitled "Plutonium and Uranium Enriched in U²³⁵" published in the FEDERAL REGISTER on May 29, 1963 (28 F.R. 5314) by deleting paragraph 4 of said notice and substituting in lieu thereof the following:

4. *Use charges.* The use charge rate for plutonium and uranium enriched in U²³⁵, when leased by the AEC, is five and one-half percent (5½%) per annum of the base charge.

3. *Effective date.* This notice is effective January 1, 1968.

Dated at Germantown, Md., this 22d day of November 1967.

For the Atomic Energy Commission.

F. T. HOBBS,
Assistant Secretary.

[F.R. Doc. 67-13888; Filed, Nov. 28, 1967;
8:45 a.m.]

URANIUM HEXAFLUORIDE

Base Charges, Use Charges, Special Charges, Table of Enriching Services, Specifications, and Packaging

The U.S. Atomic Energy Commission (AEC) hereby announces the establishment of its standard table of enriching services, its charge per kilogram unit of separative work, its standard processing loss pursuant to the established Uranium Enrichment Services Criteria set forth in the FEDERAL REGISTER, 31 F.R. 16479, December 23, 1966, and revisions in (1) its schedule of base charges for normal uranium and uranium enriched or depleted in the isotope U²³⁵, (2) its use charge for uranium and other materials leased by the AEC, (3) its charges for withdrawal and packaging of UF₆, (4) its limits on loading of containers, and (5) its assay variation limits.

This notice is intended to consolidate, revise and supersede earlier notices concerning base charges, use charge, special charges, specification and packaging of normal uranium or uranium depleted or enriched in the isotope U²³⁵. Accordingly, all previous information or schedules published by the AEC concerning the subject matter of this notice, including the following notices previously published by the Commission in the FEDERAL REGISTER are hereby superseded: 23 F.R. 4813, June 28, 1958; 25 F.R. 2817, April 2, 1960; 26 F.R. 1643, February 24, 1961; 26 F.R. 4765, May 30, 1961; 27 F.R. 5006, May 29, 1962; 27 F.R. 5155, June 1, 1962; 29 F.R. 5098, April 14, 1964; 30 F.R. 14821, November 30, 1965; 30 F.R. 14938, December 2, 1965; 31 F.R. 5385, April 5, 1966; and 31 F.R. 16584, December 28, 1966.

1. *General.* This notice sets forth AEC charges, specifications, container characteristics, container loadings, and other information with respect to:

(a) The special nuclear material, uranium enriched in the isotope U²³⁵ (enriched uranium), and

(b) The source materials, uranium having 0.00711 weight fraction U²³⁵ (normal uranium), and uranium depleted in the isotope U²³⁵ (depleted uranium),

in the standard form of uranium hexafluoride (UF₆).

The data contained in this notice pertain to domestic arrangements and, to the extent appropriate, to foreign arrangements, for the furnishing of toll enriching services, the lease or sale of enriched UF₆, for sale of depleted UF₆, and the lease of other materials entered into by AEC pursuant to the Atomic Energy Act of 1954, as amended. Nothing in this notice shall be deemed to modify or affect any regulation of the AEC, or to relieve any AEC licensee from his obligations to comply with such regulations, including those contained in 10 CFR Parts 70 and 71. Although the charges and other data published in this notice are subject to adjustment, the AEC intends to maintain them as stable as possible.

2. *Effective date.* All data contained in this notice shall become effective as of January 1, 1968.

3. *Schedule of base charges, standard table of enriching services, charge per kilogram unit of separative work and standard processing loss.* The base charges for uranium, enriched or depleted in the isotope U²³⁵, in the form of UF₆, are those given in Table I of this notice. The AEC's Standard Table of Enriching Services is also set forth in Table I of this notice. The charge per kilogram unit of separative work is \$26. The standard processing loss factor to be applied to toll enrichers acquisition of tails material is 0.05 percent.

4. *Use charge for material.* The use charge rate for special nuclear material and other materials leased by AEC is five and one-half percent (5½%) per annum of the base charge or value of the material established by the Commission.

5. *Specification for UF₆ furnished by AEC.* Enriched or depleted uranium furnished as UF₆ shall consist of at least 99.5 percent by weight UF₆. The impurities making up the remainder may consist of fluorocarbons, hydrogen fluoride, and certain cations. The material shall contain a maximum of 0.01 mol percent of hydrocarbons, partially substituted halo-hydrocarbons or chlorocarbons.

The assay variability limits established for enriched and depleted uranium in the form of UF₆ to be furnished by AEC are set forth in Table 2.

6. *Specifications for UF₆ delivered to AEC.* Specifications for UF₆ delivered to AEC, whether the material contains normal uranium or uranium depleted or enriched in the isotope U²³⁵, are set forth in Table 3.

7. *Packaging.* The characteristics of AEC-furnished containers are summarized in Table 4. A further description of the containers and their valves as well as information on handling procedures of UF₆, may be found in report ORO-651 (Revision 1), "Uranium Hexafluoride Handling Procedures and Container Criteria", available for a charge from Clearinghouse for Federal, Scientific and Technical Information, National Bureau of Standards, U.S. Department of Commerce, Springfield, Va. 22151. Engineering drawings of the AEC-owned containers may also be obtained for a charge.

The minimum-loading data set forth in Table 4 are the established minimum loadings of enriched uranium as UF₆ furnished to or by the AEC, whether in AEC or non-AEC-owned containers of the types described therein.

The AEC limits the loading of the containers listed in Table 5 to a value less than their volumetric capacity and also sets forth loading limits according to current AEC practice for various assay ranges. These apply to shipments both to and from the AEC. When ordering UF₆, the requester may specify delivery in any combination of customer furnished containers consonant with Table 5 and the compositing of analytical samples from any number of containers up to the limit in Table 6. To the extent that required containers are not reasonably available from commercial sources and AEC agrees to furnish containers, the requestor may, subject to approval of the AEC, specify the combination of containers he wishes to be used and will be charged an amount corresponding to the combination. In the event the requestor does not specify any particular combination, the AEC will package the UF₆ in any combination of containers which it sees fit to use and will charge the requestor an amount corresponding to the combination leading to minimum cost.

8. *Withdrawal and packaging charges.* Charges for withdrawal of UF₆ from the AEC gaseous diffusion plants and packaging in suitable containers are dependent upon the container size, assay variation limit, and the number of containers composited into an analytical lot, as set forth in Table 6. These handling charges are independent of the charge for toll enriching services furnished by the AEC or the base charges for UF₆ supplied by the AEC and are not refunded upon return of material.

9. *Container rental charges.* The rental charge, where applicable, for AEC-owned UF₆ containers is \$5 for each 48F container, \$4 for each 48A container, and \$2.50 for each other container for each week or fraction thereof, said charges to commence on the first day after delivery to the recipient, f.o.b. AEC gaseous diffusion plant. The purchaser must provide any outer protective package required for the containers.

10. *Charges for special services.* When the AEC is requested and agrees to perform a service not covered in the charges given in this notice, such as certifying properties of UF₆ other than those given in section 5 of this notice, in which case

any or all of the properties listed in Table 3 may be certified, special charges may apply. Inquiries as to such charges should be directed to the AEC Materials Leasing Officer, USAEC, Oak Ridge Operations Office, Oak Ridge, Tenn. 37830.

11. *Correspondence.* Any correspondence involving this notice should be addressed to the AEC Materials Leasing Officer, USAEC, Oak Ridge Operations Office, Post Office Box E, Oak Ridge, Tenn. 37830.

Dated at Germantown, Md., this 22d day of November 1967.

For the Atomic Energy Commission.

F. T. Hobbs,
Assistant Secretary.

TABLE 1—SCHEDULE OF BASE CHARGES AND STANDARD TABLE OF ENRICHING SERVICES

Assay (wt. % U ²³⁵)	Schedule of base charges (\$/kg U as UF ₆)	Standard table of enriching services	
		Feed component (normal) (kgs U feed/kg U product)	Separative work component (kg SWU/kg U product)
0.20	3.00	0	0
0.25	3.00	0.098	-0.100
0.30	3.00	0.196	-0.158
0.35	3.00	0.294	-0.189
0.38	3.14	0.352	-0.197
0.40	4.02	0.391	-0.198
0.42	4.99	0.431	-0.197
0.44	5.99	0.470	-0.194
0.46	7.03	0.509	-0.189
0.48	8.13	0.548	-0.182
0.50	9.27	0.587	-0.173
0.52	10.45	0.626	-0.163
0.54	11.67	0.665	-0.151
0.56	12.98	0.705	-0.137
0.58	14.25	0.744	-0.123
0.60	15.59	0.783	-0.107
0.65	19.90	0.881	-0.062
0.70	22.63	0.978	-0.012
10.711	23.46	1.000	0.000
0.75	26.38	1.076	0.044
0.80	30.24	1.174	0.104
0.85	34.21	1.272	0.168
0.90	38.28	1.370	0.236
0.95	42.42	1.468	0.307
1.00	46.62	1.566	0.380
1.10	55.22	1.761	0.635
1.20	64.06	1.957	0.898
1.30	73.08	2.153	1.165
1.40	82.25	2.348	1.435
1.50	91.58	2.544	1.707
1.60	101.02	2.740	1.981
1.70	110.54	2.935	2.257
1.80	120.17	3.131	2.534
1.90	129.89	3.327	2.812
2.00	139.69	3.523	3.091
2.20	159.47	3.914	3.638
2.40	179.47	4.305	4.185
2.60	199.66	4.697	4.732
2.80	220.01	5.088	5.279
3.00	240.50	5.479	5.826
3.20	261.13	5.871	6.373
3.40	281.88	6.262	6.920
3.60	302.69	6.654	7.467
3.80	323.62	7.045	8.014
4.00	344.59	7.436	8.561
4.50	397.36	8.415	9.608
5.00	450.49	9.393	10.655
5.50	503.90	10.372	11.702
6.00	557.55	11.350	12.749
7.00	665.44	13.307	14.796
8.00	773.96	15.264	16.843
9.00	882.92	17.221	18.890
10.00	992.94	19.178	20.937
12.00	1,212.67	23.092	24.884
14.00	1,432.72	27.006	28.831
16.00	1,652.97	30.920	32.778
18.00	1,873.03	34.834	36.725
20.00	2,093.45	38.748	40.672
25.00	2,516.15	48.532	50.516
30.00	2,915.78	58.317	60.360
35.00	3,316.89	68.102	70.204
40.00	3,719.25	77.887	80.048
45.00	4,123.50	87.672	89.892
50.00	4,529.25	97.456	99.736
55.00	4,936.92	107.241	109.580
60.00	5,346.00	117.025	119.424
70.00	7,236.37	158.595	161.000
80.00	8,879.34	196.164	198.576
85.00	9,454.35	203.949	206.361
90.00	10,033.59	211.734	214.146
92.00	10,267.24	219.519	221.931
94.00	10,500.70	227.304	229.716

1 Normal.

Assay (wt. % U ²³⁵)	Schedule of base charges (\$/kg U as UF ₆)	Standard table of enriching services	
		Feed component (normal) (kgs U feed/kg U product)	Separative work component (kg SWU/kg U product)
94.00	10,502.89	183.562	238.328
96.00	10,764.08	187.478	244.842
98.00	11,025.32	191.389	251.356

All values are computed on the basis of taking normal uranium having an assay of 0.711 wt. percent U²³⁵, as having a zero separative work component, and on the basis of a tails (waste) assay of 0.20 wt. percent U²³⁵.

The base charges, kilograms of feed, and separative work components for assays not shown will be determined by linear interpolation between the nearest assays listed in the above schedules. A comprehensive listing of interpolated values for both the base charges and standard table is contained in report TID-21015 (Revised), "Interpolated Values For The Schedule of Base Charges and The Standard Table of Enriching Services" available for a charge from Clearinghouse for Federal, Scientific and Technical Information, National Bureau of Standards, U.S. Department of Commerce, Springfield, Va. 22151.

Uranium having an assay (Wt. percent U²³⁵) below 0.711 will normally be accepted by the AEC as feed material for the performance of enriching services only if such uranium was previously distributed by the AEC or has been derived solely from uranium previously distributed by the AEC.

The base charge for depleted uranium requested without a specification as to assay is \$2.50 per kilogram U. The assay furnished by the AEC in this case will normally be in the neighborhood of 0.20 wt. percent U²³⁵ of which large amounts are available.

The inclusion in the Schedule of Base Charges of specific assays above 93.00 wt. percent U²³⁵ is for the purpose of interpolation and for establishment of base charges for limited amounts of specified assays above 93 percent. Inquiries concerning the availability of material for lease or sale of specified assays above 93 percent should be addressed to the AEC Materials Leasing Officer, USAEC, Oak Ridge Operations Office, Post Office Box E, Oak Ridge, Tenn. 37830.

An example of the use of the Schedule of Enriching Services Table follows:

A customer has 100 metric tons (100,000 kilograms) of 1 percent U²³⁵ recovered from a reactor discharge and he wants to deliver it plus additional normal uranium (0.711 percent U²³⁵) for enrichment to produce 100 metric tons of 3 percent U²³⁵. The feed component (normal) of his 1 percent material is * * * 100 × 1.566 or 156.6 metric tons. The total feed component (normal) requirement (based on 3 percent U²³⁵ product) is * * * 100 × 5.479 or 547.9 metric tons. Therefore, he must supply 547.9 minus 156.6 or 391.3 metric tons of normal uranium along with his 100 tons of 1 percent U²³⁵ uranium. He also must pay a tolling fee for (100 × 4.306) minus (100 × 0.380) or 392.6 metric tons of separative work, which at \$25 per kilogram, would cost \$10,207,500. His option to acquire tails material, would relate to the difference between the uranium feed (391.3 mtu normal plus 100 mtu of 1 percent) and the uranium product (100 metric tons of 3 percent) less standard processing loss or to 391.1 metric tons of tails.

TABLE 2—ASSAY VARIABILITY FOR UF₆

Assay range weight percent U ²³⁵	Variation from requested assay, weight percent U ²³⁵		Analytical precision		
	Routine variation		Special variation, single container	Routine analytical precision, ¹ percent of reported value	Special analytical precision, ² percent of reported value
	Single containers analyzed individually	Single containers analyzed as a composite sample			
Col. I	Col. II	Col. III	Col. IV	Col. V	Col. VI
0.4 and less ²	±0.010	±0.010	±0.003	±0.25	±0.15
Above 0.4 to 0.711	±0.010	±0.015	±0.003	±0.20	±0.10
Above 0.711 to 1.00	±0.010	±0.015	±0.003	±0.15	±0.05
Above 1.00 to 2.00	±0.015	±0.020	±0.005	±0.15	±0.05
Above 2.00 to 5.00	±0.045	±0.050	±0.013	±0.15	±0.05
Above 5.00 to 15.00	±0.150	±0.180	±0.040	±0.10	±0.05
Above 15.00 to 20.00	±0.150	±0.200	±0.030	±0.10	±0.05
Above 20.00 to 30.00	±0.150	±0.300	±0.030	±0.10	±0.05
Above 30.00 to 60.00	±0.150	±0.400	±0.030	±0.10	±0.05
Above 60.00 to 93.00	±0.150	±0.400	±0.030	±0.05	±0.03

¹ 95 percent confidence limit.

² Depleted uranium requested without a specified U²³⁵ assay will be supplied in the range below 0.4 weight percent.

All materials will be analyzed on a composite basis to the pertinent routine analytical precision unless otherwise requested. Materials within the assay ranges specified, when analyzed on the basis of individual containers are subject to the "routine" assay variation shown in Column II; and when analyzed on the basis of composite lots, are subject to the "routine" assay variation shown in Column III. Therefore, any container in a composite lot will not vary from the specified target assay by more than the tolerance shown in Column III. Routine analytical precisions achieved are shown in Column V.

Materials requested under "special" assay variation are subject to the limits shown in Column IV and special analytical preci-

sions shown in Column VI. Materials requested under "special" assay variation are provided at extra cost as indicated in Table 6 and on the basis of single containers except requests for material requiring from seven to 10 Model 12A containers, and not exceeding 5 wt. percent U²³⁵ in assay, will be composited; and requests requiring 11 to 45 Model 12A containers, and not exceeding 3 wt. percent U²³⁵ in assay, will be composited. Individual containers in these composite lots will vary from the specified target assay by no more than the tolerance shown in Column IV.

All U²³⁵ measurements are related to a series of uranium isotopic standards available from the National Bureau of Standards.

TABLE 3—SPECIFICATIONS FOR UF₆ DELIVERED TO THE AEC

Item ¹	Numerical value
Maximum vapor pressure of filled container at 200° F. in pounds per square inch, absolute	75
Minimum weight percent of UF ₆ in material	99.5
Maximum mol percent of hydrocarbons, chlorocarbons, and partially substituted halohydrocarbons	0.01
Maximum number of parts of elements indicated per million parts of total uranium:	
Antimony	1
Bromine	5
Chlorine	100
Niobium	1
Phosphorus	50
Ruthenium	1
Silicon	100
Tantalum	1
Titanium	1

Total number of parts of elements forming nonvolatile fluorides (having a vapor pressure of one atmosphere or less at 300° C.) per million parts of total uranium, e.g., aluminum, barium, bismuth, cadmium, calcium, chromium, copper, iron, lead, lithium, magnesium, manganese, nickel, potassium, silver, sodium, strontium, thorium, tin, zinc, and zirconium

Maximum number of parts of elements or isotopes indicated per million parts of U ²³⁸ :	300
Chromium	1,500
Molybdenum	200
Tungsten	200
Vanadium	200
Uranium-233	500
Uranium-232	0.110

Maximum thermal neutron absorption of total impurity elements as equivalent parts of boron per million parts of total uranium	8
Maximum total of gamma activity due to fission products and uranium-237 as percent of gamma activity of aged natural uranium and as measured in a high-pressure ionization chamber (Drawing D-AWM-8796 of Nuclear Division, Union Carbide Corp.)	20

Maximum beta activity due to fission products as percent of beta activity of aged natural uranium	10
Maximum alpha activity from all transuranic elements in disintegrations per minute per gram of total uranium	1,500

¹ All specification analyses on UF₆ shall be performed on samples removed in the liquid state from each cylinder while its contents are liquid and homogeneous.

TABLE 4—CHARACTERISTICS OF AEO UF₆ CONTAINERS

Container type	Container model No.	Material of construction	Nominal length ¹ (inches)	Nominal diameter (inches)	Approximate tare weight (pounds)	Capacity ² (pounds UF ₆)	Minimum loading (pounds UF ₆)
14-ton	48F	Steel	150	48	5,200	28,000	3,000
10-ton	48A	Steel	121	48	4,500	21,000	2,000
2.5-ton	30A	Steel	82	30	1,600	4,500	900
12-inch (MD)	12A	Monel or nickel	54	12	185	450	55
8-inch	8A	Monel or nickel	37	8	120	250	55
8-inch	8A	Monel or nickel	26	5	55	55	11
Harshaw	28	Monel or nickel	11	3.5	4	4.8	1
1.5-inch	18	Monel or nickel	12	1.3	2	1	45 grams
Hoke Tube	HT	Nickel	8	0.3	1	15 grams	1 gram

¹ Overall length with valve and cap (if any) in place.
² When AEC loading practice does not limit the quantity in each container (see Table 5).

TABLE 5—LOADING LIMITS ON AEO UF₆ CONTAINERS¹

Assay ² weight percent U ²³⁸	Maximum quantity per container, pounds UF ₆					
	48F	48A	30A	12A	8A	5A
1.00 or less	28,000	21,000	4,800	450	Not used	55
Above 1.00 to 4.50	Not used ²	Not used ²	4,800	450	do.	55
Above 4.50 to 5.00	do. ²	do. ²	Not used ²	450	do.	55
Above 5.00 to 12.00	do. ²	do. ²	do. ²	450	250	55
Above 12.00	do. ²	do. ²	do. ²	Not used ²	Not used ²	55

¹ The loading limit on container Model Nos. 28, 18, and Hoke tube is the rated capacity of each as stated in Table 4 without any U²³⁸ assay limitations. Containers loaded to these limits may require special precautions in storage and shipment to avoid the possibility of nuclear interaction with adjacent containers or with neutron moderators and reflectors.

² Indicated maximum assays for these containers are those currently approved by the AEC and Department of Transportation in accordance with the terms of a specific license or DOT permit. Higher assays may be loaded if the container and shipping procedures are specifically approved for such higher assays by the AEC and the DOT.

TABLE 6.—UF₆ WITHDRAWAL AND PACKAGING CHARGES

Container model No.	Assay range (wt. percent U ²³⁸)	Maximum lot size per composite pounds UF ₆	Maximum number containers per composite sample ¹	Charges (dollars) ²			
				Routine variation from requested assay		Special variation from requested assay	
				First container	Each additional container	First container	Each additional container
48F	2.0 and less	28,000	1	430	NA	560	NA
48A	3.0 and less	21,000	1	305	NA	335	NA
30A	4.5 and less	24,000	5	305	215	NA	NA
30A	4.5 and less	4,800	1	305	NA	400	NA
12A	3.0 and less	30,250	45	185	70	315	70
12A	5.0 and less	4,500	10	150	70	290	70
12A	5.0 and less	2,700	6	185	100	NA	NA
12A	5.0 and less	450	1	185	NA	245	NA
8A	Above 5.0 to 12.5	1,500	6	155	80	NA	NA
8A	Above 5.0 to 12.5	1,250	1	155	NA	215	NA
5A	60.0 and less	330	6	155	85	NA	NA
5A	60.0 and less	55	1	155	NA	215	NA
5A	Above 60.0	330	6	165	85	NA	NA
5A	Above 60.0	55	1	165	NA	225	NA
28	60.0 and less	4.8	1	85	NA	145	NA
28	Above 60.0	4.8	1	95	NA	155	NA
18	60.0 and less	1.0	1	85	NA	145	NA
18	Above 60.0	1.0	1	95	NA	155	NA
HT	60.0 and less	15 grams	1	85	NA	145	NA
HT	Above 60.0	15 grams	1	95	NA	155	NA

¹ Samples from a number of containers up to the maximum listed are combined in a composite sample for analysis. Unless specifically requested otherwise, the AEC will composite to the maximum extent possible.

² Charges shown for routine variation from requested assay are based on compositing of containers for analytical measurement where applicable. This is indicated by a cost in the column "Each Additional Container." Charges shown for special variation from requested assay are based on single container measurement except withdrawals into 30A and 8A containers within assay limitations may be transferred into 12A containers for shipment. For this reason, costs for each additional container are shown for 10 and 45 container composites of 12A containers. If certification of minor isotopes (U²³⁴ and U²³⁵) is required, an additional charge will be imposed for each composite group or individual container depending upon which is applicable. Charges for depleted UF₆ of unspecified assay, furnished in 30A and larger containers, are: 48F containers, \$270 each; 48A containers, \$235 each; and 30A containers, \$300 for the first container and \$125 for each additional container in five container composite lots or smaller. These charges apply only to routine measurement precision. If special analytical precision is requested, the charges will be the same as for enriched material.

NA—Not Applicable.

[F.R. Doc. 67-13889; Filed, Nov. 23, 1967; 8:45 a.m.]

[Docket No. 50-108]

ALLIS-CHALMERS MANUFACTURING CO.**Notice of Termination of Facility License**

The Commission has terminated Facility License No. CX-15 which authorized Allis-Chalmers Manufacturing Co. to operate its critical experiments facility located in Greendale, Wis.

A Commission inspector has determined that all component parts have been removed from the room which formerly housed the critical facility and disposed of through commercial salvage or as radioactive waste. Surveys made prior to disposal indicated that components contained no detectable radioactivity above background. Also, no detectable radioactivity was found on the walls and floor of the facility room. Accordingly, the Commission has found that the facility has been dismantled and disposition made of the component parts pursuant to the Commission's order dated December 8, 1966, and in accordance with its regulations in 10 CFR Chapter 1.

Copies of the Commission's license termination order and the licensee's application dated October 2, 1967, are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 20th day of November 1967.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[P.R. Doc. 67-13929; Filed, Nov. 28, 1967;
8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 19210]

WESTERN TRUCK LEASING CO. ET AL.**Notice of Proposed Approval**

Joint application of Western Truck Leasing Co. et al., for approval of control and interlocking relationships under sections 408 and 409 of the Federal Aviation Act of 1958, as amended, Docket 19210.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the order set forth below under delegated authority. Interested persons are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., November 22, 1967.

[SEAL] A. M. ANDREWS,
Director,
Bureau of Operating Rights.

ORDER APPROVING CONTROL RELATIONSHIPS

Issued under delegated authority.

Joint application of Western Truck Leasing Co., Western Transportation Co., Inc., United Freight, Inc., WTC Air Freight, Pacific and Atlantic Shippers, Inc., R. B. Meyers, A. Meyers Trust, and Edward P. Downes for approval of certain acquisitions, control and interlocking relationships under sections 408 and 409 of the Federal Aviation Act of 1958, as amended.

By Order E-20713, adopted April 16, 1964, in Docket 15095, the Board, acting pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act) approved the common control by R. B. Meyers and A. Meyers Trust (Trust) of Western Truck Leasing Co. (Leasing), an intrastate common carrier by motor vehicle in the area of Los Angeles, Calif.; of Western Transportation Co., Inc. (Western), a surface freight forwarder; and through Western, of United Freight, Inc. (Freight), a surface freight forwarder and WTC Air Freight (WTC), a domestic and international air freight forwarder. Certain interlocking relationships involving R. B. Meyers and Edward P. Downes were also approved under section 409 of the Act. On November 30, 1965, R. B. Meyers and Trust transferred all of the capital stock of Western to Leasing without prior Board approval.

By application filed November 3, 1967, Leasing, Western, Freight, WTC, Pacific and Atlantic Shippers, Inc. (P & A), a surface freight forwarder, R. B. Meyers, Trust, and Mr. Downes requested that the Board approve (1) without a hearing, the control relationships under section 408 that will result from the acquisition by Leasing of all of the outstanding stock of P & A, and (2) the interlocking relationships under section 409 that will result from the holding by R. B. Meyers and Mr. Downes of the positions of president, and executive vice-president and secretary, respectively, in P & A, while holding other positions, within the purview of section 409, in the system of affiliated and subsidiary companies controlled by R. B. Meyers and Trust. The amended application also requests that the Board approve, without a hearing under section 408, and under section 409, to the extent necessary, the control and interlocking relationships resulting from the transfer to Leasing, within the system of affiliated or subsidiary companies, of all of the stock of Western and of Freight, and approximately 75 percent of the stock of WTC owned by Western.

The applicants state that the operating functions under the proposed acquisition of the stock of P & A are expected to result, upon Board approval, in the performance by P & A (under its own name) of a substantial part of the surface freight forwarding operations that were heretofore performed by Western, to become an important element in the operational plans of the parent company, Leasing, and to result in improved service to the shipping public.

With respect to the control relationships resulting from the transfer by Western to Leasing of all of the stock (100 percent) of Freight and all of the stock (75 percent) of WTC held by Western, the applicants state that the effect of such transfers will be

¹ Gladys Marie Meyers is Trustee of the Trust.

² The application was supplemented by letter of Nov. 15, 1967.

³ The application states that P & A has agreed to change its name as designated by Leasing, and thereafter to notify the Board.

⁴ Approximately 20 percent of WTC's stock is publicly held since Apr. 27, 1967, and 5 percent is owned by R. B. Meyers individually.

merely to remove Western as an intermediary between Leasing, on the one hand, and Freight and WTC, on the other hand, so as to simplify the corporate structure without any substantial change in the nature of the ownership or control relationships of Freight and WTC or of either the parent company, Leasing, or any other subsidiary or affiliated companies within the system of companies controlled by R. B. Meyers and Trust.

The applicants contend that the control relationships for which Board approval is requested are not inconsistent with the public interest and meet all the requirements of the third proviso of section 408 so as to warrant approval thereunder without a hearing.

No adverse comments or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

The application states that the acquisition by Leasing of all of the stock of Western from R. B. Meyers and Trust, and all of the stock of Freight and the majority of the stock of WTC from Western, represents a simplification of the corporate structure within the system of affiliated and subsidiary companies controlled by R. B. Meyers and Trust. With respect to these realignments of affiliated and subsidiary companies, the applicants do not contend or request that the Board disclaim jurisdiction, and have submitted to the Board's jurisdiction.

Upon consideration of the application, it is concluded that Leasing, Western, Freight, and P & A are common carriers and WTC is an air carrier within the meaning of section 408 of the Act, and that the acquisition by Leasing of all of the stock of P & A, and the common control relationships resulting therefrom are subject to section 408 of the Act. However, it has been concluded that such relationships and those involving the realignment of the intercorporate structure do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly, and do not restrain competition. Furthermore, no person disclosing a substantial interest in this proceeding is currently requesting a hearing, and it is found that the public interest does not require a hearing. The control relationships are similar to those which the Board has previously approved and essentially do not present any new substantive issues. It therefore appears that approval of the control relationships would not be inconsistent with the public interest.⁵

Pursuant to authority duly delegated by the Board's regulations, 14 CFR 385.13, it is found that the foregoing control relationships should be approved under section 408(b) of the Act, without a hearing.

⁵ It has been decided not to enforce the doctrine expressed in Sherman Control and Interlocking Relationships, 15 CAB 876 (1952) to the extent applicable, and to consider the application on its merits.

⁶ Orders E-8828, Dec. 20, 1954, and E-20713; ABC Freight Forwarding Corp. et al., Control and Interlocking Relationships, 34 CAB 317 (1961).

⁷ In view of the Board's determination herein, the interlocking relationships between P & A and the Meyers system of affiliated and subsidiary companies are exempted from the provisions of section 409 by Part 287 of the Board's economic regulations. Consequently, that portion of the application seeking approval of the interlocking relationships will be dismissed.

Accordingly, it is ordered:

1. That the control by R. B. Meyers and Trust of Leasing, and, through Leasing, of F & A, Freight, Western, and WTC, be and it hereby is approved; and

2. That, except to the extent granted herein, the application in Docket 19210, be and hereby is dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petition within 5 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[P.R. Doc. 67-13955; Filed, Nov. 28, 1967;
8:48 a.m.]

[Docket No. 17828; Order E-26020]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding South Pacific Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22d day of November 1967.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conference 3-1 of the International Air Transport Association (IATA), and adopted by mail vote. The agreement has been assigned the above-designated CAB agreement number.

The agreement extends to March 31, 1969 the expiry date for South Pacific fares and related resolutions. These fares were originally intended to expire on March 31, 1968, and include promotional fares as well as normal first-class and economy-class fares.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find Resolution JT31(Mall 133)002f, which is incorporated in Agreement CAB 19815, to be adverse to the public interest or in violation of the Act, provided that approval shall be subject to the same conditions as may have been previously imposed with respect to resolutions revalidated.

Accordingly, it is ordered, That:

Agreement CAB 19815 is approved provided that such approval shall be subject to the conditions set forth in Orders E-24719, E-24823, and E-25003 which relate to the revalidated resolutions.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statements should be filed with the Board's Docket Section. The Board may,

upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[P.R. Doc. 67-13956; Filed, Nov. 28, 1967;
8:49 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder
License 111]

EDWARD R. BACON GRAIN CO.

Order of Revocation

Whereas, Edward R. Bacon Grain Co., 205 Grain & Flour Exchange, Boston, Mass., has ceased to operate as an Independent Ocean Freight Forwarder; and

Whereas, Edward R. Bacon Grain Co., has returned its Independent Ocean Freight Forwarder License No. 111 to the Commission for cancellation.

Now, therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), § 6.03:

It is ordered, That the Independent Ocean Freight Forwarder License No. 111 of Edward R. Bacon Grain Co., be and is hereby revoked, effective November 22, 1967.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the licensee.

LEROY F. FULLER,
Acting Director,
Bureau of Domestic Regulation.

[P.R. Doc. 67-13963; Filed, Nov. 28, 1967;
8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP65-340]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Petition To Amend

NOVEMBER 21, 1967.

Take notice that on November 13, 1967, Algonquin Gas Transmission Co. (Petitioner), 1284 Soldiers Field Road, Boston, Mass. 02135, filed in Docket No. CP65-340 a petition to amend the order issued in said docket on August 24, 1965, as amended, by requesting (1) that the date for constructing and operating certain facilities be advanced, (2) that construction and operation of certain additional facilities be authorized, and (3) that certain existing facilities being replaced by part of such proposed additional facilities be abandoned. Petitioner is also requesting changes in the volumes of gas authorized for delivery to certain of its resale customers commencing November 1968.

All of the above is more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order issued in the instant docket on August 24, 1965, Petitioner was authorized to commence a 4-year expansion program. Applicant now seeks to have the aforementioned order amended by requesting authorization to advance to 1968 the date for constructing and operating some of the facilities heretofore authorized in said order for construction and operation in 1969. Further, Petitioner requests authorization to construct and operate an additional 18 miles of 8-inch, 10-inch, and 16-inch pipeline loop and to replace 2.2 miles of 4-inch line with an 8-inch line. The 4-inch line will be abandoned in place. The capital cost of the additional construction is estimated to be \$2,288,000. Petitioner states that the proposed construction is necessary to supply an overall increase in the requirements of certain of its customers under Rate Schedules F-1 and WS-1, commencing November 1968.

Petitioner's customers' revised requirements for which authorization is being sought in the instant petition to amend are as follows:

Customer	Under Rate Schedule		
	F-1, max- imum daily quantity (Mcf)	WS-1	
		Max- imum daily quantity (Mcf)	Winter contract quantity (Mcf)
Boston Gas Co.		45,000	2,700,000
Brockton Taunton Gas Co.	26,000	15,000	930,000
Buzzards Bay Gas Co.	9,300	5,000	300,000
The Connecticut Gas Co.	42,000	8,000	480,000
The Hartford Electric Light Co.		1,200	72,000
The Hartford Gas Co.	34,500		
New Bedford Gas & Edison Light Co.	17,700	7,500	450,000
North Attleboro Gas Co.	720	230	13,800
Norwood Gas Co.	2,932	1,950	117,000
The Pequot Gas Co.		50	3,000
Providence Gas Co.	43,500	23,300	1,398,000
South County Gas Co.		100	6,000
The Southern Connect- icut Gas Co. (for- merly New Haven Gas Co.)	26,080		
Tiverton Gas Co.	160		
Worcester Gas Light Co.	23,000		

Petitioner has entered into a precedent agreement by which its sole supplier, Texas Eastern Transmission Corp., has agreed to supply the additional gas necessary for such requirements.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before December 18, 1967.

GORDON M. GRANT,
Secretary.

[P.R. Doc. 67-13911; Filed, Nov. 28, 1967;
8:45 a.m.]

[Docket No. E-7377]

ALABAMA POWER CO. AND MOUNT VERNON MILLS, INC.**Notice of Application**

NOVEMBER 21, 1967.

Take notice that on November 13, 1967, Alabama Power Company of Birmingham, Ala., and Mount Vernon Mills, Inc., of Baltimore, Md., filed a joint application seeking authorization pursuant to section 203 of the Federal Power Act for the sale of the electric facilities of Mount Vernon Mills, Inc., located in the city of Tallahassee, Ala., and surrounding areas to Alabama Power Co.

Alabama Power Co. is principally engaged in the generation, distribution and sale of electric energy at retail in 634 communities as well as rural areas, and at wholesale to municipalities and cooperatives in the State of Alabama.

The principal business activity of Mount Vernon Mills, Inc., is the manufacturing and sale of textiles. As an incident to the pursuit of its principal business purpose in Tallahassee, Ala., it has been and is now engaged in the purchase and distribution of sale at retail of electricity.

The facilities to be acquired consist of the electric distribution system including street light facilities serving the city of in Elmore and Tallapoosa Counties, Ala., Tallahassee, Ala., and surrounding areas serving approximately 1,350 customers. The purchase price is \$675,000 subject to adjustment with respect to retirements on the distribution system.

The application states that: It is considered that the area as a whole, including the city of Tallahassee, Ala., and surrounding areas, would benefit from having direct service from a single, regulated utility company; Alabama Power Co. already has over 600 customers in that portion of the city of Tallahassee which it presently serves adjoining the service area of Mount Vernon Mills, Inc.; the addition of approximately 1,350 present customers of Mount Vernon Mills, Inc., in Tallahassee and surrounding areas would result in a customer group of approximately 1,950 in the immediate area, a step which should result in an improved quality of service as well as increased economy of service; these new customers would have available a number of Alabama Power Co.'s customer services considered beneficial, such as home economists, lighting and wiring experts, a residential service wiring program and others.

Any person desiring to be heard or to make any protest with reference to said application should, on or before December 5, 1967, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.1 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-13917; Filed, Nov. 28, 1967; 8:45 a.m.]

[Docket No. CP67-155]

COLORADO INTERSTATE GAS CO.**Notice of Supplement to Application**

NOVEMBER 21, 1967.

Take notice that on November 8, 1967, Colorado Interstate Gas Co. (Applicant), Post Office Box 1087, Colorado Springs, Colo. 80901, filed in Docket No. CP67-155 a supplement to the application filed in said docket on December 5, 1966, by requesting that authorization pursuant to the certificate of public convenience and necessity sought by Applicant for the short-term sale be extended until a later date, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

By the application filed on December 5, 1966, Applicant requested authorization to make a short-term sale to Natural Gas Pipeline Company of America (Natural) for the period January 1, 1967, to December 31, 1967. Applicant was not required to make deliveries in excess of 50,000 Mcf of natural gas on any single day. Applicant received temporary authorization to make the proposed short-term sale on December 30, 1966.

By the instant supplemental application Applicant requests that the authorization for the aforementioned sale be extended until January 1, 1969, which sale to Natural will provide Applicant with a market for approximately 6,000,000 Mcf in 1968. The sale will be made at a price of 18 cents per Mcf.

Applicant states that no new facilities are needed to effectuate the continued authorization.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before December 18, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-13912; Filed, Nov. 28, 1967; 8:45 a.m.]

[Project 2157]

CITY OF EVERETT, WASH., AND PUBLIC UTILITY DISTRICT NO. 1, SNOHOMISH COUNTY, WASH.**Notice of Application for Extension of Time To Complete Project Construction**

NOVEMBER 21, 1967.

Public notice is hereby given that application for an extension of time in which to complete construction of Project No. 2157 has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by the city of Everett and Public Utility District No. 1 of Snohomish County, Wash. (correspondence to: A. F. Alexander, Mayor, City of Everett, Washington 98201, and W. G. Hulbert, Jr., Manager, Public Utility District No. 1 of Snohomish County, Post Office Box 1107, Everett, Wash. 98201) joint licensees for Project No. 2157, located on the Sultan River in Snohomish County, Wash.

Construction of the project was to proceed in two stages, the first of which has been completed for the most part. Stage I has included an access road to the No. 1 dam site at river mile 16.9, reservoir clearing to well above elevation 1370 feet, construction of coffer dams and diversion works, and construction of that portion of the full section of No. 1 rock-fill dam to elevation 1408 feet which is required for its structural safety and stability. Anticipated construction in Stage I of the base of the power intake structure and the 50 foot portion of the power tunnel has not taken place.

Stage II construction, to have begun by June 16, 1967, contemplated completion of the No. 1 dam to elevation 1,478 feet, construction of a No. 2 dam at river mile 13.4 forming a reservoir with normal pool elevation at 1,060 feet, and utilization for power generation of the existing Lake Chaplain diversion dam and storage reservoir by increasing its present capacity and by construction of a power canal. Power generation facilities were to be installed at the Nos. 1 and 2 dams and a third plant at the outlet of the canal from Lake Chaplain. The request to delay construction of Stage II indicates that the project construction schedule should be reviewed in light of present conditions, following studies by the licensees reflecting the effect of increased water demands due to accelerated industrial expansion, changing power requirements and sources, and current flood control requirements of the U.S. Corps of Engineers. The application requests that the Commission permit delay of commencement of Stage II construction, until at least June 16, 1969. Prior to that time, licensees indicate they intend to request a new date for commencement of construction.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed

is January 2, 1968. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
Secretary.

[P.R. Doc. 67-13918; Filed, Nov. 28, 1967;
8:46 a.m.]

[Docket No. E-7378]

IOWA POWER AND LIGHT CO.

Notice of Application

NOVEMBER 21, 1967.

Take notice that on November 14, 1967, Iowa Power and Light Co. (Applicant) of Des Moines, Iowa, filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of \$15 million principal amount of first mortgage bonds due 1998.

The bonds are to be issued under the Applicant's trust indenture, dated August 1, 1963, to Harris Trust and Savings Bank, and Harold Eckhart, trustees, as supplemented, including the supplemental trust indenture to be dated as of January 1, 1968. The interest rate of the New Bonds will be determined by competitive bidding pursuant to the Commission's regulations under the Federal Power Act. The bonds will not be redeemable prior to January 1, 1973, at the option of the company through a refunding which has an interest cost to the company less than the interest cost of the new bonds.

The purpose for which the said securities are to be issued is the refunding of certain obligations consisting of a portion of short-term borrowings from commercial banking institutions aggregating \$16,800,000 at September 30, 1967, and expected to aggregate approximately \$18,500,000.

Any person desiring to be heard or to make any protest with reference to said application should, on or before December 7, 1967, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,
Secretary.

[P.R. Doc. 67-13919; Filed, Nov. 28, 1967;
8:46 a.m.]

[Docket No. CP68-153]

TRUNKLINE GAS CO.

Notice of Application

NOVEMBER 21, 1967.

Take notice that on November 13, 1967, Trunkline Gas Co. (Applicant), Post Office Box 1642, Houston, Tex. 77001, filed in Docket No. CP68-153 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the regulations under the Act for a certificate of public convenience and necessity authorizing the construction and operation of various gas-purchase facilities, all as more fully set forth

in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct during the calendar year 1968 and operate miscellaneous gas-purchase facilities to facilitate the taking by Applicant of natural gas into its certificated main pipeline system which is or may become available from time to time in the general area of its system.

The total cost of the proposed facilities will not exceed \$2,500,000 with no single item to exceed \$500,000. The cost of construction will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before December 18, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[P.R. Doc. 67-13913; Filed, Nov. 28, 1967;
8:45 a.m.]

[Docket No. CP68-152]

UNITED GAS PIPE LINE CO.

Notice of Application

NOVEMBER 21, 1967.

Take notice that on November 13, 1967, United Gas Pipe Line Co. (Applicant), Post Office Box 1407, Shreveport, La. 71102, filed in Docket No. CP68-152 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities for the transportation and sale of natural gas in interstate commerce for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to construct facilities to supply the city of Gary, Panola County, Tex., with natural gas which will be resold and distributed. In order to supply the gas, Applicant re-

quests authorization to construct and operate approximately 60 feet of 2-inch pipeline, a positive meter station, and appurtenant facilities near mile post 32.6 on Applicant's 22-inch Latex Compressor Station to Goodrich Compressor Station Line, Panola County, Tex.

The estimated third year peak day and annual sales and deliveries of natural gas to Gary, Tex., are 1,669 Mcf and 91,500 Mcf, respectively.

The total estimated cost of the proposed facilities is \$8,180, which will be financed through funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before December 18, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[P.R. Doc. 67-13914; Filed, Nov. 28, 1967;
8:45 a.m.]

FEDERAL RESERVE SYSTEM

BANCORPORATION OF MONTANA

Notice of Applications for Approval of Acquisition of Shares of Banks

Notice is hereby given that applications have been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Bancorporation of Montana, which is a bank holding company located in Great Falls, Mont., for the prior approval of the Board of the acquisition by Applicant of 100 percent of the voting shares of each of the following banks: Eastside Bank of Montana, Great Falls, Mont.; Valier Bank of Montana, Valier, Mont.; The Peoples State Bank of Missoula, Missoula, Mont.; and Pondera Bank of Montana, Conrad, Mont.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in

a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that in every case, the Board shall take into consideration, the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. Public access to the application may be had at the office of the Board of Governors or the Federal Reserve Bank of Minneapolis.

Dated at Washington, D.C., this 17th day of November 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67-13915; Filed, Nov. 28, 1967;
8:46 a.m.]

GENERAL SERVICES ADMINISTRATION

[Wildlife Order 81]

PORTION OF JOHN MARTIN RESERVOIR AREA, HASTY, BENT COUNTY, COLO.

Transfer of Property

Pursuant to section 2 of Public Law 537, 80th Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By deed from the United States of America dated November 14, 1967, the property known as a portion of the John Martin Reservoir Area, near Hasty, Bent County, Colo., consisting of 8.6 acres of land and improvements, and more particularly described in the deed, has been transferred from the United States to the State of Colorado.

2. The above-described property was transferred for wildlife purposes in ac-

cordance with the provisions of section 1 of said Public Law 537 (16 U.S.C. 667b).

Dated: November 21, 1967.

WILLIAM P. WOLF,
Manager, Real Property Disposal, Property Management and Disposal Service.

[F.R. Doc. 67-13957; Filed, Nov. 28, 1967;
8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2180]

GEORGE PUTNAM FUND OF BOSTON

Notice of Filing of Application for Order Exempting Proposed Transaction

NOVEMBER 22, 1967.

Notice is hereby given that The George Putnam Fund of Boston ("Applicant"), 265 Franklin Street, Boston, Mass., a Massachusetts association registered under the Investment Company Act of 1940, 15 U.S.C. Sec. 80a-1 et seq. ("Act") as an open-end, diversified management investment company, has filed an application pursuant to section 6(c) of the Act for an order exempting from the provisions of section 22(d) of the Act a transaction in which Applicant's redeemable securities will be issued at a price other than the current public offering price in exchange for substantially all of the assets of Thorpe Investment Company ("Thorpe"). All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations which are summarized below.

Thorpe is a Kentucky corporation, all the outstanding stock of which is owned by a small number of individuals. Thorpe is not making and does not propose to make a public offering of its stock and is exempt from registration under the Act by reason of the provisions of section 3(c) (1) thereof. Pursuant to an agreement between Applicant and Thorpe, assets owned by Thorpe, with a total market value of approximately \$1,052,751 on August 15, 1967 and consisting of approximately \$134,638 in equity securities, and \$918,113 in cash and short-term government securities, will be transferred to Applicant in exchange for shares of Applicant's capital stock.

The number of shares of Applicant to be issued to Thorpe is to be determined by dividing the aggregate market value (subject to certain adjustments set forth in the agreement and plan of reorganization) of the assets of Thorpe to be transferred to Applicant by the net asset value per share of Applicant, both to be determined as of the business day preceding the date of the transfer, as defined in the agreement. In view of the large amount of cash and cash items being transferred to the Applicant, the number

of shares to be issued to Thorpe will be reduced by an amount equal to \$6,000 to reflect the estimated cost to the Applicant in brokerage commissions of investing in corporate equity and debt securities.

The per share asset value of Applicant's stock as of August 15, 1967, was \$16.50. If the exchange had taken place on that date, Thorpe would have received approximately 63,440 shares of the Applicant's stock.

When received by Thorpe, the shares of Applicant are to be distributed to the Thorpe shareholders on the liquidation of Thorpe. Applicant has been advised by the management of Thorpe that the stockholders of Thorpe will represent to the Applicant that they will take shares of the Applicant for investment, with no present intention of selling or redeeming them.

Applicant represents that there is no affiliation or relationship between the officers and directors of the Applicant and the officers and directors of Thorpe and that the proposed transaction is the result of arms-length negotiations which extended over a period of several months.

Section 22(d) of the Act provides that registered open-end investment companies may sell their shares only at the current public offering price as described in the prospectus. Section 6(c) permits the Commission, upon application, to exempt such a transaction if it finds that such an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant contends that the proposed offering of its stock will comply with the provisions of the Act, other than section 22(d) and submits that the granting of the application would be in accordance with established practice of the Commission, is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 12, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and

regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 67-13940; Filed, Nov. 28, 1967;
8:47 a.m.]

[File No. 1-5074]

WOLVERINE ALUMINUM CORP.

Notice of Application To Withdraw From Listing and Registration

NOVEMBER 22, 1967.

Wolverine Aluminum Corp. common stock, \$1 par value:

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The reasons advanced by the issuer for the application are stated in the company's "Notice to Stockholders", dated October 30, 1967, which is on file with the Commission and has been disseminated together with the comments of the Exchange thereon to all stockholders of record.

Any interested person may, on or before December 8, 1967, submit by letter to the Secretary of the Securities and Exchange Commission, Washington 25, D.C., facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. An order granting the application will be issued after the date mentioned above, on the basis of the application and any other information furnished to the Commission, unless it orders a hearing on the matter.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 67-13939; Filed, Nov. 28, 1967;
8:47 a.m.]

TARIFF COMMISSION

[TEA-I-12]

BROOM CORN

Notice of Change of Place and Date of Hearing

Notice is hereby given by the U.S. Tariff Commission that the hearing ordered to be held in Washington, D.C., on January 16, 1968, in connection with the investigation instituted under section 301(b)(1) of the Trade Expansion Act of 1962 with respect to broom corn is canceled. In lieu thereof, a public hearing will be held beginning at 10 a.m. m.s.t., on February 1, 1968, in the Auditorium, Main Post Office Building, 18th and Stout Streets, Denver, Colo. The site and date of the hearing have been changed at the request of the petitioners for the investigation and because of the geographic concentration of the interested parties. The original notice of investigation and hearing appeared in the FEDERAL REGISTER of October 17, 1967 (32 F.R. 14354).

Issued: November 24, 1967.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 67-13959; Filed, Nov. 28, 1967;
8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 474]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

NOVEMBER 24, 1967.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 10872 (Deviation No. 10), BE-MAC TRANSPORT CO., INC., 7400

North Broadway, St. Louis, Mo, 63147, filed November 9, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Rockford, Ill., and Chicago, Ill., over Interstate Highway 90, 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 Rockford, Ill., over U.S. Highway 20 to Marengo, Ill., thence over Illinois Highway 176 (formerly Illinois Highway 67) to Crystal Lake, Ill., thence over Illinois Highway 176 to Wauconda, Ill., thence over U.S. Highway 12 to Chicago, Ill., and return over the same route.

No. MC 89723 (Deviation No. 8), MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, Mo. 63103, filed November 14, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Orange, Tex., and Baton Rouge, La., over Interstate Highway 10, 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 Orange, Tex., over Texas Highway 87 to junction Texas Highway 12, thence over Texas Highway 12 to the Texas-Louisiana State line, thence over Louisiana Highway 12 to junction U. S. Highway 190, thence over U.S. Highway 190 to Baton Rouge, La., and return over the same route.

MOTOR CARRIER OF PASSENGER

No. MC 3210 (Deviation No. 4) (Cancels Deviation No. 1), ROBERT F. HEMPERLEY, JR., d.b.a. ST. LOUIS-CAPE BUS LINE, 16 North Frederick Street, Cape Girardeau, Mo. 63701, filed November 13, 1967. Carrier's representative: James A. Cochran, Jr., 325 Broadway, Cape Girardeau, Mo. 63701. 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 St. Louis, Mo., over Interstate Highway 55 to junction U.S. Highway 61 south of Festus and Crystal City, Mo. with the following access routes (a) from junction Interstate Highway 55 and U.S. Highways Bypass 61 and Bypass 67 over U.S. Highways Bypass 61 and Bypass 67 to junction U.S. Highway 67, (b) from junction Interstate Highway 55 and Missouri Highway 141 over Missouri Highway 141 to junction U.S. Highways 61-67, (c) from junction Interstate Highway 55 and Jefferson County Route M over Jefferson County Route M to junction U.S. Highways 61 and 67, (d) from junction Interstate Highway 55 and Jefferson County Route Z over Jefferson County Route Z to junction U.S. Highways 61 and 67, and (e) from junction Interstate Highway 55 and U.S. Highway 61 south of Festus and Crystal

City, Mo., over U.S. Highway 61 to junction U.S. Highways 61 and 67, thence over U.S. Highways 61 and 67 to Festus and Crystal City, Mo., and (2) from junction Interstate Highway 55 and U.S. Highway 61, 1 mile south of Fruitland, Mo., over Interstate Highway 55 to junction Missouri Highway Route K west of Cape Girardeau, Mo., with the following access routes (a) from junction Interstate Highway 55 and Missouri Highway Route K over Missouri Highway Route K to junction U.S. Highway 61, and (b) from junction Interstate Highway 55 and U.S. Highway 61, 4 miles north of Cape Girardeau, Mo., over U.S. Highway 61 to Cape Girardeau, Mo., 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 a pertinent service route as follows: From St. Louis, Mo., over U.S. Highway 67 to junction U.S. Highway 61, thence over U.S. Highway 61 via Jackson, Mo., to Cape Girardeau, Mo., and return over the same route.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-13046; Filed, Nov. 28, 1967;
8:48 a.m.]

[Notice 1127]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 24, 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 2428 (Sub-No. 21) (Republication), filed July 10, 1967, published FEDERAL REGISTER issue of July 27, 1967, and republished this issue. Applicant: H. PRANG TRUCKING CO., INC., 112 New Brunswick Avenue, Hopelawn (Perth Amboy), N.J. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. By application filed July 10, 1967, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of nonferrous scrap metal, in dump vehicles, unloaded by dumping, between the plantsites of Phelps Dodge Corp. and its subsidiaries at Laurel Hill,

N.Y., and South Brunswick, N.J. An order of the Commission, Operating Rights Board dated October 31, 1967, and served November 16, 1967, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of nonferrous scrap metal, in dump vehicles, between the plantsites of Phelps Dodge Corp. and its subsidiary Phelps Dodge Copper Products Corp., at Laurel Hill, N.Y., and South Brunswick, N.J., under a continuing contract with Phelps Dodge Corp., of New York, N.Y., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file 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 12689 (Sub-No. 1) (Republication), filed March 31, 1967, published FEDERAL REGISTER issues of April 20, 1967, and October 26, 1967, and republished this issue. Applicant: KNOXVILLE TOURS, INCORPORATED, 1708 Charles Drive, Knoxville, Tenn. Applicant's representative: Francis A. Cain, 201 Fidelity Building, Knoxville, Tenn. 37902. By application filed March 31, 1967, applicant seeks a license authorizing operation, in interstate or foreign commerce, as a broker at Knoxville, Tenn., in arranging for the transportation in interstate or foreign commerce, of passengers and their baggage in groups, destined for the same destination, in round-trip charter tours, beginning and ending at points in Hamilton, Monroe, McMinn, Loudon, Bradley, Polk, Sequatchie, Bledsoe, Cumberland, Fentress, Morgan, Scott, Campbell, Claiborne, Rhea, Meigs, Roane, Union, Grainger, Hancock, Hamblen, Hawkins, Greene, Jefferson, Cocke, Washington, Carter and Johnson Counties, Tenn., and extending to points in the United States. A supplemental order of the Commission, Operating Rights Board dated November 3, 1967, and served November 14, 1967, finds that operation by applicant, as a broker at Knoxville, Tenn., in arranging for the transportation, in interstate or foreign commerce, of passengers and their baggage, in special and charter operations, in round-trip tours, beginning and ending at points in Hamilton, Monroe, McMinn, Loudon, Bradley, Polk, Sequatchie, Bledsoe, Cumberland, Fentress, Morgan, Scott, Campbell, Claiborne, Rhea, Meigs,

Roane, Union, Grainger, Hancock, Hamblen, Hawkins, Greene, Jefferson, Cocke, Washington, Carter, Johnson, Union, and Sullivan Counties, Tenn., and extending to points in the United States (including Alaska but excluding Hawaii), will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that a license authorizing such operations should be granted, subject to the right of the Commission, which is hereby expressly reserved, to impose, after final determination of the proceeding in Ex Parte No. MC-29 (Sub-No. 2), *Operation of Brokers of Passenger Transportation*, such terms and conditions, if any, as may be deemed necessary to insure that the transportation which applicant arranges is limited to bona fide service as a broker in arranging round-trip tours. 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 license 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 126102 (Sub-No. 2) (Republication), filed February 27, 1967, published in the FEDERAL REGISTER issue of March 16, 1967, and republished this issue. Applicant: ANDERSON MOTOR LINES, INC., 37 Woodruff Road, Walpole, Mass. Applicant's representative: Sanford A. Kowal, 73 Tremont Street, Boston, Mass. 02108. By application filed February 27, 1967, as amended, applicant seeks a permit of public convenience and necessity authorizing operation in interstate or foreign commerce as a contract carrier by motor vehicle of such commodities as are sold in drugstores, chain, discount, and department stores (except commodities in bulk, in tank vehicles), (1) from either public or private warehouses used by Carter-Overton, Inc., in Boston, Mass., to points in Minnesota, Oklahoma, Missouri, Ohio, Michigan, Texas, Louisiana, Tennessee, Arkansas, Alabama, Indiana, Iowa, Illinois, Colorado, Kansas, Wisconsin, New Jersey, Virginia, North Carolina, New York, South Carolina, Georgia, Delaware, Maine, Connecticut, Florida, New Hampshire, Mississippi, Vermont, West Virginia, and Pennsylvania, and (2) from the destination States named in (1) above to either public or private warehouses used by Carter-Overton, Inc., in Boston, Mass., under contract with Carter-Overton, Inc. The application was referred to an examiner for hearing and the recommendation of an appropriate order thereon.

Hearing was held on September 12, 1967, at Washington, D.C. A report and order of the Commission, Division 1, served November 8, 1967, which became effective November 16, 1967, as amended, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a contract carrier by motor vehicle, under a continuing contract with Carter-Overton, Inc., of Newton, Mass., of such commodities as are sold in drug, chain, discount, and department stores (except commodities in bulk in tank vehicles), between the warehouse of Carter-Overton, Inc., in Newton, Mass., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin; that applicant is fit, willing, and able properly to perform the above described 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 128985 (Republication) filed March 30, 1967, published FEDERAL REGISTER issue of April 20, 1967, and republished this issue. Applicant: M. L. WILKERSON, doing business as WILKERSON TRUCKING COMPANY, Route No. 5, Lenoir City, Tenn. 37771. Applicant's representative: Walter Harwood, 515 Nashville Bank and Trust Building, Nashville, Tenn. 37201. Applicant sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Canvas duck, webbing, tents, and canvas items* from Knoxville, to Memphis, Tenn., and Ogden, Utah; (2) *materials* used in the manufacture of said commodities from points in Michigan, Pennsylvania, and Richmond, Va., to the plantsite of Camel Manufacturing Co., at Knoxville, Tenn., under a continuing contract with Camel Manufacturing Co., Knoxville, Tenn.; (3) *camping trailers* from the plantsite of American Duralite Corp., at Loudon, Tenn., to points in the United States (except Alaska and Hawaii); (4) *aluminum windows and doors*, from the plantsite of American Duralite Corp., Loudon, Tenn., to points in the States which border on the Mississippi River and points in the United States on and

east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada; and (5) (a) *Glass*, from points in Kentucky, Georgia, and Florida; (b) *Aluminum* from points in Indiana; and (c) *materials* used in the manufacture of camping trailers from points in Indiana, to the plantsite of American Duralite Corp., Loudon, Tenn., under a continuing contract with American Duralite Corp., Loudon, Tenn. The application was referred to Examiner Joseph A. Reilly, for hearing and the recommendation of an appropriate order thereon. Hearing was held on August 11, 1967, at Nashville, Tenn. As originally filed, the applicant sought authority to transport glass from points in Kentucky, Georgia, and Florida. The States named were done so through a misunderstanding and motion was made at the hearing to delete such points and substitute therefore Jeannette, Arnold, and Philadelphia, Pa., Clarksburg and Charleston, W. Va. The motion was granted by the examiner. Since such amendment broadens the scope of the application, there is the possibility 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 report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication during which period any proper party in interest may file an appropriate petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

A report and order, recommended by Joseph A. Reilly, examiner, served September 31, 1967, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of (1) *camping trailers*, from the plantsite of American Duralite Corp., Loudon, Tenn., to points in the United States, except Alaska and Hawaii; (2) *aluminum windows and doors*, from the plantsite of American Duralite Corp., Loudon, Tenn., to points in the States which border on the Mississippi River and points in the United States on and east of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada; and (3) (a) *glass*, from Jeannette, Arnold, and Philadelphia, Pa., Clarksburg and Charleston, W. Va., (b) *aluminum*, from Franklin, Ga., and (c) *wheels and axles*, used in the

manufacture of camping trailers, from points in Elkhart County, Ind., and *steel tubing*, used in the manufacture of camping trailers, from Chicago, Ill. The transportation described in (a), (b), and (c) shall be destined to the plantsite of American Duralite Corp., Loudon, Tenn.; that applicant is fit, willing, and able properly to perform the service of a contract carrier by motor vehicle and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder.

NOTICE OF FILING OF PETITIONS

No. MC 16634 (Notice of Filing of Petition for Waiver of Rule 1.101(e) of the General Rules of Practice and Petition to Reopen and Correct Certificate), filed August 22, 1967. Petitioner: STRANG TRANSPORTATION, INC., Main Street, Elmer, N.J. 08318. Petitioner's representative: Charles H. Trayford, 137 East 36th Street, New York, N.Y. 10016. Petitioner seeks to reopen and correct that portion of its certificate in No. MC 16634, reading as follows: *Lime*, from West Chester, Pa., to points in Salem and Cumberland Counties, N.J., with no transportation for compensation on return except as otherwise authorized. The commodity *Lime* should read *Lime and Limestone*. The origin of *West Chester, Pa.*, should be *Devault, Pa.* 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.

No. MC 50544 (Subs 44, 45, 47, 49, and 51), (Notice of Filing of Petition to Renew Authority to Transport Explosives), filed October 30, 1967. Petitioner: THE TEXAS AND PACIFIC MOTOR TRANSPORT COMPANY, 210 North 13th Street, St. Louis, Mo. 63103. Petitioner's representative: Robert S. Davis (same address as above). Petitioner states it holds and operates the following sub-numbered certificates which contain 5-year authorizations for transporting classes A and B explosives: (1) Sub 44—Effective August 25, 1961—expiration date of August 25, 1966, on explosives—authorizes transportation of general commodities, over irregular routes, to, from and between Abilene, Tex., and missile sites in Texas counties of: Jones, Callahan, Taylor, Nolan, Shackelford, and Runnels. (2) Sub 45—Effective October 31, 1960—Expiration date of October 31, 1965, on explosives, authorizes transportation of general commodities, between Savoy, Tex., and plantsite of Texas Power & Light Co. (3) Sub 47—Effective November 24, 1961—Expiration date of November 24, 1966, on explosives—authorizes transportation of general commodities, between El Paso, Tex., and Border Rolling Mills located 7 miles north of El Paso, also within a 5-mile radius of said plant. (4) Sub 49—Effective August 10, 1962—Expiration date of August 10, 1967, on explosives, authorizes transportation of general commodities to Shell Oil Plant near Bryan's Mill, Tex., served as an off-route point on Marshall-Texarkana route of petitioner. (5) Sub

51—Effective December 12, 1962—Expiration date of December 12, 1967, on explosives, authorizes transportation of general commodities, serving Climax Chemical Co., near Monument, N. Mex., served as an off-route point on Monahans, Tex.—Lovington, N. Mex., route of petitioner. By the instant petition, petitioner requests that said authorities be extended or renewed for an additional 5-year period. 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.

No. MC 89723 (Sub-No. 17) (Notice of Filing of Petition to Renew Authority to Transport Explosives), filed October 30, 1967. Petitioner: MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, Mo. 63103. Petitioner's representative: Robert S. Davis (same address as applicant). Petitioner states it holds authority to operate in No. MC 89723 (Sub-No. 17), transporting general commodities, including authority to transport explosives, over a specified route between Wichita, Kans., and Geneseo, Kans., serving intermediate points on the Missouri Pacific Railroad, granted effective March 26, 1957, containing a 5-year expiration date of March 26, 1962, on explosives. By the instant petition, petitioner requests that said authority be renewed for an additional 5-year period. 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.

No. MC 116816 (Notice of Filing of Petition to Amend and Modify Permit by Deleting One Shipper and Adding a New Shipper), filed November 8, 1967. Petitioner: MERIT TRUCKING CORP., Port Newark, N.J. Petitioner's representative: Edward M. Alfano, 2 West 45th Street, New York, N.Y. 10036. Petitioner is authorized in No. MC 116816, as here pertinent, to transport (1) household gas and electrical appliances and parts and equipment therefor, from Port Newark, N.J., to New York, N.Y., and points in Nassau, Suffolk, Westchester, and Rockland Counties, N.J.; and returned shipments of the above-specified commodities, from New York, N.Y., and points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y., to Port Newark, N.J., limited to a transportation service to be performed under a continuing contract, or contracts, with Igoe Appliance Corp., and Apollo Distributing Co., both of Newark, N.J., (11) household electrical appliances, and parts and equipment therefor, from Newark, N.J., to New York, N.Y., and points in Nassau and Rockland Counties, N.Y., 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 Krich New Jersey, Inc., of Newark, N.J., and As-

sociated Distributors of New Jersey, Inc., of Newark, N.J. By the instant petition, petitioner requests that its permit in (1) above, be amended to include in addition to Igoe Appliance Corp., and Apollo Distributing Co., the name of General Electric Co. as a shipper; and that Part II above be modified by deleting therefrom the shipper, Associated Distributors of New Jersey, Inc., of Newark, N.J., as petitioner is no longer serving this shipper. 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 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-9950. Authority sought for purchase by WATSON-WILSON TRANSPORTATION SYSTEM, INC., 92d Street, at State Line Road, Kansas City, Mo. 64114, of a portion of the operating rights of PACIFIC EXPRESS TRANSPORTATION, 8548 Unsworth Avenue, Route 2, Sacramento, Calif. 95828, and for acquisition by YELLOW TRANSIT FREIGHT LINES, INC., 92d Street, at State Line Road, Kansas City, Mo. 64114, and, in turn by GEORGE E. POWELL, 801 West 64th Terrace, Kansas City, Mo., GEORGE E. POWELL, JR., 1040 West 57th Street, Kansas City, Mo., and LESTER H. BRICKMAN, 6419 Belinder, Shawnee Mission, Kans., of control of such rights through the purchase. Applicants' attorneys: Kenneth E. Midgley, 1500 Commerce Building, Kansas City, Mo. 64106, Homer S. Carpenter, 1111 E Street NW., Washington, D.C. 20004, and David Axelrod, 39 South La Salle, Chicago, Ill. 60603. Operating rights sought to be transferred: A portion under a certificate of registration in No. MC-99833 Sub 2, covering the transportation of general commodities (Only classes A and B Explosives herein involved) as a common carrier, in intrastate commerce, within the State of California. Vendee is authorized to operate as a *common carrier* in Illinois, Minnesota, Iowa, California, Colorado, New Mexico, Nevada, Texas, Louisiana, Arizona, Georgia, Tennessee, Kentucky, South Carolina, Indiana, Nebraska, Wyoming, Kansas, Wisconsin, Maryland, Virginia, Alabama, Michigan, New Jersey, Utah, Idaho, Oklahoma, Montana, Oregon, Washington, and Arkansas. Application has not been filed for temporary authority under section 210a(b). NOTE: MC-70451 Sub 251 is a matter directly related.

No. MC-F-9951. Authority sought for control and merger by M & M TANK LINES, INC., Post Office Box 4174, North Station, Winston-Salem, N.C. 27102, of

the operating rights and property of GAY TRUCKING COMPANY, Post Office Box 7055, Savannah, Ga., and for acquisition by S. H. MITCHELL, Post Office Box 612, Winston-Salem, N.C. 27102, of control of such rights and property through the transaction. Applicants' attorney: A. W. Flynn, Jr., Post Office Box 127, Greensboro, N.C. 27402. Operating rights sought to be controlled and merged: *Natural latex*, in bulk, in tank vehicles, as a *common carrier*, over irregular routes, from Savannah, Ga., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and New Orleans, La., from Savannah, Ga., to points in Texas; *liquid latex* in bulk, in tank vehicles, from Port Wentworth, Ga., to St. Louis, Mo.; *ammonium nitrate fertilizer*, in bulk, from Port Wentworth, Ga., to points in Florida; *ammonium nitrate fertilizer*, in bags, from Port Wentworth, Ga., to points in Florida, certain specified points in Alabama and Tennessee; *nitrogen solution, ammoniating solution, and urea*, in bulk, in tank vehicles, from Port Wentworth, Ga., to points in North Carolina, South Carolina, Florida, and that part of Tennessee on and east of U.S. Highway 27; *anhydrous ammonia*, in bulk, in tank vehicles, from Port Wentworth, Ga., to points in Florida, from Tampa, Fla., to points in Georgia; from Savannah, Ga., to points in North Carolina and South Carolina, with restriction; *gypsum, gypsum products, and materials and asbestos form board* used in the construction of roof decks, from Brunswick, Ga., to points in Alabama, North Carolina, South Carolina, and Tennessee.

Molten sulphur, in bulk, in tank vehicles, from Savannah, Ga., to points in South Carolina; *natural liquid latex*, in bulk, in tank vehicles, from Savannah, Ga., to points in Delaware, Indiana, Maryland, New Jersey, Ohio, and Virginia; *nitro-carbo-nitrate*, in bulk, in bags, in shipper-owned trailer equipment, from the plantsite of the Southern Nitrogen Co. located approximately 7 miles north of Port Wentworth, Ga., to points in Alabama, Florida, Kentucky, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, and Wood River, Ill.; *fertilizer, and fertilizer materials and ingredients*, dry, in bulk, from Port Wentworth and Garden City, Ga., and from the plantsite of Southern Nitrogen Co. near Port Wentworth, Ga., to points in North Carolina, South Carolina, and Tennessee (with exceptions), from Charleston and Jericho, S.C., to points in North Carolina and Georgia, from Savannah, Ga., to points in North Carolina, South Carolina, and Tennessee (with exceptions), with restrictions; *roof slabs and materials* used in the installation of roof slabs, from the plantsite of Concrete Products, Inc., in Brunswick, Ga., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, South Dakota, Texas, Virginia, West Virginia, and Wisconsin;

wood excelsior, from points in the above-specified States to the plantsite of Concrete Products, Inc., in Brunswick, Ga.; fertilizer solutions, in bulk, in tank vehicles, from Century, Ga., to points in Alabama and Florida; nitrogen solutions, anhydrous ammonia, ammoniating solutions, and urea, in bulk, in tank vehicles, from the plantsite of the Southern Nitrogen Co., at Port Wentworth, Ga., to points in Alabama; gypsum rock, in bulk, from points in Chatham County, Ga., to points in South Carolina and New Hanover County, N.C.

Wallboard, insulating materials, and roofing materials, and supplies and accessories used in their installation, from points in Chatham County, Ga., to points in North Carolina and Virginia, from points in Chatham County, Ga., to points in Tenn., with restrictions; dry chemicals as defined by the Commission, and phosphatic fertilizer solutions, in bulk, in tank and hopper-type vehicles, from Augusta, Ga., and points in Richmond County, Ga., within 10 miles of Augusta, Ga., to points in Richmond County, Ga., Alabama, Florida, Louisiana, Mississippi, North Carolina, and South Carolina, with restrictions; and liquid acids and chemicals, as defined by the Commission, in bulk, in tank and hopper-type vehicles, from Augusta, Ga., and points in Richmond County, Ga., within 10 miles of Augusta, Ga., to points in Alabama, Florida, Louisiana, and Mississippi, with restrictions. Vendee is authorized to operate as a common carrier in South Carolina, Virginia, North Carolina, Georgia, Tennessee, New Jersey, Florida, West Virginia, Kentucky, New York, Maryland, Ohio, Pennsylvania, Illinois, Michigan, Missouri, Texas, Alabama, Arkansas, Indiana, Louisiana, Mississippi, Kansas, Minnesota, Nebraska, Oklahoma, Wisconsin, and Iowa. Application has been filed for temporary authority under section 210a(b). NOTE: If a hearing is deemed necessary, Applicant requests that it be held at Washington, D.C., Charlotte or Raleigh, N.C.

No. MC-F-9952. Authority sought for control by JONES MOTOR CO., INC., Bridge Street and Schuylkill Road, Spring City, Pa. 19475, of ERIE TRUCKING COMPANY, 1314 West 18th Street, Erie, Pa. 16512, and for acquisition by WM. S. JONES, R. C. JONES, JR., H. A. HERSEY, H. ELLIS JONES, and ALVIN JONES, all also of Spring City, Pa., of control of ERIE TRUCKING COMPANY, through the acquisition by JONES MOTOR CO., INC. Applicants' attorney and representative: Drew L. Carraway, Suite 618, Perpetual Building, 1111 E Street NW., Washington, D.C. 20004, and Harry A. Hershey, Bridge Street and Schuylkill Road, Spring City, Pa. 19475. Operating rights sought to be controlled: General commodities, excepting, among others, household goods and commodities in bulk, as a common carrier, over regular routes, between Buffalo, N.Y., and Erie, Pa., serving no intermediate points, between Erie, Pa., and New York, N.Y., serving the intermediate point of Kane, Pa., and the off-route points in the

New York City commercial zone, as defined by the Commission, Port Chester, N.Y., and points in New Jersey within 20 miles of Columbus Circle, N.Y.; general commodities, excepting, among others, household goods and commodities in bulk, over irregular routes, between Erie, Pa., on the one hand, and, on the other, points in New York and Pennsylvania within 80 miles of Erie, except Bradford and Custer City, Pa., and Buffalo, N.Y., between Kane, Pa., on the one hand, and, on the other, points in Pennsylvania within 80 miles of Erie, Pa., except Bradford and Custer City, Pa.; rough rolled glass, from Sergeant, Pa., to certain specified points in New Jersey, Rochester, and Elmira, N.Y., and points in the New York, N.Y., commercial zone, as defined by the Commission, certain specified points in Ohio, and Baltimore, Md.; and uncrated furniture, from Kane, Pa., to Jamestown, N.Y. JONES MOTOR CO., INC., is authorized to operate as a common carrier in New Jersey, Pennsylvania, New York, Delaware, Maryland, Massachusetts, Rhode Island, Michigan, Ohio, Illinois, Indiana, West Virginia, Virginia, Tennessee, North Carolina, Vermont, Connecticut, Maine, New Hampshire, Iowa, Missouri, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9953. Authority sought for control and merger by LANGER TRANSPORT CORP., Box 305, Route 1 and Foot of Danforth Avenue, Jersey City, N.J. 07303, of the operating rights and property of BARMEL TRANSPORT CORP., Post Office Box 193, Hazlet, N.J., and for acquisition by JOSEPH A. LANGER, also of Jersey City, N.J., of control of such rights and property through the transaction. Applicants' attorney and representative: S. S. Eisen, 140 Cedar Street, New York, N.Y. 10006 and Frederick Baar, Navesink Building South, Middletown, N.J. 07748. Operating rights sought to be controlled and merged: Petroleum products, in bulk, in tank vehicles, except gasoline, kerosene, distillates, and naphtha, as a common carrier, over irregular routes, from Camden, N.J., to points in Connecticut, Maryland, Massachusetts, New York, and Pennsylvania, from Paulsboro, N.J., to New York, N.Y.; and varnish, in bulk, in tank vehicles, from Jersey City, N.J., to Philadelphia, Pa. LANGER TRANSPORT CORP. is authorized to operate as a common carrier in New York, New Jersey, Delaware, Pennsylvania, Connecticut, Massachusetts, Rhode Island, Ohio, Maryland, Virginia, Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, South Carolina, Tennessee, West Virginia, Missouri, North Dakota, South Dakota, Nebraska, Kansas, Illinois, Wisconsin, Minnesota, Iowa, California, Colorado, Arizona, Arkansas, Michigan, Indiana, Texas, Maine, New Hampshire, North Carolina, Vermont, Oklahoma, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9954. Authority sought for (1) purchase by ROLLO TRUCKING CORPORATION, INC. (NEW JERSEY CORP.), 295 Broadway, Keyport, N.J. 07735, of the operating rights and property of ROLLO TRUCKING CORPORATION, INC. (NEW YORK CORP.), 295 Broadway, Keyport, N.J. 07735, and for acquisition by JOHN W. NAPPI and CIRO L. NAPPI, both also of Keyport, N.J., of control of such rights and property through the transaction; and (2) control by ROLLO TRUCKING CORPORATION, INC. (NEW JERSEY CORP.), 295 Broadway, Keyport, N.J. 07735, of BAY SHORE TRUCKING CO., 295 Broadway, Keyport, N.J. 07735, and for acquisition by JOHN W. NAPPI and CIRO L. NAPPI, both also of Keyport, N.J., of control of BAY SHORE TRUCKING CO., through the acquisition by ROLLO TRUCKING CORPORATION, INC. (NEW JERSEY CORP.). Applicants' attorney: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Operating rights sought to be (1) transferred and (2) controlled: (1) Boats and rafts, as a common carrier, over irregular routes, from points in Monmouth County, N.J., to Philadelphia, Pa., and New York, N.Y.; crude oil of coal tar, in bulk, in tank trucks, from Chester, Pa., to Keyport, N.J.; washed 537 oil, and hisolvent spirits, in bulk, in tank trucks, from Keyport, N.J., to Chester, Pa.; petroleum and petroleum products (except asphalt and tar of any kind), in bulk, in tank trucks, from Port Socony, N.Y., to certain specified points in New York and New Jersey; chemicals, petroleum and petroleum products (except asphalt and tar of any kind), between certain specified points in New Jersey, on the one hand, and, on the other, Keyport, N.J., and points within 150 miles of Keyport, N.J., in New York, New Jersey, and Pennsylvania; oil of coal tar, in bulk, in tank vehicles, from Brooklyn, N.Y., to Chester, Pa., from Frankford, Pa., to Keyport, N.J.; And dry polyethylene and polypropylene polymers in bulk, in tank or hopper type vehicles, from the plantsite of the Hercules Power Co. at Sayreville, N.J., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia, with restriction; and (2) brick, crushed stone, sand, gravel, and building materials (not including lumber), as a common carrier, over irregular routes, between points in Middlesex County, N.J., on the one hand, and, on the other, Cliffwood, N.J., and points within 100 miles of Cliffwood, N.J., in New York and New Jersey. Application has not been filed for temporary authority under section 210a(b). NOTE: See also MC-F-9889 (Brookway Fast Motor Freight, Inc.—Purchase—Bayshore Trucking Co.), published in the September 27, 1967, issue of the FEDERAL REGISTER, on page 13552.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-13947; Filed, Nov. 28, 1967;
8:48 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

NOVEMBER 24, 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. T-645 (Sub-No. 11), filed November 10, 1967. Applicant: FREDRICKSON MOTOR EXPRESS CORPORATION, Box 21098, 3400 North Graham Street, Charlotte, N.C. 28206. Applicant's representative: J. Ruffin Bailey, 1012 Insurance Building, Raleigh, N.C. 27602. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* (except those requiring special equipment), serving the plantsite of Superior Cable Corp. located approximately 6.2 miles north of Terrell, N.C., as an off-route point as follows: (1) From the junction of North Carolina Highway 150 and County Road 1848 at Terrell, N.C., thence over County Road 1848 approximately 5.8 miles to junction unnumbered road, thence over unnumbered road approximately 1 mile to plantsite of Superior Cable Corp., and (2) from junction of North Carolina Highway 10 and County Road 1848 approximately 2 miles south of Catawba, N.C., thence over County Road 1848 approximately 3 miles to junction of unnumbered road, thence over unnumbered road approximately 1 mile to plantsite of Superior Cable Corp. Both interstate and intrastate authority sought.

Hearing: Tuesday, February 20, 1968, 10 a.m., Temporary Offices, North Carolina Utilities Commission, corner Edenton, and Wilmington Streets, Raleigh, N.C. 27602. Request for procedural information, including the time for filing protests concerning this application should be addressed to the North Carolina Utilities Commission, Post Office Box 991, Raleigh, N.C., and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-13948; Filed, Nov. 28, 1967; 8:48 a.m.]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 24, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be

MOTOR CARRIERS OF PROPERTY

No. MC 41116 (Sub-No. 32 TA) (Republication), filed October 10, 1967, published FEDERAL REGISTER issue of October 18, 1967, and republished this issue. Applicant: FOGLEMAN TRUCK LINE, INC., 1724 West Mill Street, Post Office Box 1504, Crowley, La. 70526. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned or bottled food stuffs, and dried fruits and nuts*, in packages or containers (not frozen or requiring movement in vehicle equipped with mechanical refrigeration), from New Orleans, La.; Blytheville and Siloam Springs, Ark.; Uniontown and Cullman, Ala.; San Jose and Stockton, Calif.; Lewiston, Idaho; Forest Grove, Oreg.; Memphis, Tenn.; Tyler and Donna, Tex.; and Gulfport, Miss.; Georgia, Florida, South Carolina, Kentucky, and Missouri under a continuing contract with Fraering Brokerage Co., Inc., for 180 days. Note: The purpose of this republication is to show specific points to be served in aforementioned origin States which were inadvertently omitted from previous publication. Supporting shipper: Fraering Brokerage Co., Inc., 4906 Jefferson Highway, Post Office Box 10221, New Orleans, La. 70121. Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 106398 (Sub-No. 353 TA), filed November 20, 1967. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Box 8096, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings* in sections, transported on wheeled un-

dercarriages with hitchball connector, from Elizabethton, Tenn., to points in Tennessee, Kentucky, West Virginia, Virginia, Indiana, Pennsylvania, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Maryland, Ohio, and Michigan, for 180 days. Supporting shipper: Hanley Structures, Inc., M. E. Traphagen, Treasurer-Comptroller, Post Office Box 72, Elizabethton, 37643. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 107515 (Sub-No. 595 TA) filed November 14, 1967. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road SE., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in descriptions in M.C.C. 209 and 766, from Baltimore, Md., to points in North Carolina, South Carolina, and Georgia, for 180 days. Supporting shipper: Dukeland Packing Co., Inc., 1050 South Dukeland Street (Post Office Box 1656), Baltimore, Md. 21223. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW, Washington, D.C.

No. MC 123393 (Sub-No. 193 TA) filed November 20, 1967. Applicant: BLYEY REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale Street, Post Office Box 948, commercial station, Springfield, Mo. 65803. Applicant's representative: David O. Brunson, Post Office Box 671, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, from Mankato, Kans., to points in Alabama, Georgia, Florida, Tennessee (excluding Memphis), Virginia, West Virginia, Pennsylvania, Delaware, New Jersey, New York, Rhode Island, Connecticut, New Hampshire, Vermont, Massachusetts, Maryland, District of Columbia, Kentucky, Arkansas, Oklahoma, Missouri, Michigan, and Ohio, for 180 days. Supporting shipper: Mankato Packing Co., Box No. 611, Mankato, Kans. 66956. Send protests to: H. J. Simmons, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 128220 (Sub-No. 3 TA), filed November 14, 1967. Applicant: RALPH LATHAM, doing business as LATHAM TRUCKING COMPANY, Post Office Box 508, Burnside, Ky. 42519. Applicant's representative: Louis J. Amato, Central Building, 1033 State Street, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal*, in bulk, from Red Boiling Springs, Tenn., and

[Notice 55]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 24, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69988. By order of October 31, 1967, the Transfer Board approved the transfer to Louisville Transfer, Inc., Omaha, Nebr., of certificate of registration No. MC-121478 (Sub-No. 1) issued November 29, 1963, to Gall J. Melsinger, doing business as Louisville Transfer, Louisville, Nebr., authorizing transportation in interstate or foreign commerce pursuant to certificate of public convenience and necessity No. M-10557, dated August 12, 1961, issued by the Nebraska State Railway Commission. Donald E. Leonard, Box 2028, Lincoln, Nebr., attorney for applicants.

No. MC-FC-69995. By order of October 31, 1967, the Transfer Board approved the transfer to Salem Motor Transportation, Inc., Reading, Mass., of the certificate of registration in No. MC-58852 (Sub-No. 1) issued January 21, 1966, to Salem Motor Transportation, Inc., Lynn, Mass., evidencing the right to engage in transportation in interstate or foreign commerce solely within the State of Massachusetts, corresponding to irregular route common carrier certificate 5623, dated June 8, 1965, issued by the Massachusetts Department of Public Utilities. Joseph A. Kline, 185 Devonshire Street, Boston, Mass. 02110, attorney for applicants.

No. MC-FC-69996. By order of October 31, 1967, the Transfer Board approved the transfer to Michael A. Birardi, South Amboy, N.J., of certificate No. MC-113225, issued February 12, 1952, to R. S. Plog, Whitehouse Station, N.J., and authorizing the transportation of household goods, between points in Essex, Morris, Union, Hudson, Warren, Middlesex, Somerset, and Hunterdon Counties, N.J., on the one hand, and, on the other, points in New Jersey, Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, and Rhode Island. Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102, attorney for applicants.

No. MC-FC-70001. By order of November 14, 1967, the Transfer Board approved the transfer to Scranton Moving Co., Inc., Scranton, Pa., of the portion of the operating rights in certificate No. MC-60196 issued May 11, 1961, to

Auto Express, Inc., Scranton, Pa., authorizing the transportation of: Household goods, between Scranton, Pa., and points within 25 miles thereof (except Wilkes-Barre, Pa.), on the one hand, and, on the other, points in Massachusetts, Connecticut, New York, New Jersey, Maryland, Delaware, and the District of Columbia. Kenneth R. Davis, 1106 Dartmouth Street, Scranton, Pa. 18504, practitioner.

No. MC-FC-70006. By order of October 31, 1967, the Transfer Board approved the transfer to Paramount Hauling Co., Inc., St. Louis, Mo., of the operating rights in certificates Nos. MC-51104 and MC-51104 (Sub-No. 1) respectively issued July 1, 1952, and Jan. 26, 1965, respectively to G. F. Klesel, doing business as Paramount Hauling, St. Louis, Mo., authorizing the transportation of: General commodities, with the usual exceptions, and certain specifically named commodities, i.e., coal, sand, gravel, etc., between points in Illinois and Missouri. Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101, attorney for applicants.

No. MC-FC-70007. By order of November 14, 1967, the Transfer Board approved the transfer to Biggs of Texas, Inc., Houston, Tex., of the operating rights of L. D. Cooper Trucking & Contracting, Inc., Houston, Tex., issued April 16, 1964, in certificate of registration No. MC-121201 (Sub-No. 1), authorizing the transportation of oilfield equipment and pipe, when moving as oilfield equipment; pipe when it is to be used in the construction and maintenance of pipe lines of any and every character or use other than oilfield equipment, as restricted; and trenching machines, tractors, drag lines, caterpillar road building machines, and various other types of machinery and related commodities, as restricted. Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002, attorney for applicants.

No. MC-FC-70010. By order of October 31, 1967, the Transfer Board approved the transfer to Darrell Godfrey, Brigham City, Utah, of the operating rights in permit No. MC-117445 (Sub-No. 2) issued January 6, 1961, to Williams Grain & Produce Co., a corporation, Ogden, Utah, authorizing the transportation of: Salt, from the plant site of Lake Crystal Salt Co., Saline, Utah, to points in Colorado, Idaho, Montana, and Wyoming. Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[P.R. Doc. 67-13950: Filed, Nov. 28, 1967;
8:48 a.m.]

[Notice 55-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 24, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Com-

points within 5 miles thereof, to the plant site of the Cumberland Corp. near Burnside, Ky., for 180 days. Supporting shipper: Lavern N. Forseth, Traffic Manager, Kingsford Co., Post Office Box 1033, Louisville, Ky. 40201. Send protests to: R. W. Schneider, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 207 Exchange Building, 147 North Upper Street, Lexington, Ky. 40507.

No. MC 128813 (Sub-No. 3 TA), filed November 14, 1967. Applicant: C. R. ENGLAND & SONS, INC., 228 West Fifth South Street, Salt Lake City, Utah 84101. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Filters*: A. Oil; B. Air; C. Gas; D. Water; (2) *Filter component parts*; (3) *Advertising aids and advertising materials*, including premiums used in sales promotions, (4) *Tools*, used in the inspection, installation, change or removal of filter parts and filters; (5) *Machinery* to replace or supplement existing equipment when the occasion arises, (6) *Unfinished materials* (that cannot be secured locally due to shortages in inventory of local suppliers, or the transfer of material to balance production): A. *Tin plate*, plain or lithographed; B. *Perforated tin plate*; C. *Filter paper*; D. *Wire screen cloth*; E. *Liquid plastic*; F. *Unfinished steel stampings*; G. *Steel*. For the account of Fram Corp. and Campbell Filter Co., between Clearfield, Utah, and Greenville, Ohio, for 180 days. Supporting shippers: Fram Corp., Providence, R.I. 02916; Campbell Filter Co., Post Office Box 4796, Rumford, R.I. 02916. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2224 Federal Building, Salt Lake City, Utah 84111.

No. MC 129414 (Sub-No. 1 TA) (Correction), filed October 25, 1967, published FEDERAL REGISTER, issue of November 3, 1967, and corrected this issue. Applicant: BELL & MOONEY, INC., Post Office Box 825, Gillette, Wyo. 82716. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lost circulating materials and chemicals*; from Gillette and Upton, Wyo., to points in Carter and Powder River Counties, Mont., for 180 days. Supporting shippers: Banks Mud Sales, Box 487, Gillette, Wyo. 82716; Milchem, Post Office Box 693, Casper, Wyo. NOTE: The purpose of this republication is to correct the commodities proposed to be transported. Send protests to: District Supervisor, Paul A. Naughton, Bureau of Operations, Interstate Commerce Commission, D&S Building, 255 North Center Street, Casper, Wyo. 82601.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[P.R. Doc. 67-13949: Filed, Nov. 28, 1967;
8:48 a.m.]

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FEDERAL REGISTER

VOLUME 32 • NUMBER 230

Wednesday, November 29, 1967 • Washington, D.C.

PART II

Department of Transportation

Federal Aviation Administration

•

Advisory Circular Checklist



DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[AC 00-21—Effective Sept. 15, 1967]

ADVISORY CIRCULAR CHECKLIST

1. *Purpose.* This notice prescribes the revised checklist of current FAA advisory circulars as of Sept. 15, 1967.

2. *Cancellations.* The following advisory circulars are canceled:

AC 00-2H *Advisory Circular Checklist, 3-15-67.* Canceled by AC 00-21 *Advisory Circular Checklist 8-15-67.*

AC 20-6G *U.S. Civil Aircraft Register, 1-1-67.* Canceled by AC 20-6H *U.S. Civil Aircraft Register, 7-1-67.*

AC 20-7C *General Aviation Inspection Aids, 7-15-66.* Canceled by AC 20-7D *General Aviation Inspection Aids, 7-19-67.*

AC 20-29 *Use of Phillips Petroleum Company's Additive PFA-55MB as an Anti-Icing Agent, 10-6-64.* Canceled by AC 20-29A *Use of Anti-Icing Additive PFA-55MB, 6-19-67.*

AC 43-203 *Altimeter and Static System Tests and Inspections, 6-17-66.* Canceled by AC 43-203A *Altimeter and Static System Tests and Inspections, 6-6-67.*

AC 60-2C *Annual Aviation Mechanic Safety Award Program, 7-10-66.* Canceled by AC 60-2D *Annual Aviation Mechanic Safety Awards Program, 7-3-67.*

AC 61-1 *Aircraft Type Ratings and Guide to Airline Transport Pilot Flight Test Maneuvers, 11-1-62.* Canceled by AC 61-1A *Aircraft Type Ratings, 3-28-67.*

AC 61-5 *Helicopter Pilot Examination Guide—Private, Commercial, and Flight Instructor, 11-1-63.* Canceled by AC 61-5A *Helicopter Pilot Written Test Guide—Private, Commercial, 8-14-67.*

AC 61-17 *Flight Test Guide—Instrument Pilot Airplane, 9-1-64.* Canceled by AC 61-17A *Flight Test Guide—Instrument Pilot Airplane, 6-6-67.*

AC 61.117-1A *Flight Test Guide—Commercial Pilot, Airplane * * * Single Engine, 12-1-64.* Canceled by AC 61.117-1B *Flight Test Guide—Commercial Pilot, Airplane, 4-21-67.*

AC 65.91-1 *Inspection Authorization—Application Procedures and Examination Study Guide, 9-30-63.* Canceled by AC 65.95-2 *Handbook and Study Guide for Aviation Mechanics Inspection Authorization, 5-3-67.*

AC 65.95-1 *Handbook for Aviation Mechanics with Inspection Authorization, 5-1-63.* Canceled by AC 65.95-2 *Handbook and Study Guide for Aviation Mechanics Inspection Authorization, 5-3-67.*

AC 91-1A *Operation of Civil Aircraft With One Cabin Door Removed for Parachuting, Sky Diving, or Other Special Operations, 5-10-65.* Canceled by AC 91-1B *Operation of Civil Aircraft With One Cabin Door Removed for Parachuting, Sky Diving, or Other Special Operations, 3-24-67.*

AC 120-3 *Self-contained Navigational Aids, 7-9-63.* Canceled by AC 121-10 *Doppler Radar Navigational Aids, 3-23-67* and AC 121-11 *Approval of Inertial Navigation Systems (INS), 3-23-67.*

AC 147-2B *Federal Aviation Agency Certificated Mechanic School Directory, 8-1-66.* Canceled by AC 147-2C *Federal Aviation Administration Certificated Mechanic School Directory, 8-1-67.*

AC 149-2B *Listing of Federal Aviation Agency Certificated Parachute Lofts, 1-1-65.* Canceled by AC 149-2C *Listing of Federal Aviation Administration Certificated Parachute Lofts, 8-4-67.*

AC 183.29-1B *Designated Engineering Representatives, 4-20-66.* Canceled by AC 183.29-1C *Designated Engineering Representatives, 4-25-67.*

AC 150/5100-1 *Information on Federal-aid Airport Program (FAAP) 4-15-65.* Canceled by AC 150/5300-4 *Utility Airports—Design Criteria and Dimensional Standards, 5-9-67.*

AC 150/5300-1 *VFR Airports, 3-15-63.* Canceled by AC 150/5300-4 *Utility Airports—Design Criteria and Dimensional Standards, 5-9-67.*

AC 150/5320-6 *Airport Paving, 6-10-64.* Canceled by AC 150/5320-6A *Airport Paving, 5-9-67.*

AC 150/5340-2 *Airport Lighting Control, 11-4-63.* Canceled by AC 150/5340-13A *High Intensity Runway Lighting System, 4-14-67.*

AC 150/5340-13 *High Intensity Lighting System, 3-30-65.* Canceled by AC 150/5340-13A *High Intensity Runway Lighting System, 4-14-67.*

AC 150/5345-8 *Specification for L-840 Low Intensity Runway, Landing Strip and Taxiway Light, 11-4-63.* Canceled by AC 150/5345-38 *Changes to Airport Lighting Equipment, 3-23-67.*

AC 150/5345-9A *Specification for L-819 Fixed Focus Bidirectional High Intensity Runway Light, 4-22-65.* Canceled by AC 150/5345-9B *Specification for L-819 Fixed Focus Bidirectional High Intensity Runway Light, 6-27-67.*

AC 150/5345-12 *Specification for L-801 Beacon for Small Airports, 2-3-64.* Canceled by AC 150/5345-12A *Specification for L-801 Beacon, 5-12-67.*

3. *Additions.* The following advisory circulars are added to the list:

AC 00-21 *Advisory Circular Checklist, Sept. 15, 1967.*

AC 20-6H *U.S. Civil Aircraft Register, 7-1-67.*

AC 20-7D *General Aviation Inspection Aids—August Summary 1967, 7-18-67.*

AC 20-29A *Use of Anti-Icing Additive PFA-55MB, 6-19-67.*

AC 20-51 *Procedures for Obtaining FAA Approval of Major Alterations to Type Certificated Products, 4-12-67.*

AC 20-52 *Maintenance Inspection Notes for Douglas D-6/7 Series Aircraft, 8-24-67.*

AC 21-2A *CH 1 Export Airworthiness Approval Procedures, 8-30-67.*

AC 21-6 *Production Under Type Certificate Only, 5-26-67.*

AC 21-7 *Certification and Approval of Import Products, 6-13-67.*

AC 39-3 *Distribution of Airworthiness Directives, 3-29-67.*

AC 39-4 *Distribution of Airworthiness Directives to Others Than Aircraft Owners, 4-25-67.*

AC 43.13-2 *CH 1 Acceptable Methods, Techniques, and Practices—Aircraft Alterations, 1-12-67.*

AC 43-203A *Altimeter and Static System Tests and Inspections, 6-6-67.*

AC 60-2D *Annual Aviation Mechanic Safety Awards Program, 7-1-67.*

AC 60-5 *Advisory Information on Written Test Questions Missed, 4-24-67.*

AC 61-1A *Aircraft Type Ratings, 3-28-67.*

AC 61-5A *Helicopter Pilot Written Test Guide—Private, Commercial, 8-14-67.*

AC 61-17A *Flight Test Guide—Instrument Pilot Airplane, 6-6-67.*

AC 61-32 *Private Pilot Written Examination Guide, 8-15-67.*

AC 61-40 *Performance of Stalls on Pilot Flight Tests, 9-14-67.*

AC 61.117-1B *Flight Test Guide—Commercial Pilot, Airplane, 4-21-67.*

AC 65-6 *Change in Airframe and Powerplant Mechanic Tests, 8-30-67.*

AC 65.95-2 *Handbook and Study Guide for Aviation Mechanics Inspection Authorization, 5-3-67.*

AC 90-31 *Retention of Flight Service Station (FSS) Civil Flight Plans and Related Records, 7-1-67.*

AC 90-32 *Radar Capabilities and Limitations, 8-15-67.*

AC 91-1B *Operation of Civil Aircraft With One Cabin Door Removed for Parachuting, Sky Diving, or Other Special Operations, 3-24-67.*

AC 41-16 *Category II Operations—General Aviation Airplanes, 8-7-67.*

AC 120-25 *Maintenance Symposium—Maintainability and Reliability of Aircraft Systems, 6-30-67.*

AC 121-1 *CH 12 Standard Maintenance Specifications Handbook, 5-16-67.*

AC 121-10 *Doppler Radar Navigational Aids, 3-23-67.*

AC 121-11 *Approval of Inertial Navigation Systems (INS), 3-23-67.*

AC 121-12 *Wet or Slippery Runways, 8-17-67.*

AC 140-2C *CH 1 List of Certificated Pilot Flight and Ground Schools, 7-6-67.*

AC 147-2C *Federal Aviation Administration Certificated Mechanic School Directory, 8-1-67.*

AC 149-2C *Listing of Federal Aviation Administration Certificated Parachute Lofts, 8-4-67.*

AC 183.29-1C *Designated Engineering Representatives, 4-25-67.*

AC 211-2 *Recommended Standards for IPB Aeronautical Charts, 3-20-67.*

AC 211-3 *Aviation Fuel Codes Used in Flight Information Publications, 5-19-67.*

AC 150/5050-2 *Compatible Land Use Planning in the Vicinity of Airports, 4-13-67.*

AC 150/5060-2 *Airport Site Selection, 7-19-67.*

AC 150/5300-4 *Utility Airports—Design Criteria and Dimensional Standards, 5-9-67.*

AC 150/5320-6A *Airport Paving, 5-9-67.*

AC 150/5325-5 *CH 1 Aircraft Data, 4-25-67.*

AC 150/5340-13A *High Intensity Runway Lighting System, 4-14-67.*

AC 150/5345-9B *Specification for L-819 Fixed Focus Bidirectional High Intensity Runway Light, 6-27-67.*

AC 150/5345-12A *Specification for L-801 Beacon, 5-12-67.*

AC 150/5345-37A *CH 1 FAA Specification L-850, Light Assembly, Airport Runway, Centerline, 4-3-67.*

AC 150/5345-38 *Changes to Airport Lighting Equipment.*

4. *Explanation.* The FAA issues advisory circulars to inform the aviation public in a systematic way of nonregulatory material of interest. Advisory circulars are issued in a numbered-subject system corresponding to the subject areas in the recodified Federal Aviation Regulations (14 CFR Ch. I). This checklist is issued triannually listing all current circulars.

5. *The Circular Numbering System.*

a. *General.* The advisory circular numbers relate to the subchapter titles, and correspond with the parts, and when appropriate, the specific sections of the Federal Aviation Regulations. Circulars of a general nature bear a number corresponding to the number of the general subject (subchapter) in the FAR's.

b. *Subject numbers.* The general subject matter areas and related numbers are as follows:

Subject Number and Subject

00	General.
10	Procedural.
20	Aircraft.
60	Airmen.
70	Airspace.
90	Air Traffic Control and General Operations.
120	Air Carrier and Commercial Operators and Helicopters.
140	Schools and Other Certificated Agencies.
150	Airports.
170	Air Navigational Facilities.
180	Administrative.
210	Flight Information.

c. *Breakdown of subject numbers.* When the volume of circulars in a general series warrants a subsubject breakdown, the general number is followed by a slash and a subsubject number. Material in the 150, Airports, series is issued under the following subsubjects:

Number and Subject

150/1000	Defense Readiness Program.
150/4000	Resource Management.
150/3000	Airport Planning.
150/5100	Federal-aid Airport Program.
150/6150	Surplus Airport Property Conveyance Programs.
150/5190	Airport Compliance Program.
150/5200	Airport Safety—General.
150/5210	Airport Safety Operations (Recommended Training, Standards, Manning).
150/5220	Airport Safety Equipment and Facilities.
150/5230	Airport Ground Safety System.
150/5240	Civil Airports Emergency Preparedness.
150/5300	Design, Construction, and Maintenance—General.
150/5320	Airport Design.
150/5325	Influence of Aircraft Performance on Aircraft Design.
150/5335	Runway, Taxiway, and Apron Characteristics.
150/5340	Airport Visual Aids.
150/5345	Airport Lighting Equipment.
150/5390	Airport Buildings.
150/5370	Airport Construction.
150/5380	Airport Maintenance.
150/5390	Heliports.

d. *Individual circular identification numbers.* Each circular has a subject number followed by a dash and a sequential number identifying the individual circular. This sequential number is not used again in the same subject series. Revised circulars have a letter A, B, C, etc., after the sequential number to show complete revisions. Changes to circulars have CH 1, CH 2, CH 3, etc., after the identification number on pages that have been changed. The date on a revised page is changed to the effective date of the change.

6. *The Advisory Circular Checklist.*

a. *General.* Each issued circular is listed numerically within its subject-number breakdown. The identification number (AC 120-1), the change number of the latest change, if any, to the right of the identification number, the title

and the effective date for each circular are shown. A brief explanation of the contents is given for each listing.

b. *Price.* When a price is listed after the description of a circular, it means that this circular is for sale by the Superintendent of Documents. When no price is given, the circular is distributed free of charge by FAA. Paragraph 7 tells how to get copies of circulars from these two sources.

c. *Missing numbers.* In some series of sequential numbers there are missing numbers, e.g., 00-8 through 00-11 have not been used although 00-7 and 00-12 have been used. These missing numbers are assigned to advisory circulars still in preparation which will be issued later.

d. *Internal directives on sale.* A list of certain internal directives sold by the Superintendent of Documents is shown at the end of the checklist. These documents are not identified by advisory circular numbers, but have their own directive numbers.

7. *How to get circulars.*

a. Request free advisory circulars shown without an indicated price from:

Department of Transportation
Federal Aviation Administration
Distribution Unit, TAD 484.3
Washington, D.C. 20590

NOTE: Individuals who want to be placed on FAA's mailing list for future circulars should write to the above address. Be sure to identify the subject matter desired by the subject numbers and titles shown in paragraph 5b because separate mailing lists are maintained for each advisory circular subject series. Checklists and circulars issued in the general series will be distributed to every addressee on each of the subject series lists. Individuals requesting more than one subject classification may receive more than one copy of related circulars and this checklist because they will be included on more than one mailing list. Persons already on the distribution list for AC's and changes to FAR's will automatically receive related circulars.

b. Order advisory circulars and internal directives with purchase price given from:

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

c. Send check or money order with your order to the Superintendent of Documents. Make the check or money order payable to the Superintendent of Documents in the amounts indicated in the list. Orders for mailing to foreign countries should include an additional amount of 25 percent of the price to cover postage. No c.o.d. orders are accepted.

d. Advisory circulars may be reproduced in their entirety or in part without permission from the Federal Aviation Administration.

JAMES T. MURPHY,
Manager of
Headquarters Operations.

ADVISORY CIRCULAR CHECKLIST

General

SUBJECT NO. 00

00-1 The Advisory Circular System (12-4-62).

Describes the FAA Advisory Circular System.

00-21 Advisory Circular Checklist (9-15-67).

This circular transmits the revised checklist of current FAA advisory circulars as of Sept. 15, 1967.

00-3 Realm of Flight (5-1-63).

Presents practical information about weather in relation to the piloting of private aircraft. Published in 1963. (\$0.75 GPO.)

00-4 Facts of Flight (5-1-63).

Offers practical information about the operation of private aircraft. Published in 1963. (\$0.50 GPO.)

00-5 Path of Flight (2-1-63).

Provides the private pilot with information essential to safe navigation of his aircraft. Published in 1963. (\$0.70 GPO.)

00-6 Aviation Weather (5-20-65).

Provides an up-to-date and expanded text for pilots and other flight operations personnel whose interest in meteorology is primarily in its application to flying. Published in 1965. (\$2.25 GPO.)

00-7 State and Regional Defense Airlift Planning (4-30-64).

Provides guidance for the development of plans by the FAA and other Federal and State agencies for the use of non-air-carrier aircraft during an emergency.

00-7 CH 1 Provision of Appendix 4 and Addition of New Appendix 9 to State and Regional Defense Airlift Planning (1-5-65).

The title is self-explanatory.

00-12 Potential Hazard Associated with the Use of Celluloid Computers in Flight (6-6-63).

Advises flight crewmembers of a hazard when using equipment made of celluloid material.

00-13A Runway Visibility Measurements (2-24-65).

Provides the latest information available on the installation and operational use of Runway Visibility Value (RVV) and Runway Visual Range (RVR) at civil airports in the United States.

00-14 Flights by U.S. Pilots Into and Within Canada (4-16-65).

Provides information concerning flights into and within Canada.

00-15 Potential Hazard Associated With Passengers Carrying "Anti-Mugger" Spray Devices (8-20-65).

Advises aircraft operators, crewmembers, and others who are responsible for flight safety, of a possible hazard to flight

should a passenger inadvertently or otherwise discharge a device commonly known as an "anti-mugger" spray device in the cabin of an aircraft.

00-17 Turbulence in Clear Air (12-16-65).

Provides information on atmospheric turbulence and wind shear, emphasizing important points pertaining to the common causes of turbulence, the hazards associated with it, and the conditions under which it is most likely to be encountered.

00-18B FAA Publications—March 1967 (3-17-67).

Provides a list of FAA publications of general interest to the aviation public.

00-19 System Description for a Modernized Weather Teletypewriter Communications System (7-8-66).

Transmits a technical report of the system improvements which the Federal Aviation Agency plans to make in the operation of the Services A, C, and O weather teletypewriter communications network.

00-20 Cancellation of Flight Standards Service Releases (9-7-66).

Cancels all outstanding Flight Standards Service Releases.

00-21 Shoulder Harness (10-5-66).

Provides information concerning the installation and use of shoulder harnesses by pilots in general aviation aircraft.

Procedural

SUBJECT NO. 10

10-3 Operation of Oxygen System High Pressure Valves (8-21-64).

Provides information concerning the importance of proper "opening" of oxygen system high pressure valves.

11-1 Airspace Rule-Making Proposals and Changes to Air Traffic Control Procedures (10-28-64).

Emphasizes the need for the early submission of proposals involving airspace rule-making activity or changes to existing procedures for the control of air traffic.

Aircraft

SUBJECT NO. 20

20-1 Limitations of Self-Locking Castellated Nuts (6-20-63).

Provides information on the limitations of cotter pinned self-locking nuts.

20-3A Status and Availability of Military Handbooks and ANC Bulletins for Aircraft (1-15-64).

Announces the status and availability of Military Handbooks and ANC Bulletins prepared jointly with FAA.

20-5 Plane Sense (8-14-63).

Provides general aviation information for the private aircraft owner.

20-6H U.S. Civil Aircraft Register (7-1-67).

Lists all active U.S. civil aircraft by registration number. Published in 1967. (\$7.25 GPO.)

20-7D General Aviation Inspection Aids Summary (7-18-67).

Contains the latest information on airplane service difficulties reported up to and including fiscal year 1966. This year's summary also contains an Addendum of previously unpublished data. Published in 1966. (\$1.50 GPO.)

20-8 Shifting Flight Control Systems from Boost-On to Boost-Off Operation on all Lockheed Constellation Aircraft (7-30-63).

Provides guidance material for air carriers and other operators of Constellation type aircraft relating to the shifting of the flight control system from boost-on to boost-off operation during emergencies.

20-9 Personal Aircraft Inspection Handbook (12-2-64).

Provides a general guide, in simple, nontechnical language, for the inspection of aircraft. Published in 1964. (\$0.50 GPO.)

20-10 Approved Airplane Flight Manuals for Transport Category Airplanes (7-30-63).

Calls attention to the regulatory requirements relating to FAA Approved Airplane Flight Manuals.

20-11 Eligibility and Quality of Aircraft Replacement Parts and Supplies (8-18-63).

Advises the aircraft industry of replacement parts and supplies which may not meet acceptable standards.

20-12 Acceptable Functional and Installation Criteria for Aircraft Type Certification Approval of the Installation of Airborne Communications, Navigation, and Automatic Flight Control Systems (4-6-64).

Advises about the future plans of the FAA regarding the subject matter.

20-13A Surface-Effect Vehicles (8-28-64).

States FAA policy on surface-effect vehicles (vehicles supported by a cushion of compressed air).

20-14 Aircraft Airworthiness; Restricted Category: Certification of Aircraft With Uncertificated Engines or Engines to Which Major Alterations Have Been Made (10-25-63).

Sets forth information needed by FAA for type certification of aircraft in the restricted category with uncertificated engines or engines having major alterations.

20-15A Qualification of Type Certificated Engines and Propellers for Aircraft Installations (3-24-66).

Calls attention to the relationship between both Federal Aviation Regulations, Parts 33 (Aircraft Engine Airworthiness) and 35 (Propeller Airworthiness), and various aircraft airworthiness parts.

20-17 Surplus Military Aircraft (1-6-64).

Informs how to obtain copies of regulations required for certification of surplus military aircraft.

20-18A Qualification Testing of Turbojet Engine Thrust Reversers (3-16-66).

Discusses the requirements for the qualification of thrust reversers and sets forth an acceptable means of compliance with the tests prescribed in Federal Aviation Regulations, Part 33, when run under nonstandard ambient air conditions.

20-19A Identification of Approved Aeronautical Replacement Parts (1-19-66).

Advises the aircraft industry of the FAA methods for identifying aeronautical replacement parts and how to determine that such parts are approved for installation on certificated aircraft.

20-20A Flammability of Jet Fuels (4-9-65).

Gives information on the possibility of combustion of fuel in aircraft fuel tanks.

20-21 Application of Glass Fiber Laminates in Aircraft (12-3-64).

Provides information on the past and present uses of reinforced plastics in aircraft, the engineering and design considerations, and the manufacturing methods insofar as they relate to and affect the strength and durability characteristics of reinforced plastics. Published in 1964. (\$0.35 GPO.)

20-23A Interchange of Service Experience—Mechanical Difficulties (8-18-66).

Explains the advantages of a voluntary exchange of service experience data.

20-24 Qualification of Fuels, Lubricants, and Additives (6-16-64).

Establishes procedures for the approval of the use of subject materials in certificated aircraft.

20-25 Identification of Technical Standard Order (TSO) Safety Belts (7-5-64).

Describes the markings which indicate that a safety belt has been manufactured under the FAA TSO system and approved for use in certificated aircraft.

20-26 Turbine and Compressor Rotors Type Certification Substantiation Procedures (7-22-64).

Sets forth acceptable means of complying with Part 13 of the CAR's.

20-26 CH 1 Turbine and Compressor Rotors Type Certification Substantiation Procedures (9-18-64).

Revises the overspeed r.p.m. for testing when the demonstration is made on a complete engine.

20-26 CH 2 Turbine and Compressor Rotors Type Certification Substantiation Procedures (7-8-65).

References to CAR 13 are revised to reflect only Federal Aviation Regula-

tions; and provides clarification of paragraph 4c of the basic advisory circular.

20-27 Certification and Operations of Amateur-Built Aircraft (7-31-64).

Provides information and guidance material for amateur aircraft builders.

20-28 Nationally Advertised Aircraft Construction Kits (8-7-64).

Explains that using certain kits could render the aircraft ineligible for the issuance of an experimental certificate as an amateur-built aircraft.

20-29A Use of Anti-Icing Additive PFA-55MB (6-19-67).

Provides information on the use of anti-icing additive for jet fuels to assure compliance with FAR's that require assurance of continuous fuel flow under icing conditions.

20-30 Airplane Position Lights and Supplementary Lights (10-19-64).

Provides an acceptable means for complying with the position light requirements for airplane airworthiness and acceptable criteria for the installation of supplementary lights on airplanes.

20-32 Carbon Monoxide (CO) Contamination in Aircraft—Detection and Prevention (1-22-65).

Informs aircraft owners, operators, maintenance personnel, and pilots of the potential dangers of carbon monoxide contamination and discusses means of detection and procedures to follow when contamination is suspected.

20-33 Technical Information Regarding Civil Aeronautics Manuals 1, 3, 4a, 4b, 5, 6, 7, 8, 9, 10, 13, and 14 (2-8-65).

Advises the public that policy information contained in the subject Civil Aeronautics Manuals may be used in conjunction with specific sections of the Federal Aviation Regulations.

20-34 Prevention of Retractable Landing Gear Failures (3-8-65).

Provides information and suggested procedures to minimize landing accidents involving aircraft having retractable landing gear.

20-35 Tie-Down Sense (4-29-65).

Provides information of general use on aircraft tie-down techniques and procedures.

20-36A Index of Materials, Parts and Appliances Certified Under the Technical Standard Order System—March 1, 1966 (4-8-66).

Lists the materials, parts, and appliances for which the Administrator has received statements of conformance under the Technical Standard Order system as of March 1, 1966. Such products are deemed to have met the requirements for FAA approval as provided in Part 37 of the Federal Aviation Regulations.

20-37 Aircraft Metal Propeller Blade Failure (6-7-65).

Provides information and suggested procedures to increase service life and to

minimize blade failures of metal propellers.

20-38A Measurement of Cabin Interior Emergency Illumination in Transport Airplanes (2-8-66).

Outlines acceptable methods, but not the only methods, for measuring the cabin interior emergency illumination on transport airplanes, and provides information as to suitable measuring instruments.

20-39 Installation Approval of Entertainment Type Television Equipment in Aircraft (7-15-65).

Presents an acceptable method (but not the only method) by which compliance may be shown with Federal Aviation Regulations 23.1431, FAR 25.1309(b), FAR 27.1309(b), or FAR 29.1309(b) as applicable.

20-40 Placards for Battery-Excited Alternators Installed in Light Aircraft (8-11-65).

Sets forth an acceptable means of complying with placarding rules in Federal Aviation Regulations 23 and 27 with respect to battery-excited alternator installations.

20-41 Replacement TSO Radio Equipment in Transport Aircraft (8-30-65).

Sets forth an acceptable means for complying with rules governing transport category aircraft installations in cases involving the substitution of technical standard order radio equipment for functionally similar radio equipment.

20-42 Hand Fire Extinguishers in Transport Category Airplanes and Rotocraft (9-1-65).

Sets forth acceptable means (but not the sole means) of compliance with certain hand fire extinguisher regulations in FAR 25 and FAR 29, and provides related general information.

20-43 Aircraft Fuel Contamination (9-3-65).

Informs the aviation community of the potential hazards of fuel contamination, its control, and recommended fuel servicing procedures.

20-44 Glass Fiber Fabric for Aircraft Covering (9-3-65).

Provides a means, but not the sole means, for acceptance of glass fiber fabric for external covering of aircraft structure.

20-45 Safetizing of Turnbuckles on Civil Aircraft (9-17-65).

Provides information on turnbuckle safetizing methods that have been found acceptable by the Agency during past aircraft type certification programs.

20-46 Suggested Equipment for Gliders Operating Under IFR (9-23-65).

Provides guidance to glider operators on how to equip their gliders for operation under instrument flight rules (IFR), including flight through clouds.

20-47 Exterior Colored Band Around Exits on Transport Airplanes (2-8-66).

Sets forth an acceptable means, but not the only means, of complying with the requirement for a 2-inch colored band outlining exits required to be openable from the outside on transport airplanes.

20-48 Practice Guide for Decontaminating Aircraft (5-5-66).

The title is self-explanatory.

20-49 Analysis of Bird Strike Reports on Transport Category Airplanes (7-27-66).

Provides the results of a statistical study on the frequency of collisions of birds with transport aircraft and the resulting damages.

20-51 Procedures for Obtaining FAA Approval of Major Alterations to Type Certificated Products (4-12-67).

Provides assistance to persons who desire to obtain FAA approval of major alterations to type certificated products.

20-52 Maintenance Inspection Notes for Douglas DC-6/7 Series Aircraft (8-24-67).

Describes maintenance inspection notes which can be used for the maintenance support of certain structural parts of DC-6/7 series aircraft.

21-1 Production Certificates (6-15-65).

Provides information concerning Subpart G of Federal Aviation Regulations (FAR) Part 21, and sets forth acceptable means of compliance with its requirements.

21-2A Export Airworthiness Approval Procedures (2-16-67).

Announces the adoption of new regulations and provides guidance to the public regarding the issuance of export airworthiness approvals for aeronautical products to be exported from the United States.

21-2A CH 1 Export Airworthiness Approval Procedures (8-30-67).

Changes to basic document.

21-4A Special Flight Permits for Operation of Overweight Aircraft (9-16-66).

Furnishes guidance concerning special flight permits necessary to operate an aircraft in excess of its usual maximum certificated takeoff weight.

21-5 Summary of Supplemental Type Certificates (2-24-66).

Announces the availability to the public of a new Summary of Supplemental Type Certificates (STC's), Part 21 of the Federal Aviation Regulations.

21-6 Production Under Type Certificate Only (5-29-67).

Provides information concerning Subpart F of FAR Part 21, and sets forth examples, when necessary, of acceptable means of compliance with its requirements.

21-7 Certification and Approval of Import Products (6-13-67).

Provides guidance and information relative to U.S. certification and approval of import aircraft, aircraft engines, propellers manufactured in a foreign country with which the United States has an acceptance agreement of those products for export and import.

21.25-1 Use of Restricted Category Airplanes for Glider Towing (4-20-65).

Announces that glider towing is now considered to be a special purpose for type and airworthiness certification in the restricted category.

21.303-1 Replacement and Modification Parts (3-2-66).

Provides information concerning section 21.303 of Federal Aviation Regulations, Part 21, and sets forth examples of acceptable means of compliance with its requirements.

23-1 Type Certification Spin Test Procedures (4-1-64).

Sets forth an acceptable means by which compliance may be shown with the one-turn spinning requirement in Part 3 of the CAR's.

23.1329-1 Automatic Pilot Systems Approval (Non-Transport) (12-23-65).

Sets forth an acceptable means by which compliance with the automatic pilot installation requirements of FAR 23.1329 may be shown.

25-1 Airplane Flight Manual Procedures Associated with Performance Limitations (9-4-63).

Provides acceptable means for compliance with Special Regulation SR-422B, section 4T.743(c).

25-2 Extrapolation of Takeoff and Landing Distance Data Over a Range of Altitude for Turbine-Powered Transport Aircraft (7-9-64).

Sets forth acceptable means by which compliance may be shown with the requirements in CAR 4b and SR-422B.

25-3A Protection of Transport Aircraft Fuel Systems Against Lightning (11-10-66).

This circular summarizes the results of recent studies concerning: (a) the protection of transport aircraft fuel systems against the effects of lightning, (b) protective techniques and devices, and (c) methods for testing protective measures.

25-4 Inertial Navigation Systems (INS) (2-18-66).

Sets forth an acceptable means for complying with rules governing the installation of inertial navigation systems in transport category aircraft.

25.253-1 High-Speed Characteristics (11-24-65).

Sets forth an acceptable means by which compliance may be shown with FAR 25.253 during certification flight tests.

25.253-1 CH 1 High-Speed Characteristics (1-10-66).

Provides amended information for the basic advisory circular.

25.1329-1 Automatic Pilot System Approval (10-1-65).

Sets forth an acceptable means by which compliance with the automatic pilot installation requirements of FAR 25.1329 may be shown.

25.1457-1 Cockpit Voice Recorder Installations (4-7-65).

Sets forth an acceptable means of compliance with provisions in FAR Part 25 pertaining to cockpit voice recorder location and erasure features.

27.1581-1 Sea Rotorcraft Autorotative Landing on Land (8-3-65).

Sets forth acceptable means, not the sole means, with which to provide suitable warning information to crews of float-equipped rotorcraft (pneumatic bag type) when a safe autorotative landing on land may not be possible.

29-1 Approval Basis for Automatic Stabilization Equipment (ASE) Installations in Rotorcraft (12-26-63).

Gives means for compliance with flight requirements in various CAR's.

29-1 CH 1 Approval Basis for Automatic Stabilization Equipment (ASE) Installations in Rotorcraft (3-26-64).

Transmits revised information about the time delay of automatic stabilization equipment.

29.773-1 Pilot Compartment View (1-19-66).

Sets forth acceptable means, not the sole means, by which compliance with FAR 29.773(a)(1), may be shown.

33-1 Turbine-Engine Foreign Object Ingestion and Rotor Blade Containment Type Certification Procedures (6-24-65).

Provides guidance and acceptable means, not the sole means, by which compliance may be shown with the design and construction requirements of Part 33 of the Federal Aviation Regulations.

33-2 Aircraft Engine Type Certification Handbook (3-30-66).

Contains guidance relating to type certification of aircraft engines which will constitute acceptable, although not the sole means, of compliance with the Federal Aviation Regulations.

39-1 Jig Fixtures; Replacement of Wing Attach Angles and Doublers on Douglas Model DC-3 Series Aircraft (8-1-63).

Describes methods of determining that jig fixtures meet the requirements of Airworthiness Directive 63-4-1.

39-3 Distribution of Airworthiness Directives (3-29-67).

Announces a new procedure for the distribution of airworthiness directives.

39-4 Distribution of Airworthiness Directives to Other Than Aircraft Owners (4-25-67).

This circular is to clarify the procedure for the distribution of airworthiness directives to persons other than aircraft owners.

43-1 Matching VHF Navigation Receiver Outputs With Display Indicators (8-2-65).

Alerts industry to the possibility of mismatching outputs, both guidance and flag alarm, of certain VHF navigation receivers when used with some types of display indicators causing the receiver to fail without providing a flag alarm.

43-2 Minimum Barometry for Calibration and Test of Atmospheric Pressure Instruments (9-10-65).

Sets forth guidance material which may be used to determine the adequacy of barometers used in the calibration of aircraft static instruments and presents information concerning the general operation, calibration, and maintenance of such barometers.

43.9-1A Instruction for Completion of FAA Form 337 (4-20-65).

Provides instructions for completing revised FAA Form 337, Major Repair and Alteration (Airframe, Powerplant, Propeller, or Appliance).

43.11-1A Aircraft Use and Inspection Report (2-15-65).

Provides instruction for completing revised FAA Form 2350.

43.13-1 Acceptable Methods, Techniques and Practices—Aircraft Inspection and Repair (5-16-66).

Contains methods, techniques, and practices acceptable to the Administrator for inspection and repair to civil aircraft. Published in 1965. (\$1.50 GPO.)

43.13-2 Acceptable Methods, Techniques, and Practices—Aircraft Alterations (4-19-66).

Contains methods, techniques, and practices acceptable to the Administrator in altering civil aircraft. Published in 1965. (\$1 GPO.)

43.13-2 CH 1 Acceptable Methods, Techniques, and Practices—Aircraft Alterations (1-12-67).

Transmits new material to the subject advisory circular.

43-202 Maintenance of Weather Radar Radomes (6-11-65).

Provides guidance material useful to repair facilities in the maintenance of weather radar radomes.

43-203A Altimeter and Static System Tests and Inspections (6-6-67).

Specifies acceptable methods for testing altimeter and static system. Also, provides general information on test equipment used and precautions to be taken.

45-1 Nationality and Registration Marks for Fixed-Wing Aircraft (7-16-65).

Reminds owners and operators of fixed-wing aircraft of the approaching

deadline to comply with the Federal Aviation Regulations requiring the display of the subject marks on the vertical tail surfaces or on the sides of the fuselage.

Airmen

SUBJECT NO. 60

60-1 Know Your Aircraft (6-12-63).

Describes potential hazards associated with operation of unfamiliar aircraft and recommends good operating practices.

60-2D Annual Aviation Mechanic Safety Awards Program (7-3-67).

Provides details of the annual Aviation Mechanic Safety Awards Program which is a joint effort of FAA, The Flight Safety Foundation, and the aviation community.

60-4 Pilot's Spatial Disorientation (2-9-65).

Acquaints pilots flying under visual flight rules with the hazards of disorientation caused by the loss of reference with the natural horizon.

60-5 Advisory Information on Written Test Questions Missed (4-24-67).

Announces a new automated method of reporting written test results to airman applicants. The applicant will be provided information concerning the subject matter areas in which one or more questions were answered incorrectly on the test.

61-1A Aircraft Type Ratings (3-28-67).

Provides a list of the various aircraft type ratings which are issued to qualified pilot applicants.

61-2A Private Pilot (Airplane) Flight Training Guide (9-1-64).

Contains a complete private pilot flight training syllabus which consists of 30 lessons. Published in 1964. (\$1 GPO.)

61-3A Flight Test Guide—Private Pilot—Airplane—Single Engine (5-20-66).

Assists the private pilot applicant in preparing for his certification flight test. Published in 1966. (\$0.20 GPO.)

61-4A Flight Test Guide—Multiengine Airplane Class or Type Rating (5-13-66).

Assists multiengine pilot applicants in preparing for certification or rating flight tests. Published in 1966. (\$0.15 GPO.)

61-5A Helicopter Pilot Written Test Guide—Private—Commercial (8-14-67).

Gives guidance to applicants preparing for the aeronautical knowledge requirements for a private or commercial pilot certificate with a helicopter rating.

61-6A Glider Pilot Examination Guide—Private, Commercial, and Flight Instructor (5-1-65).

Outlines basic requirements for glider pilots and assists in preparing for the pilot examination.

61-7 Military Pilot Examination Guide (12-1-63).

Outlines requirements for military or former military pilots seeking FAA certificate as private or commercial pilots.

61-8A Instrument Pilot Examination Guide (1-12-66).

Assists pilots in preparing for the Instrument Pilot Examination. Revised in 1966. (\$0.40 GPO.)

61-9 Pilot Transition Courses for Complex Single-Engine and Light Twin-Engine Airplanes (6-16-64).

Provides training syllabuses and check-out standards for pilots who seek to qualify on additional types of airplanes. Published in 1964. (\$0.15 GPO.)

61-10 Private and Commercial Pilots Refresher Courses (9-1-64).

Provides a syllabus of ground instruction periods and training lessons. Published in 1964. (\$0.15 GPO.)

61-11 Airplane Flight Instructor Examination Guide (1-5-66).

Provides information to prospective airplane flight instructors about certification requirements, application procedures, and reference study materials; a sample examination is presented with explanations of the correct answers. Published in 1965. (\$0.45 GPO.)

61-12A Student Pilot Guide (2-28-66).

Serves as a guide for prospective student pilots and presents general procedures for obtaining student and private pilot certificates. Published in 1965. (\$0.15 GPO.)

61-13 Basic Helicopter Handbook (1-20-66).

Provides detailed information to applicants preparing for private, commercial, and flight instructor pilot certificates with a helicopter rating about helicopter aerodynamics, performance, and flight maneuvers. It will also be useful to certificated helicopter flight instructors as an aid in training students. Published in 1965. (\$0.75 GPO.)

61-14 Flight Instructor Practical Test Guide (1-19-65).

Provides assistance to the certificated pilot in preparing for the practical demonstration required for the issuance of the flight instructor certificate. Published in 1964. (\$0.10 GPO.)

61.15-1 Helicopter or Gyroplane Class Rating Requirement for Rotorcraft Pilots (1-15-63).

Calls the attention of certificated rotorcraft pilots to the fact that helicopter or gyroplane class ratings are required for the operation of rotorcraft after 2-1-63.

61-16 Flight Instructor's Handbook (1-19-65).

Contains study and reference material on the principles of teaching and flight training procedures. Published in 1964. (\$0.60 GPO.)

61-17A Flight Test Guide—Instrument Pilot Airplane (6-6-67).

Provides assistance for the instrument pilot applicant in preparing for his instrument rating flight test. Published in 1967. (0.10 GPO.)

61-18A Airline Transport Pilot (Airplane) Written Examination Guide (4-28-66).

Describes the type and scope of aeronautical knowledge covered by the written examination, lists appropriate references for study, and presents sample examination questions. Published in 1966. (\$0.35 GPO.)

61-19 Safety Hazard Associated with Simulated Instrument Flights (12-4-64).

Emphasizes the need for care in the use of any device restricting visibility while conducting simulated instrument flights that may also restrict the view of the safety pilot.

61-20 Integrated Flight Instruction (5-4-65).

Provides information on the objectives of integrated flight instruction, and on the procedures for its administration.

61-21 Flight Training Handbook (1-11-66).

Provides information and direction in the introduction and performance of training maneuvers for student pilots, pilots requalifying or preparing for additional ratings, and flight instructors. Published in 1965. (\$0.70 GPO.)

61-22A Pilot Flight Tests in Small Airplanes With Stability/Control Augmentation (3-16-66).

Rescinds the limitation published in AC 61-22 for pilot certificates issued on the basis of flight training and tests in airplane equipped with gyroscopic stability/control augmentation systems.

61-23 Private Pilot's Handbook of Aeronautical Knowledge (5-27-66).

Contains essential, authoritative information used in training and guiding applicants for private pilot certification, flight instructors, and flying school staffs. Published in 1966. (\$2.75 GPO.)

61-24 Student Pilot Certificate Endorsements for Solo Flight in Single-Place or Single-Control Aircraft (7-20-65).

Describes a suggested procedure for checking out student pilots for solo flights in single-place or single-control aircraft.

61-25 Flight Test Guide—Helicopter, Private and Commercial Pilot (12-7-65).

Assists the helicopter pilot applicant in preparing for the certification flight tests; provides information concerning applicable procedures and standards. Published in 1965. (\$0.10 GPO.)

61-26 Flight Instructor Requalification Program and Increased Student Pilot Operating Requirements (9-23-65).

Informs the public of the procedures which will be used by FAA inspectors in

implementing the Flight Instructor Certificate renewal, instructor supervision of student pilots, and other associated requirements instituted by FAR Amendment 61-18.

61-27 Instrument Flying Handbook (12-12-66).

Provides the pilot with basic information needed to acquire an FAA instrument rating. It is designed for the reader who holds at least a private pilot certificate and is knowledgeable in all areas covered in the "Private Pilot's Handbook of Aeronautical Knowledge." Published in 1966. (\$1.75 GPO.)

61-28 Commercial Pilot Examination Guide (5-17-66).

Guides prospective applicants toward a clear understanding of the requirements, the reference material, the form of the examination, and the examining procedures. Published in 1966. (\$0.75 GPO.)

61-29 Instrument Flight Instructor Written Examination Guide (9-28-66).

Designed to aid those preparing for the Instrument Flight Instructor Written Examination, this guide outlines basic knowledge necessary to an instrument flight instructor, indicates sources helpful in acquiring this knowledge, and provides sample questions and answers for practice. Published in 1966. (\$0.50 GPO.)

61-30 Flight Test Guide—Gyroplane, Commercial Pilot (2-3-66).

Assists commercial pilot operator in preparing for certification test. Revised in 1966. (\$0.15 GPO.)

61-31 Gyroplane Pilot Examination Guide, Private and Commercial (2-9-66).

Outlines information basic to a gyroplane pilot, lists sources useful in acquiring this knowledge, and presents sample examination questions.

61-32 Private Pilot Written Examination Guide (8-15-67).

A combination workbook, written test guide. Includes 71 exercises covering every section of the Private Pilot's Handbook of Aeronautical Knowledge plus a sample written test presented in a fashion similar to the current Private Pilot Written Examination. Published in 1967. (\$1.50 GPO.)

61-33 Gyroplane Flight Instructor Examination Guide (3-25-66).

Assists applicants who are preparing for the Flight Instructor Rotocraft Gyroplane Written Examination. Revised in 1966.

61-35 Gold Seal Flight Instructor Certificate (10-4-66).

Announces the issuance of gold seal certificates to persons with outstanding qualifications and performance records as flight instructors.

61-36 Use of Other Than U.S. Coast and Geodetic Survey Charts on Pilot Flight Tests (2-6-67).

Clarifies the requirement governing the use on pilot flight tests of en route and instrument approach charts prepared by other than the U.S. Coast and Geodetic Survey.

61-37 Correction to Koch Chart in AC 61-11 and AC 61-28 (2-14-67).

Informs holders of AC 61-11, Airplane Flight Instructor Examination Guide, (1965) and AC 61-28, Commercial Pilot Written Examination Guide, (1966) of inaccuracies in the Koch Charts for Altitude and Temperature Effects which appear in these publications.

61-40 Performance of Stalls on Pilot Flight Tests (9-14-67).

Advises flight test applicants and flight instructors of changes in the performance of stalls on flight tests for the issuance of pilot certificates and ratings.

61.117-1B Flight Test Guide—Commercial Pilot, Airplane (4-21-67).

Assists the commercial applicant in preparing for his certification flight test. Published in 1964. (\$0.15 GPO.)

63-1 Flight Engineer Written Examination Guide (12-12-66).

Contains information about certification requirements and describes the type and scope of the examination. It also lists appropriate study and reference material and presents sample examinations with test items similar to those found in the official examinations. Published in 1966. (\$0.30 GPO.)

63-2 Flight Navigator Written Examination Guide (10-26-66).

This circular: (1) Outlines the scope of the basic aeronautical knowledge requirements for a Flight Navigator; (2) acquaints the applicant with source material that may be used to acquire this basic knowledge; and (3) presents a sample examination, answers and explanations to the sample examination test items, and other data used in the current Flight Navigator Written Examinations. Published in 1967. (\$0.25 GPO.)

65-2 Airframe and Powerplant Mechanics Examination Guide (7-22-63).

Provides information to prospective airframe and powerplant mechanics and other persons interested in FAA certification of aviation mechanics. Published in 1963. (\$0.30 GPO.)

65-4 Aircraft Dispatcher Examination Guide (5-27-66).

Describes the type and scope of aeronautical knowledge covered by the aircraft dispatcher written examination, lists reference materials, and presents sample questions. Published in 1966. (\$0.40 GPO.)

65-6 Change in Airframe and Powerplant Mechanic Tests (8-30-67).

Announces a change in format of mechanic written, oral, and practical tests.

65.33-1 List of Study References for the ATC Tower Operator Examination (5-25-66).

The title is self-explanatory.

65.71-1 Mechanic Written Test—Expiration Date (5-4-65).

Advises persons, who have (within the past 24 months) passed those sections of the mechanics written test that were previously failed, to submit Form 578A, Report of Written Examination, to FAA.

65.95-2 Handbook and Study Guide for Aviation Mechanics' Inspection Authorization (5-3-67).

Gives guidance to persons conducting annual and progressive inspection and approving major repairs or alterations of aircraft. While the handbook is primarily intended for mechanics holding or preparing for an Inspection Authorization, it may be useful to aircraft manufacturers and certificated repair stations who have these privileges.

Airspace

SUBJECT NO. 70

77-1 Objects Affecting Navigable Airspace (7-2-65).

Announces the availability of the revised Part 77 of the Federal Aviation Regulations (FAR), dated May 1, 1965. This revised Part 77 supersedes the edition dated December 12, 1962.

77.37-1 Petitioning the Administrator for Review of Hazard Determinations (10-11-65).

Furnishes information concerning the submission of petitions to the Administrator for review, extension, or revision of hazard determinations issued by Regional Directors.

Air Traffic Control and General Operations

SUBJECT NO. 90

90-1 Using the Instrument Approach Procedure Charts (2-25-63).

Clarifies the symbols and abbreviations used on Instrument Approach Procedure Charts.

90-5 Coordination of Air Traffic Control Procedures and Criteria (6-13-63).

States Air Traffic Service policy respecting coordination of air traffic procedures and criteria with outside agencies and/or organizations.

90-8 Radio Identification of Student Pilots (8-15-63).

Encourages student pilots to identify themselves when communicating with FAA facilities.

90-10 Holding Pattern (3-1-64).

Advises pilots that revised IFR aircraft holding pattern procedures, implemented by FAA in January 1, 1962, will be the sole basis for providing protected airspace for holding patterns, beginning March 1, 1964.

90-11 Air Traffic Control Radio Frequency Assignment Plan (9-16-64).

Describes the civil air traffic control very high frequency assignment plan and the allocation of frequencies in the 118-136 Mc/s band.

90-12 Severe Weather Avoidance (4-15-64).

Provides information regarding air traffic control assistance in avoiding severe weather conditions.

90-13 Turbojet Training Program—General Aviation (4-22-64).

Recommends areas of coverage for initial and recurrent training of general aviation pilots in turbojet aircraft.

90-13 CH 1 Turbojet Training Program—General Aviation (12-23-65).

Transmits a page change to Attachment 1 of AC 90-13 to provide suggested minimum hours of pilot training for general aviation turbojet aircraft certificated subsequent to the issuance of AC 90-13.

90-14 Altitude-Temperature Effect on Aircraft Performance (5-7-64).

Re-emphasizes importance to pilots of being aware of altitude-temperature effects on aircraft performance.

90-15 Pilot's Response to ATC Clearances and Instructions (7-2-64).

States Agency philosophy concerning expected pilot response to air traffic control clearances and instructions.

90-18 Large Propeller-Driven Aircraft Training Program—General Aviation (10-21-64).

Recommends areas of coverage for initial and recurrent training of general aviation pilots in large propeller-driven aircraft.

90-19 Use of Radar for the Provision of Air Traffic Control Services (10-29-64).

Advises the aviation community of the Agency's practice in the use of radar information to provide air traffic control services.

90-20 Weather Radar Radomes (11-12-64).

Highlights some important points to consider in the selection and maintenance of weather radar radomes.

90-21 Dualing of Service O Circuits 8273, 8275 and 8276 (3-1-65).

Provides revised weather schedules by circuit to enable users to determine which circuit(s) will be required to meet their needs.

90-22 Automatic Terminal Information Service (ATIS) (2-17-65).

Provides information concerning the establishment and operation of Automatic Terminal Information Service (ATIS).

90-23A Wake Turbulence (12-21-65).

Provides information on the subject of wake turbulence and suggests techniques that may help pilots avoid the

hazards associated with wing tip vortex turbulence.

90-24 Service A Weather Teletypewriter Circuit Loading Adjustment (3-15-65).

Advises Service A weather teletypewriter system subscribers of a pending transfer of certain data from Area to Supplemental Circuits and provides lead time for obtaining extension service on the latter where necessary to continue receiving such data.

90-26 Retention of ATC Facility Voice Recordings and Flight Progress Strips Reduced to 15 Days (7-1-65).

Advises that the normal retention period of ATC facility voice recordings and flight progress strips which were formerly retained for 30 days are now retained only 15 days.

90-27 Operation of Pictorial Display/Course Line Computer Equipment in the National Airspace System (8-20-65).

Sets forth the advantages to be gained by the utilization of airborne Pictorial Display/Course Line Computer (PD/CLC) equipment in conjunction with VOR/DME/TACAN ground facilities.

90-28 Course Changes While Operating Under Instrument Flight Rules Below 18,000 Feet Mean Sea Level (9-2-65).

Reminds pilots making course changes that routings prescribed in air traffic control clearances must be adhered to as closely as possible in order that flight paths will remain within airway/route boundaries during en route and terminal flight operations.

90-29 Prescribed IFR Departure Procedures (9-16-65).

Advises pilots of the source of information relative to IFR departure procedures published by the Agency for terrain/obstruction avoidance purposes.

90-30 Precision Approach Radar (PAR) Service (1-1-66).

Provides information concerning the provision of Precision Approach Radar (PAR) service at FAA operated air traffic control facilities.

90-31 Retention of Flight Service Station (FSS) Civil Flight Plans and Related Records (7-1-67).

Establishes new retention periods for flight plans, preflight briefing logs, visual flight rule flight progress strips, and related records with FSSs.

90-32 Radar Capabilities and Limitations (8-15-67).

Advises the aviation community of the inherent capabilities and limitations of radar systems and the effect of these factors on the service provided by air traffic control (ATC) facilities.

91-1B Operation of Civil Aircraft With One Cabin Door Removed for Parachuting, Sky Diving, or Other Special Operations (3-24-67).

Provides a revised list of aircraft which may be operated with one cabin door

removed and procedures for obtaining FAA authorization for such operation.

91-3 Acrobatic Flight (9-30-63).

Sets safe operating practices for the conduct of acrobatic flight operations.

91-5 Waivers Part 91, Federal Aviation Regulations (2-27-64).

Provides information on submission of applications and issuance of waivers to FAR Part 91.

91-6 Water, Slush, and Snow on the Runway (1-21-65).

Provides background and guidelines concerning the operation of turbojet aircraft with water, slush, and/or snow on the runway.

91-7 Hazards Associated With In-Flight Use of "Visible-Fluid" Type Cigarette Lighters (3-16-65).

Discusses the potential hazards associated with in-flight use of "visible-fluid" type cigarette lighters.

91-8 Use of Oxygen by General Aviation Pilots/Passengers (5-16-65).

Provides general aviation personnel with information concerning the use of oxygen.

91-9 Potential Hazards Associated With Turbojet Ground Operations (6-19-65).

Alerts turbojet operators and flight crews to potential hazards involving turbojet operations at airports.

91-10A Suggestions for Use of ILS Minima by General Aviation Operators of Turbojet Airplanes (10-8-65).

Provides general aviation operators of turbojet airplanes with information on practices and procedures to be considered before utilizing the lowest published IFR minima prescribed by FAR Part 97 and provides information on pilot-in-command experience, initial and recurrent pilot proficiency, and airborne airplane equipment.

91-11 Periodic Inspection Reminder (8-10-65).

Provides the aviation community with a uniform visual reminder of the date a periodic inspection becomes due.

91-11-1 Guide to Drug Hazards in Aviation Medicine (7-19-63).

Lists all commonly used drugs by pharmacological effect on airmen with side effects and recommendations. Published in 1962. (\$0.35 GPO.)

91-12 Required Inspection for Air Carrier Aircraft Reverting to General Operation Under FAR 91 (5-24-66).

Describes acceptable methods for complying with the required inspections established by FAR Part 91.

91-13 Cold Weather Operation of Aircraft (11-16-66).

Emphasizes factors to be considered for the effective preparation, maintenance, and operation of aircraft in cold weather.

91-14 Altimeter Setting Sources (2-15-67).

Provides the aviation public, industry, and FAA field personnel with guidelines for setting up reliable altimeter setting sources.

91-16 Category II Operations—General Aviation Airplanes (8-7-67).

Sets forth acceptable means by which Category II operations may be approved in accordance with FAR Parts 23, 25, 61, 91, 97 and 135.

91.83-1 Canceling or Closing Flight Plans (3-12-64).

Outlines the need for canceling or closing flight plans promptly to avoid costly search and rescue operations.

91.83-2 IFR Flight Plan Route Information (2-16-66).

Clarifies the air traffic control needs for the filing of route information in an IFR (Instrument Flight Rules) flight plan.

95-1 Airway and Route Obstruction Clearance (6-17-65).

Advises all interested persons of the airspace areas within which obstruction clearance is considered in the establishment of Minimum En Route Instrument Altitudes (MEAs) for publication in FAR Part 95.

99.11-1 Flight Plan Requirements: Coastal or Domestic ADIZ (11-15-63).

Provides recommended flight plan filing procedures for operation within or into an Air Defense Identification Zone (ADIZ).

99.27-1 Flight Plan Tolerances for Air Defense Identification Zones (9-30-63).

Provides recommended flight plan tolerances for operations within or into the ADIZ.

101-1 Waivers of Part 101, Federal Aviation Regulations (1-13-64).

Provides information on submission of applications and issuances of waivers to FAR Part 101.

103-1 Hazard Associated with Sublimation of Solid Carbon Dioxide (Dry Ice) Aboard Aircraft (12-16-63).

Discusses potential hazards of dry ice and gives precautionary measures.

105-1 Intentional Parachute Jumping (11-19-63).

Provides information and guidance on intentional parachute jumping and parachute equipment.

Air Carrier and Commercial Operators and Helicopters

SUBJECT NO. 120

120-1 Reporting Requirements of Air Carrier and Commercial Operators (6-6-63).

Advises all Parts 40, 41, 42, and 46 operators that the mechanical reliability reporting requirements contained in

those respective parts of the regulations have not been altered.

120-2A Precautionary Propeller Feathering To Prevent Runaway Propellers (8-20-63).

Emphasizes the need for prompt feathering when there is an indication of internal engine failure.

120-4A Criteria for Turbojet Landing Minima—Air Carriers and Commercial Operators of Large Aircraft (8-9-65).

Amends the criteria for approval of landing minimums below 300-¾ or RVR 4000 for turbojet aircraft.

120-5 High Altitude Operations in Areas of Turbulence (8-26-63).

Recommends procedures for use by jet pilots when penetrating areas of severe turbulence.

120-7 Minimum Altitudes for Conducting Certain Emergency Flight Training Maneuvers and Procedures (9-4-63).

Recommends minimum altitudes for conducting simulated emergency flight training maneuvers be established.

120-11 Section 42.52(b) of Civil Air Regulations Part 42 Effective November 11, 1963 (11-11-63).

Gives an acceptable method for air carriers to comply with CAR Part 42.

120-12 Private Carriage Versus Common Carriage by Commercial Operators Using Large Aircraft (6-24-64).

Provides guidelines for determining whether current or proposed transportation operations by air constitute private or common carriage.

120-13 Jet Transport Aircraft Attitude Instrument Systems (6-26-64).

Provides information about the characteristics of some attitude instrument systems presently installed in some jet transport aircraft.

120-14 Air Taxi Operators and Commercial Operators of Small Aircraft (7-6-64).

Clarifies the requirements of Part 135 of the FAR's and provides additional information not readily available.

120-16 Continuous Airworthiness Program (10-19-64).

Provides air carriers and commercial operators with guidance and information pertinent to the regulatory amendments concerned with requirements for air carrier continuous airworthiness program.

120-17 Handbook for Maintenance Control by Reliability Methods (12-31-64).

Provides information and guidance material which may be used to design or develop maintenance reliability programs which include a standard for determining time limitations.

120-17 CH 1 Handbook for Maintenance Control by Reliability Methods (6-24-66).

Transmits new material to the subject handbook.

120-18 Preservation of Maintenance Records (5-10-65).

Provides information and guidance relative to the microfilming of maintenance records.

120-20 Criteria for Approval of Category II Landing Weather Minima (6-6-66).

Sets forth criteria, guidelines, and procedures which provide an acceptable basis for the approval of Category II ILS minima and the installation approval of the associated airborne systems.

120-21 Aircraft Maintenance Time Limitations (6-24-66).

Provides method and procedures for the initial establishment and revision of time limitations on inspections, checks, maintenance or overhaul.

120-22 Systems Worthiness Analysis Program (7-29-66).

Gives information on the implementation, operation, and reasons for the Agency's Systems Worthiness Analysis Program.

120-23 Maintenance Symposium—Continued Reliability of Transport Type Aircraft Structure (8-2-66).

Announces date and purpose of FAA symposium.

120-24 Establishment and Revision of Aircraft Engine Overhaul and Inspection Periods (9-1-66).

Describes methods and procedures used by the Federal Aviation Agency in the establishment and revision of aircraft engine overhaul periods.

120-25 Maintenance Symposium Maintainability and Reliability of Aircraft Systems (6-30-67).

Announces proposed Symposium to be held at Oklahoma City to discuss and exchange ideas on maintainability and reliability of aircraft systems.

121-1 Standard Maintenance Specifications Handbook (12-15-62).

Provides procedures acceptable to FAA which may be used by operators when establishing inspection intervals and overhaul times.

121-1 CH 1 Standard Maintenance Specifications Handbook (7-1-63).

Provides amended information for the basic advisory circular.

121-1 CH 2 Standard Maintenance Specifications Handbook (6-16-64).

Provides amended information for the basic advisory circular.

121-1 CH 3 Standard Maintenance Specifications Handbook (8-26-64).

Provides amended information for the basic advisory circular.

- 121-1 CH 4 Standard Maintenance Specifications Handbook (12-14-64).
Provides amended information for the basic advisory circular.
- 121-1 CH 5 Standard Maintenance Specifications Handbook (11-8-65).
Provides new information for the basic advisory circular.
- 121-1 CH 6 Standard Maintenance Specifications Handbook (12-6-65).
Provides new information for the basic advisory circular.
- 121-1 CH 7 Standard Maintenance Specifications Handbook (12-29-65).
Provides new information for the basic advisory circular.
- 121-1 CH 8 Standard Maintenance Specifications Handbook (3-31-66).
Provides new and revised material for the basic advisory circular.
- 121-1 CH 9 Standard Maintenance Specifications Handbook (10-13-66).
Transmits new and revised material to the subject handbook.
- 121-1 CH 10 Standard Maintenance Specifications Handbook (10-24-66).
Transmits revised material to the subject handbook.
- 121-1 CH 11 Standard Maintenance Specifications Handbook (2-8-67).
Transmits revised material to the subject handbook.
- 121-1 CH 12 Standard Maintenance Specifications Handbook (5-16-67).
Presents additions to the basic handbook.
- 121-2 FAA Airborne Vibration Monitoring Program for Turbine Engines (1-15-63).
Describes conditions under which air carrier operators of turbine-powered aircraft may apply for and obtain approval for operation of engines and specific accessories, equipment and components beyond their currently approved overhaul time limitations when airborne vibration monitoring equipment is used.
- 121-2 CH 1 FAA Airborne Vibration Monitoring Program for Turbine Engines (5-20-63).
Provides guidance material for FAA Air Carrier Operations Inspectors and air carriers with respect to flight crew-member training in the use of airborne vibration monitoring equipment on turbine engines.
- 121-3F Maintenance Review Board Reports (7-20-66).
Revises the list of currently effective Maintenance Review Board Reports by adding the report for the Convair-Dart CV-240D (600), 340D, and 440D aircraft.
- 121-5 Aircraft Weight and Balance Control (1-8-65).
Provides a method and procedures for weight and balance control.
- 121-6 Portable Battery-Powered Megaphones (1-5-66).
Sets forth an acceptable means for complying with rules (applicable to various persons operating under Part 121 of the Federal Aviation Regulations) that prescribe the installation of approved megaphones.
- 121-7 Use of Seat Belts by Passengers and Flight Attendants To Prevent Injuries (7-14-66).
Concerned with the prevention of injury due to air turbulence.
- 121-8 Additional Airport Aids—Runway Marking and Lighting—Air Carrier Turbojet Operations (9-19-66).
Emphasizes the importance of runway markings and approach slope guidance in assisting turbojet airplane pilots to touchdown at the proper runway point.
- 121-9 Maintenance of Evacuation Slides (9-22-66).
Provides information and guidance to air carriers and commercial operators in the maintenance of emergency evacuation slides.
- 121-10 Doppler Radar Navigational Aids (3-23-67).
States an acceptable means, not the only means, of compliance with the referenced sections of the FAR as they apply to persons operating under Part 121 who desire approval of Doppler RADAR navigation systems for use in their operations.
- 121-11 Approval of Inertial Navigation Systems (INS) (3-23-67).
States an acceptable means, not the only means, of compliance with the referenced sections of the FAR as they apply to persons operating under Part 121 who desire approval of inertial navigation systems as the sole means of navigation in their operations.
- 121-12 Wet or Slippery Runways (8-17-67).
Provides uniform guidelines in the application of the "wet runway" rule by certificate holders operating under FAR 121 (8-17-67).
- 121.195(d)-1 Alternate Operational Landing Distances for Wet Runways; Turbojet Powered Transport Category Airplanes (11-19-65).
Sets forth an acceptable means, but not the only means, by which the alternate provision of section 121.195(d) may be met.
- 127.13-2 Helicopter Weight and Balance Control (11-2-64).
Provides a method and procedures for weight and balance control.
- 135.155-1 Alternate Static Source for Altimeters and Airspeed and Vertical Speed Indicators (2-16-65).
Sets forth an acceptable means of compliance with provisions in FAR Part 135 and Part 23 dealing with alternate static sources.
- 137-1 Agricultural Aircraft Operations (11-29-65).
Explains and clarifies the requirements of FAR Part 137 and provides additional information, not regulatory in nature, which will assist interested persons in understanding the operating privileges and limitations of this Part.
- Schools and Other Certificated Agencies
SUBJECT NO. 140
- 140-1B Consolidated Listing of FAA Certificated Repair Stations (1-1-66).
Gives the name, address, certificate number, and ratings of repair stations.
- 140-2C List of Certificated Pilot Flight and Ground Schools (2-20-67).
Provides a list of FAA certificated pilot schools as of January 1, 1967.
- 143-1A Ground Instructor Examination Guide—Basic—Advanced (2-14-66).
Designed to assist applicants preparing for the Basic or Advanced Ground Instructor Written Examination by outlining the required knowledge and by providing sample questions for practice. Revised in 1966. (\$0.70 GPO.)
- 143-2 Ground Instructor—Instrument—Examination Guide (12-30-65).
Provides information to applicants for the instrument ground instructor rating about the subject areas covered in the examination and illustrated by a study outline, a list of study materials, and a sample examination with answers. Published in 1965. (\$0.50 GPO.)
- 145.101-1 Application for Air Agency Certificate—Manufacturer's Maintenance Facility (7-12-66).
Explains how to obtain a repair station certificate.
- 147-2C Federal Aviation Administration Certificated Mechanic School Directory (7-1-67).
Provides a revised listing of all FAA certificated mechanic schools as of July 1, 1967.
- 147.5-1 Application Procedures for Mechanic School Certificate Issuance (1-9-64).
Provides information on submission of an application for the issuance of a mechanic school certificate.
- 149-2C Listing of Federal Aviation Administration Certificated Parachute Lofts (8-1-67).
Provides a revised list of all FAA certificated parachute lofts.
- 149.9-1A Military Surplus Parachutes (9-24-64).
Advises of the release of military surplus parachutes to the public by the Department of Defense.

Airports

SUBJECT NO. 150

DEFENSE READINESS PROGRAM

150/1930-1 Radiological Decontamination of Civil Airports (8-19-66).

Offers guidance in preattack preparations, emergency action and decontamination methods.

RESOURCE MANAGEMENT

150/4290-1 Assistance in Obtaining Copper Products for Airport Lighting (10-6-66).

Describes problems currently involved in obtaining copper products necessary for airport lighting and offers some possible solutions.

AIRPORT PLANNING

150/5050-1 Airport Planning as a Part of Comprehensive State Planning Programs (4-25-66).

Encourages states to include airport planning in their comprehensive planning program and provides guidance and general methodology for developing a statewide airport planning program as part of the state's comprehensive planning program.

150/5050-2 Compatible Land Use Planning in the Vicinity of Airports (4-13-67).

Advises Federal Aviation Administration personnel, local government officials and the public of the availability of the following two reports prepared under the auspices of the FAA by the firm of Transportation Consultants, Inc. *Compatible Land Use Planning On and Around Airports, and Aids Available for Compatible Land Use Planning Around Airports.*

150/5060-1 Airport Capacity Criteria Used in Preparing the National Airport Plan (11-10-66).

Presents the method used by the Federal Aviation Agency for determining when additional runways, taxiways, and aprons should be recommended in the National Airport Plan. The material is also useful to sponsors and engineers in developing Airport Layout Plans and for determining when additional airport pavement facilities should be provided to increase aircraft accommodation capacity at airports.

150/5060-2 Airport Site Selection (7-19-67).

Recommends procedures and provides guidance for analyzing potential airport sites.

150/5070-1 Rapid Transit Service for Metropolitan Airports (8-26-65).

Informs airport officials of a Federal assistance program for rapid transit.

150/5070-2 Planning the Metropolitan Airport (9-17-65).

Provides guidance and methodology for planning the metropolitan airport system as a part of the comprehensive metropolitan planning program.

150/5070-2 CH 1 Planning the Metropolitan Airport System (1-11-66).

Adds coverage of an advance land acquisition plan and program as an integral part of a metropolitan system planning program.

150/5070-3 Planning the Airport Industrial Park (9-30-65).

Provides guidance to communities, airport boards, and industrial developers for the planning and development of Airport Industrial Parks.

150/5070-4 Planning for Rapid Urbanization Around Major Metropolitan Airports (3-31-66).

Alerts planning agencies to the need for developing appropriate planning programs to guide rapid urbanization in the vicinity of major metropolitan airports and suggests procedures for such planning programs.

150/5090-1 Regional Air Carrier Airport Planning (2-2-67).

This circular: (1) Informs local and state governments, airport operators, and area planners of a Federal policy concerning the development of a single airport to serve two or more cities and their environs; and (2) provides such planners with guidance for evaluating the feasibility of establishing such regional airports.

FEDERAL-AID AIRPORT PROGRAMS

150/5100-2 Priorities Under the Federal-aid Airport Program for Fiscal Year 1967 (5-9-66).

Provides information of priorities used in the allocation of Federal funds for airport development under the Federal-aid Airport Program.

150/5100-3 Federal-aid Airport Program-Procedures Guide for Sponsors (6-30-66).

Advises sponsors who apply for Federal funds for airport development under the Federal-aid Airport Program.

150/5100-3 CH 1 Federal-aid Airport Program-Procedures Guide for Sponsors (8-23-66).

Corrects transposal of Figures 1 and 3 in Appendix I of AC 150/5100-3.

SURPLUS AIRPORT PROPERTY CONVEYANCE PROGRAMS

150/5150-1 Federal Surplus Personal Property for Public Airport Purposes (10-1-62).

Outlines policies and procedures for State and local agencies applying for and acquiring surplus personal property for public airport purposes.

AIRPORT COMPLIANCE PROGRAM

150/5190-1 Minimum Standards for Commercial Aeronautical Activities on Public Airports (8-18-66).

Gives to owners of public airports information helpful in the development and application of minimum standards for commercial aeronautical activities.

150/5190-2 Exclusive Rights at Airports (9-2-66).

Provides basic information and guidance on the Federal Aviation Agency's policy concerning exclusive rights at public airports on which Federal funds, administered by the Agency, have been expended.

150/5190-3 Model Airport Zoning Ordinance (1-16-67).

Provides a guide to be used in preparing airport zoning ordinances. This model will require modification and revision to suit circumstances and fulfill state and local law.

AIRPORT SAFETY—GENERAL

150/5200-1 Bird Hazards to Aviation (3-1-65).

Discusses certain steps that can be taken toward reducing or solving the bird strike problem on and near airports.

150/5200-2 Bird Strike/Incident Report Form (11-27-65).

Informs military and civil aviation organizations that FAA Form 3830, "Bird Strike/Incident Report Form," is available for use in reporting bird hazards and accidents/incidents to aircraft.

150/5200-3 Bird Hazards to Aircraft (10-7-66).

Transmits the latest published information concerning the reduction of bird strikes on aircraft.

150/5200-4 Foaming of Runways (12-21-66).

Discusses runway foaming and suggests procedures for providing this service.

150/5200-5 Considerations for the Improvement of Airport Safety (2-2-67).

Emphasizes that, in the interest of accident/incident prevention, airport management should conduct self-evaluations and operational safety inspections. An exchange of information and suggestions for the improvement of airport safety is also suggested.

150/5210-1 Airport Emergency Planning (8-15-63).

Presents general guidance for airport emergency operation planning.

150/5210-2 Airport Emergency Medical Facilities and Services (9-3-64).

Provides information and advice so that airports may take specific voluntary preplanning actions to assure at least minimum first-aid and medical readiness appropriate to the size of the airport in terms of permanent and transient personnel.

150/5210-3 Airport Emergency Operations—Aircraft Emergency (7-17-64).

Discusses measures that should be taken by airport management to establish and improve aircraft emergency procedures.

150/5210-4 FAA Aircraft Fire and Rescue Training Film, "Blanket for Survival" (10-27-65).

Provides information on the purpose, content, and availability of the subject training film.

150/5210-5 Painting, Marking, and Lighting of Vehicles Used on an Airport (8-31-66).

Makes recommendations concerning safety, efficiency, and uniformity in the interest of vehicles used on the aircraft operational area of an airport.

150/5210-6 Aircraft Fire and Rescue Facilities and Extinguishing Agents (9-7-66).

Furnishes guidance for estimating the facilities necessary to provide adequate aircraft fire and rescue service at civil airports.

150/5210-7 Aircraft Fire and Rescue Communications (10-28-66).

Provides airport management with information helpful in the establishment of communication and alarm facilities. Such facilities alert and guide those personnel who must deal with aircraft ground emergencies.

150/5210-8 Aircraft Firefighting and Rescue and Personnel Clothing (1-13-67).

Provides guidance concerning the manning of aircraft fire and rescue trucks, the physical qualifications that personnel assigned to these trucks should meet, and the protective clothing with which they should be equipped.

150/5220-1 Guide Specification for a Light-Weight Airport Fire and Rescue Truck (7-24-64).

Describes a vehicle with performance capabilities considered as minimum for an acceptable light rescue truck.

150/5220-2 Guide Specification for 1,800-Gallon Aircraft Fire and Rescue Truck (7-24-64).

Describes a vehicle possessing the minimum performance capabilities recommended for an acceptable aircraft fire and rescue truck.

150/5220-3 Guide Specification for 1,000-Gallon Aircraft Fire and Rescue Truck (3-9-67).

The title is self-explanatory.

150/5230-1 Suggestions for Airport Safety Self-Inspection (3-30-64).

Summarizes the functional statements, procedures, forms, and schedules on safety self-inspection now in use at many U.S. civil airports.

150/5230-2 Guide Specification for Fire Extinguishing System (Foam) for Heliports (4-14-65).

Contains guidance material which may be used by airport management in the development of local procurement specifications.

CIVIL AIRPORTS EMERGENCY PREPAREDNESS

150/5240-1 Airport Disaster Control Guide (8-1-62).

Acts as a guide to reducing or avoiding problems imposed by enemy nuclear attack.

150/5240-6A Radiation Safety for Civil Airports (12-27-65).

Provides information and technical criteria needed to cope with accidents involving nuclear materials. Published in 1965. (\$0.30 GPO.)

DESIGN, CONSTRUCTION, AND MAINTENANCE—GENERAL

150/5300-2 Airport Design Requirements for Terminal Navigational Aids (3-30-64).

Provides information regarding location, functions, and citing requirements of air navigation aids on and in the immediate vicinity of airports.

150/5300-3 Adaptation of TSO-N18 Criterion to Clearways and Stopways (10-18-64).

Sets forth standards recommended by the FAA for guidance of the public for the adaptation of TSO-N18 criterion to clearways and stopways.

150/5300-4 Utility Airports—Design Criteria and Dimensional Standards (5-19-67).

Presents recommendations of the Federal Aviation Administration for the design of utility airports. These airports are developed for general aviation operations of small airplanes of 12,500 pounds or less of gross weight.

150/5310-1 Preparation of Airport Layout Plans (9-9-65).

Presents guidance material on the preparation of airport layout plans. Acceptable for the eligibility requirements of FAAP.

150/5320-5A Airport Drainage (1-28-66).

Provides guidance for airport managers, engineers, and the public in the design and maintenance of airport drainage systems. Published in 1965. (\$0.45 GPO.)

150/5320-6A Airport Paving (5-9-67).

Provides data for the design and construction of pavements at civil airports.

150/5325-2A Airport Surface Areas Gradient Standards (5-12-66).

Sets forth standards recommended by the Federal Aviation Agency for guidance of the public in establishing the gradient of airport surface areas used for landing, takeoff, and other aircraft ground movement.

150/5325-3 Background Information on the Aircraft Performance Curves for Large Airplanes (1-26-65).

Provides airport designers with information on aircraft performance curves for design which will assist them in an objective interpretation of the data used for runway length determination.

150/5325-3 CH 1 Background Information on the Aircraft Performance Curves for Large Airplanes (5-12-66).

Transmits a revision to the effective runway gradient standards.

150/5325-4 Runway Length Requirements for Airport Design (4-5-65).

Presents aircraft performance curves and sets forth standards for the determination of runway lengths to be provided at airports. The use of these standards is required for project activity under the Federal-aid Airport Program when a specific critical aircraft is considered as the basis for the design of a runway.

150/5325-4 CH 1 Runway Length Requirements for Airport Design (8-5-65).

Provides amended information for the basic advisory circular and includes aircraft performance curves for the BAC 1-11.

150/5325-4 CH 2 Runway Length Requirements for Airport Design (9-21-65).

Transmits aircraft performance curves for the Boeing 707-300C and the Fairchild F-27 and F-27B.

150/5325-4 CH 3 Runway Length Requirements for Airport Design (4-25-66).

Transmits aircraft performance curves for the Douglas DC-8-55, DC-8F-55, and DC-9-10 Series, the Fairchild F-27J, and the Nord 262.

150/5325-4 CH 4 Runway Length Requirements for Airport Design (5-12-66).

Transmits a revision to the effective runway gradient standards.

150/5325-4 CH 5 Runway Length Requirements for Airport Design (7-13-66).

Transmits aircraft performance curves for the Douglas DC-9-10 Series equipped with Pratt & Whitney JT8D-1 Engines.

150/5325-4 CH 6 Runway Length Requirements for Airport Design (12-8-66).

It is recommended that turbojet powered aircraft use more runway length when landing under wet or slippery, rather than under dry conditions. This change furnishes a basis for estimating the additional recommended length.

150/5325-4 CH 7 Runway Length Requirements for Airport Design (2-7-67).

Presents design curves for landing and takeoff requirements of airplanes in common use in the civil fleet. Also presented are instructions on the use of these design curves and a discussion of the factors considered in their development.

150/5325-5 Aircraft Data (4-12-65).

Presents a listing of principal dimensions of aircraft in common use in the civil fleet affecting airport design for guidance in airport development.

- 150/5325-6 Effects of Jet Blast (4-15-65).**
Presents the criteria for treatment of jet blast effects which are acceptable in accomplishing a project meeting the eligibility requirements of the Federal-aid Airport Program.
- 150/5330-2 Runway/Taxiway Widths and Clearances (8-16-65).**
Presents the Federal Aviation Agency recommendations for landing strip, runway, and taxiway widths and clearances.
- 150/5330-2 CH 1 Runway/Taxiway Widths and Clearances (11-15-66).**
Transmits a change to Table No. 1 on page 2 of AC 150/5330-2.
- 150/5330-3 Wind Effect on Runway Orientation (5-5-66).**
Provides guidance for evaluating wind conditions and determining their effect on the orientation of runways.
- 150/5335-1 Airport Taxiways (1-28-65).**
Provides the criteria for airport taxiways which are acceptable in accomplishing a project meeting the eligibility requirements of the Federal-aid Airport Program.
- 150/5335-1 CH 1 Airport Taxiways (11-15-66).**
Taxiways designed for two- and three-engine jet powered air carrier airplanes may have a minimum width of 60 feet. This change provides guidance for the design of such taxiway design widths.
- 150/5335-2 Airport Aprons (1-27-65).**
Provides the criteria for airport aprons which are acceptable in accomplishing a project meeting the eligibility requirements of the Federal-aid Airport Program.
- 150/5340-1A Marking of Serviceable Runways and Taxiways (6-30-66).**
Required for FAAP project activity.
- 150/5340-1A CH 1 Change 1 to Marking of Serviceable Runways and Taxiways (9-15-66).**
Transmits page change to the subject advisory circular.
- 150/5340-4A Installation Details for Runway Centerline and Touchdown Zone Lighting Systems (8-4-66).**
Describes standards for the design and installation of runway centerline and touchdown zone lighting systems.
- 150/5340-5 Segmented Circle Airport Marker System (8-1-63).**
Recommends an airport marking system of pilot aids and traffic control devices. Required for FAAP project activity.
- 150/5340-7 Marking of Deceptive, Closed, and Hazardous Areas on Airports (8-1-63).**
Gives FAA recommendations in marking and re-marking deceptive, closed, and hazardous areas on airports. Required for FAAP project activity.
- 150/5340-8 Airport 51-foot Tubular Beacon Tower (6-11-64).**
Provides design and installation details on the subject tower.
- 150/5340-9 Prefabricated Metal Housing for Electrical Equipment (8-18-64).**
Provides design and installation details on the subject metal housing.
- 150/5340-12 CH 1 High Intensity Lighting System (7-22-65).**
Provides corrected curves for estimating loads in high intensity series circuits.
- 150/5340-14A Economy Approach Lighting Aids (3-7-67).**
Describes standards for the design, installation, and maintenance of economy approach lighting aids.
- 150/5340-15 Taxiway Lighting System (11-18-65).**
Describes standards for the design, installation, and maintenance of a taxiway lighting system. Required for FAAP projects.
- 150/5340-16 Medium Intensity Runway Lighting System (10-28-66).**
Describes standards for the design, installation, and maintenance of a medium intensity runway lighting system.
- 150/5345-1A Approved Airport Lighting Equipment (8-9-66).**
Contains lists of approved airport lighting equipment and manufacturers qualified to supply such equipment.
- 150/5345-2 Specification for L-810 Obstruction Light (11-4-63).**
Required for FAAP project activity.
- 150/5345-2 CH 1 Specification for L-810 Obstruction Light (10-28-66).**
Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.
- 150/5345-3 Specification for L-821 Airport Lighting Panel for Remote Control of Airport Lighting (11-4-63).**
Required for FAAP project activity.
- 150/5345-4 Specification for L-829 Internally Lighted Airport Taxi Guidance Sign (10-15-63).**
Required for FAAP project activity.
- 150/5345-4 CH 1 Specification for L-829 Internally Lighted Airport Taxi Guidance Sign (10-28-66).**
Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.
- 150/5345-5 Specification for L-847 Circuit Selector Switch, 5000 Volt 20 Ampere (9-3-63).**
Required for FAAP project activity.
- 150/5345-6 Specification for L-809 Airport Light Base and Transformer Housing (9-3-63).**
Required for FAAP project activity.
- 150/5345-7 Specification for L-824 Underground Electrical Cables for Airport Lighting Circuits (11-4-63).**
Required for FAAP project activity.
- 150/5345-9B Specification for L-819 Fixed Focus Bidirectional High Intensity Runway Lights (6-27-67).**
Describes the subject specification requirements.
- 150/5345-10A Specification for L-823 Constant Current Regulator with Stepless Brightness Control (12-8-65).**
Required for FAAP project activity.
- 150/5345-10A CH 1 Change 1 to Specification for L-823 Constant Current Regulator with Stepless Brightness Control (6-7-66).**
Deletes a detail requirement.
- 150/5345-11 Specification for L-812 Static Indoor Type Constant Current Regulator Assembly, 4 Kw and 7½ Kw, with Brightness Control for Remote Operation (3-2-64).**
Required for FAAP project activity.
- 150/5345-12A Specification for L-801 Beacon (5-12-67).**
Describes the subject specification requirements.
- 150/5345-13 Specification for L-841 Auxiliary Relay Cabinet Assembly for Pilot Control of Airport Lighting Circuits (1-6-64).**
Required for FAAP project activity.
- 150/5345-14 Specification for L-827 "A" Frame Hinged Support for 12-Foot Wind Cone (2-13-64).**
Required for FAAP project activity.
- 150/5345-14 CH 1 Specification for L-827 "A" Frame Hinged Support for 12-Foot Wind Cone (10-28-66).**
Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.
- 150/5345-15 Specification for L-842 Airport Centerline Light (1-6-64).**
Required for FAAP project activity.
- 150/5345-16 Specification for L-843 Airport In-Runway Touchdown Zone Light (1-20-64).**
Required for FAAP project activity.
- 150/5345-17 Specification for L-845 Semiflush Inset Prismatic Airport Light (3-3-64).**
Describes the subject specification requirements.
- 150/5345-18 Specification for L-811 Static Indoor Type Constant Current Regulator Assembly, 4 Kw; with Brightness Control and Runway Selection for Direct Operation (3-3-64).**
Required for FAAP project activity.

- 150/5345-18 CH 1 Specification for L-811 Static Indoor Type Constant Current Regulator Assembly, 4 Kw; with Brightness Control and Runway Selection for Direct Operation (5-28-64).
Advises that a detail requirement is not applicable to the circular.
- 150/5345-19 Specification for L-838 Semiflush Prismatic Airport Light (5-11-64).
Describes the subject specification requirements.
- 150/5345-20 Specification for L-802 Runway and Strip Light (6-24-64).
Describes the subject specification requirements.
- 150/5345-20 CH 1 Specification for L-802 Runway and Strip Light (8-31-64).
Provides amended information for the basic advisory circular.
- 150/5345-20 CH 2 Specification for L-802 Runway and Strip Light (1-14-66).
Provides new dimensions for the thickness of the metal stake and an organizational change.
- 150/5345-20 CH 3 Specification for L-802 Runway and Strip Light (10-28-66).
Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.
- 150/5345-21 Specification for L-813 Static Indoor Type Constant Current Regulator Assembly; 4 Kw and 7½ Kw; for Remote Operation of Taxiway Lights (7-28-64).
Describes the subject specification requirements.
- 150/5345-22 Specification for L-834 Individual Lamp Series-to-Series Type Insulating Transformer for 5,000 Volt Series Circuit (10-8-64).
Describes the subject specification requirements.
- 150/5345-23 Specification for L-822 Taxiway Edge Light (10-13-64).
Describes the subject specification requirements.
- 150/5345-23 CH 1 Specification for L-822 Taxiway Edge Light (1-14-66).
Provides new dimensions for the thickness of the metal stake and an organizational change.
- 150/5345-23 CH 2 Specification for L-822 Taxiway Edge Light (10-28-66).
Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.
- 150/5345-24 Specification for L-849 Condenser Discharge Type Flashing Light (6-30-65).
Describes the subject specification requirements for a condenser discharge type flashing light.
- 150/5345-24 CH 1 Change 1 to Specification for L-849 Condenser Discharge Type Flashing Light (6-14-66).
Deletes a detail requirement.
- 150/5345-25 Specification for L-848 Medium Intensity Approach Light Bar Assembly (6-30-65).
Describes the subject specification requirements for a medium intensity approach light bar assembly.
- 150/5345-26 Specification for L-823 Plug and Receptacle, Cable Connectors (10-5-64).
Describes the subject specification requirements.
- 150/5345-27 Specification for L-807 8-Foot Illuminated Wind Cone (2-10-65).
Describes the subject specification requirements for an illuminated wind cone for the guidance of the public. Required for FAAP project activity.
- 150/5345-27 CH 1 Specification for L-807 8-Foot Illuminated Wind Cone (10-28-66).
Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.
- 150/5345-28 Specification for L-851 Abbreviated Visual Approach Slope Indicator System (10-28-66).
Describes the subject specification requirements for abbreviated visual approach slope indicator system (AVASI) equipment.
- 150/5345-30A Specification for L-846 Electrical Wire for Lighting Circuits to be Installed in Airport Pavements (2-3-67).
Describes, for the guidance of the public, subject specification requirements for electrical wire.
- 150/5345-31 Specification for L-833 Individual Lamp Series-to-Series Type Insulating Transformer for 600 Volt or 3,000 Volt Series Circuits (12-3-64).
Describes the subject specification requirements.
- 150/5345-32 Specification for L-837 Large-Size Light Base and Transformer Housing (1-13-65).
Describes the subject specification requirements.
- 150/5345-33 Specification for L-844 Individual Lamp Series-to-Series Type Insulating Transformer for 5000 Volt Series Circuit 20/6.6 Amperes 200 Watt (1-13-65).
Describes the subject specification requirements.
- 150/5345-34 Specification for L-839 Individual Lamp Series-to-Series Type Insulating Transformer for 5000 Volt Series Circuit 6.6/20 Amperes 300 Watt (1-13-65).
Describes the subject specification requirements.
- 150/5345-35 Specification for L-816 Circuit Selector Cabinet Assembly for 600 Volt Series Circuits (1-28-65).
Describes the subject specification requirements.
- 150/5345-36 Specification for L-808 Lighted Wind Tee (2-3-65).
Describes the subject specification requirements.
- 150/5345-37A FAA Specification L-850, Light Assembly, Airport Runway, Centerline (4-29-66).
Transmits the subject specification for the guidance of the public. The use of this specification is required for project activity under the Federal-aid Airport Program.
- 150/5345-37A CH 1 FAA Specification L-850 Light Assembly, Airport Runway Centerline (4-3-67).
Transmits page changes to the subject advisory circular.
- 150/5345-38 Changes to Airport Lighting Equipment (3-23-67).
The title is self-explanatory.
- 150/5360-1 Airport Service Equipment Buildings (4-6-64).
Provides guidance on design of buildings for housing equipment used in maintaining and repairing operational areas.
- 150/5360-2 Airport Cargo Facilities (4-6-64).
Provides guidance material on air cargo facilities.
- 150/5360-3 Federal Inspection Service Facilities at International Airports (4-1-66).
Describes and illustrates recommended facilities for inspection of passengers, baggage, and cargo entering the United States through international airport terminals. The material is for the guidance of architect-engineers and others interested in the planning and design of these airport facilities.
- 150/5370-1 Standard Specifications for Construction of Airports (6-1-59).
Contains specification items for construction of airports and other related information. Acceptable for FAAP project activity. Published in 1959. (\$2.75 GPO.)
- 150/5370-1 CH 1 Standard Specifications for Construction of Airports (3-5-65).
(This is Supplement No. 2 to the June 1959 Edition.) Provides amended information for the basic advisory circular. Published in 1964. (\$0.35 GPO.)
- 150/5370-1 CH 2 Standard Specifications for Construction of Airports (12-28-65).
Provides for a substitution of one type of membrane curing compound for another.
- 150/5370-2 Safety on Airports During Construction Activity (4-22-64).
Provides guidelines concerning safety at airports during periods of construction activity.

150/5370-3 Materials and Tests Required by AC 150/5370-1, Standard Specifications for Construction of Airports (12-22-65).

Transmits seven attachments listing the specifications for various materials and methods of testing established by the American Association of State Highway Officials, American Society for Testing and Materials, or the Federal Government.

150/5380-1 Airport Maintenance (4-14-63).

Provides a basic checklist and suggestions for an effective airport maintenance program.

150/5380-2A Snow Removal Techniques Where In-Pavement Lighting Systems are Installed (12-24-64).

Provides information on damage to in-pavement lighting fixtures by snow removal equipment and recommends procedures to avoid such damage.

150/5390-1 Heliport Design Guide (11-3-64).

Contains design guidance material for the development of heliports, both surface and elevated, to serve single- and multi-engine helicopters operating under visual flight rules.

Air Navigational Facilities

SUBJECT NO. 170

170-1 Operation and Use of Approved Lights (ALS) and Sequenced Flashing Lights (SFL) Systems (1-14-63).

Advises airspace users of the operation and use of the ALS and SFL systems.

170-2 Implementation of ILS Channels 11 Through 20 (10-16-63).

Advertises that ILS Channels 11 through 20 are now being used in the United States and encourages owners to equip their aircraft with 20-channel capability.

170-3B Distance Measuring Equipment (DME) (11-9-65).

Presents information on DME and some of its uses to pilots unfamiliar with this navigational aid.

170-4 Emergency Signaling Device for Aircraft in Distress (1-9-64).

Informing of the use of crash locator beacon systems and their potential as an emergency signaling device.

170-5 Loss of VHF Navigational Signal During Transmission (6-18-64).

Discusses a feature of VHF which results in a loss of receiver capability while the transmitter is being used.

170-6A Use of Radionavigation Test Generators (3-30-66).

Gives information received from the Federal Communications Commission as to the frequencies on which the FCC will license test generators (used to radiate a radionavigation signal) within the scope of its regulations and gives additional information to assist the user when checking aircraft navigation receivers.

170-7 Decommissioning of ILS Middle Compass Locators (10-29-65).

Disseminates information regarding the Agency program for decommissioning of compass locators associated with ILS middle markers.

170-8 Use of Common Frequencies for Instrument Landing Systems Located on Opposite Ends of the Same Runway (11-7-66).

In the future, when common frequencies are installed to serve opposite ends of the same runway these frequencies will be assigned to two instrument landing systems (ILS). These systems will include their associated outer and middle marker compass locators (LOM and LMM).

171-1 Estimating Packing and Shipping Costs for Export Shipments for ATC and Navaid Equipments (2-18-66).

Assists personnel engaged in preparing packing and shipping estimates of air navigation and traffic control equipments for overseas shipment.

Administrative

SUBJECT NO. 180

183.29-1C Designated Engineering Representatives (4-25-67).

Lists the Designated Engineering Representatives available for consulting work. Designated Engineering Representatives, as direct representatives of the Federal Aviation Administration, are authorized to approve certain types of data as complying with the Federal Aviation Regulations within particular categories; such as structural, systems and equipment, powerplant, flight analyst, flight test pilot, and engine.

Flight Information

SUBJECT NO. 210

210-1 National Notice To Airmen System (2-8-64).

Announces FAA policy for the preparation and issuance of essential flight information to pilots and other aviation interests.

211-1 Content Criteria for Airman's Information Manual (3-15-66).

Announces the Federal Aviation Agency policy for inclusion of aeronautical data in the Airman's Information Manual (AIM).

211-2 Recommended Standards for IFR Aeronautical Charts (3-20-67).

Sets forth standards recommended by the Federal Aviation Administration for the guidance of the public in the issuance of IFR, aeronautical charts for use in the National Airspace System (NAS).

211-3 Aviation Fuel Codes Used in Flight Information Publications (5-19-67).

Transmits information concerning the change in aviation fuel codes used in FAA reports and publications, NATO symbols to be used.

Internal Directives

Contractions Handbook, 7340.1 (\$0.60 GPO).

Gives approved word and phrase contractions used by personnel connected with air traffic control, communications, weather, charting and associated services. Published in 1965. Previous edition, AT P 7340.1A dated March 15, 1963 is canceled. (\$0.60 GPO.)

Location Identifiers, 7350.1G (9-15-67).

Incorporates all authorized 3-letter location identifiers for special use in United States, worldwide, and Canadian assignments. Published in 1967. (\$3 GPO.)

Aeronautical Communications and Pilot Services, 7300.7 (3-3-66).

Prescribes uniform instructions and practices, with accompanying phraseologies and examples, to be used by personnel of all facilities of the Federal Aviation Agency who provide aeronautical and flight assistance services. Published in 1965. Supersedes Communications Procedures, AT P 7300.1A dated July 1, 1964. (\$3.25 GPO.)

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PART III

Small Business Administration

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Small Business Investment Companies

Notice of Proposed Rule Making



SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Notice of Proposed Rule Making

Notice is hereby given that pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85-699, 72 Stat. 694, as amended, it is proposed to revise, as set forth below, Part 107 of Subchapter B, Chapter I, of Title 13 of the Code of Federal Regulations. Prior to final adoption of such revision, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Office of Investment, Small Business Administration, Washington, D.C. 20416, within a period of twenty (20) days of the date of this notice in the FEDERAL REGISTER.

Information. Proposed Revision 4 set forth below incorporates the subject matter of Part 107 (Revision 3) as previously published in the FEDERAL REGISTER (29 F.R. 16946-16961), together with subsequently published amendments (30 F.R. 534, 1187, 2652, 2653, 2654, 3635, 3856, 7597, 7651, 8775, 8900, 11960, 13005, 14095, 14850, 14851, 31 F.R. 2815, 4954, 4954-4955, 9720, 10114, 13532, and 32 F.R. 2769, 6620, 7743, and 12842). Substantial textural changes have been made throughout to clarify and improve the effectiveness of basic regulatory provisions. Implementing regulations required by the Small Business Investment Act Amendments of 1967, Public Law 90-104, approved on October 11, 1967, 81 Stat. 268, 269 (hereinafter referred to as the "1967 Amendments") have also been included. For example, proposed § 107.3 defines the term, "Venture Capital", pursuant to newly amended section 303(b) of the Act. In accordance with notice of proposed rule making published on November 3, 1967 (32 F.R. 15399), the Administration conducted a public hearing on November 16, 1967 to afford interested parties an opportunity to submit comments on a proposed definition of "Venture Capital". After careful consideration of the oral and written evidence presented, the Administration considers the definition set forth below, in proposed new § 107.3, as appropriate and in the best interests of the SBIC program. The Administration is republishing the definition at this time prior to final adoption and promulgation of proposed Revision 4 as of January 9, 1968, the effective date of the 1967 Amendments.

The 1967 amendments. The 1967 Amendments require new Licensees to have private paid-in capital and paid-in surplus of at least \$150,000 (section 302(a) of the Act, as amended). SBA has discretionary authority, in licensing new SBICs, to require a capitalization of more than \$150,000 if it determines that such action is necessary to assure a reasonable prospect of sound, active,

and successful management: "Each company * * * shall have a combined paid-in capital and paid-in surplus in an amount (1) not less than \$150,000, and (2) adequate to assure a reasonable prospect that the company will be operated soundly and profitably, and managed actively and prudently * * *". In addition, it is clear from the legislative history that SBA may condition its approval of transfer-of-control transactions on an increase in capitalization to assure sound management under the proposed new owners.

The maximum amount of Federal funds available to a Licensee has been increased to \$10 million: (1) All Licensees will be eligible, up to a maximum of \$7.5 million, for Federal funds on the basis of \$2 for every \$1 of private capitalization (section 303(b)(1) of the Act, as amended). (2) Licensees having at least \$1 million in private capital may receive Federal funds up to \$10 million if 65 or more percent of "total funds available for investment" are actually invested (or binding commitments for investment are made) in Venture Capital financing (section 303(b)(2) of the Act, as amended). Such Licensees will be eligible for the so-called "third dollar" amount of Government financing under section 303(b)(2) for every \$1 of private capital exceeding \$1 million (i.e., "300 percent of that portion of the company's paid-in capital and paid-in surplus which exceeds \$1,000,000"), subject to the \$10 million limitation.

Section 306 of the Act, as amended, provides for a maximum limit on investments in any single concern not exceeding 20 percent of the Licensee's paid-in capital and paid-in surplus. The concept of "statutory capital", consisting of private capital plus subordinated debentures purchased by SBA in an amount not exceeding \$700,000 (under former section 302 of the Act), has been abolished. Existing Licensees having a 20 percent investment limit based on so-called "statutory capital" will have a transitional 4-year period ending December 31, 1971, in which its existing 20 percent limit will be reduced, in gradual 25 percent stages, to a private capital base. Another significant change authorized by the 1967 Amendments permits member banks to invest up to 5 percent of their capital and surplus in Licensees. Existing bank holdings in Licensees will not be affected by the new legislation, but banks will henceforth be prohibited from organizing or acquiring, for the first time, wholly-owned or 50 or more percent-owned Licensees (section 302(b) of the Act).

Major regulatory changes implementing the 1967 amendments. With respect to a Licensee having paid-in capital of \$1 million or more, referred to in section 303(b)(2) of the Act, as amended, "total funds available for investment" is being defined (in § 107.202(b) of the present Revision) as Licensee's total assets minus fixed assets, equipment and deferred charges. In order to qualify for SBA funds under section 303(b)(2) of the Act (the so-called "third dollar"

amount), at least 65 percent of such Licensee's total funds available for investment must be invested (or committed) in Venture Capital financing of small concerns. As previously noted, such Licensee may receive SBA funds not exceeding \$2 million (i.e., on the basis of \$2 in Federal funds for \$1 of private capitalization) "plus 300 percent of that portion of the company's paid-in capital and paid-in surplus which exceeds \$1,000,000", but in an aggregate amount not exceeding \$10 million. After receiving funds pursuant to section 303(b)(2) of the Act, a Licensee will be required to maintain the 65 percent Venture Capital investment ratio as March 31 and September 30 of each year during the period of its outstanding indebtedness to SBA, but a lesser ratio may be allowed by SBA to the extent necessary to take care of special situations caused by repayment of Venture Capital investments, or Licensee's receipt of SBA funds or additional private capital, less than 3 months prior to the respective dates referred to (§ 107.202(c) of Revision 4).

As noted, section 306 of the Act as amended, reduces the 20 percent investment limit of existing Licensees, insofar as it is based on subordinated debentures purchased by SBA under former section 302 of the Act, to a private capital base over a 4-year transitional period. Section 107.301(c)(2) of Revision 4 protects investments (or commitments), which are valid when made, against a subsequent reduction of Licensee's investment limit during the transitional period attributable to the operation of the new section 306 provisions.

New § 107.811 provides that a bank which on January 9, 1968, holds 50 percent or more of any class of equity securities having actual or potential voting rights in a Licensee, may make further investments in such Licensee (pursuant to section 302(b) of the Act) only if its percentage holdings of such securities would not be increased. Increases in Licensee's capitalization would be subject to SBA postapproval under § 107.1105.

General summary. The present Revision requires all Licensees to have (1) a full-time, qualified officer or manager (including a common manager approved by SBA) in charge of Licensee's operations; (2) a reasonably accessible office open to the public during regular business hours; and (3) a board of directors consisting of five or more members, at least 40 percent of whom must be independent of any other affiliation with the Licensee (§ 107.101 (a), (b), and (c)). Existing Licensees will have until June 30, 1968, to bring themselves into compliance with these new requirements (§ 107.101(g)). Unless otherwise specifically authorized by SBA, every Licensee must also maintain a diversified investment policy (§ 107.101(d)).

The proposed Revision provides for a one-step licensing procedure, including publication of notice in the FEDERAL REGISTER concerning the filing of the license application (§ 107.102 and § 107.103). Licenses issued are not transferable except with SBA's written approval

(§ 107.104). Existing provisions pertaining to surrender of an SBIC license are being carried over in substantially their present form (§ 107.105).

Revision 4 provides for a \$500 licensee fee as partial reimbursement to SBA for the cost of processing an Application for License (SBA Form 415), including necessary credit and other investigations (§ 107.102). It also requires an application for SBA approval of a proposed transfer-of-control transaction to be accompanied by a processing fee of \$100 for each officer, director, owner of 10 or more percent of Licensee's stock, or other interested party involved in the change of control, as partial reimbursement for the cost of investigating and determining the merits of the transaction. The maximum fee in any transfer-of-control situation will not, however, exceed the sum of \$400 (§ 107.701(e)). In the judgment of the Administration, the proposed fees represent fair and equitable user charges. In accordance with applicable statutory provisions, the Administration has taken into consideration direct and indirect costs to the Government of necessary services performed, value to the recipients, public policy and interest served, and other pertinent factors involved. (Act of Aug. 31, 1951, c. 376, title V, sec. 501, Public Law 82-137, 65 Stat. 290, 5 U.S.C. 140, codified by Public Law 89-554, Sept. 6, 1966, 80 Stat. 378, as 31 U.S.C. 483a [1964 ed. Suppl. II])

The definition of "Equity Capital" and the regulation of Licensee's acquisition of stock options or conversion rights in connection with instruments evidencing an indebtedness ("Equity Securities"), under §§ 107.302 and 107.303 remain substantially the same as under the present regulation. Short-term advances may be made to protect an existing investment. The amount disbursed for such purpose plus the outstanding balance of debt or equity financing furnished the portfolio concern may not exceed the 20 percent limit on Licensee's investments in a single concern (§ 107.301(d)). Upon the consummation of each loan or investment, Licensee must furnish the portfolio concern a written settlement statement specifying the amount and purpose of the financing, the type of security evidencing Licensee's financing, the interest rate, discount, fees, and other charges, and the percentage of Licensee's actual or potential ownership in the portfolio concern. The settlement statement and a receipted copy, together with the financial statements of such concern, must be retained as part of Licensee's records available for SBA examination (§ 107.301(f)). New § 107.501 authorizes a Licensee to guarantee up to 90 percent of the indebtedness of a portfolio concern to a lending institution, or short-term advances made by it to such concern. The total amount for which the Licensee may be liable, as guarantor, may not exceed its debt or equity financing of the portfolio concern; and such financing plus the guaranties issued on its behalf may not exceed Licensee's 20 percent limit on investments in a single concern. Existing provisions permitting earlier re-

payment of funds advanced during the first two years of a Licensee's commitment to provide financing, together with its acquisition of stock options for funds disbursed plus 25 percent of the amount undistributed due to no fault on its part, continue as part of the revised regulation (§ 107.503). Authorization for the maintenance of a "Special Discretionary Portfolio" is also being retained (§ 107.504), except for Licensee's financing of small insurance companies and concerns engaged in long-term leasing of equipment with no provision for maintenance or repair. Provisions applicable to management consulting services performed by Licensees are being carried over in condensed form. (See §§ 107.601 and 107.602.) Those dealing with mergers and consolidations (§ 107.903), investment advisers (§ 107.809), retention of investments where the portfolio concern becomes large (§ 107.806), one-third limitation on real estate investments (§§ 107.101(d) and 107.1006), permitted-type of real estate investments (§ 107.1001(c)), purchases of portfolio securities from another Licensee (§ 107.807), maintenance of records and reports (§ 107.1102), internal controls (§ 107.1103), and fidelity insurance (§ 107.1104), have been restated in more concise form. Prior SBA approval will be required for all voluntary capital decreases and/or purchases by a Licensee of more than 2 percent of any class of its outstanding capital stock (§ 107.902).

Under new § 107.808, *Idle funds*, a Licensee may place funds not employed in current financing operations on demand deposit, or in time certificates of deposit maturing not later than 1 year after date of issuance, but only up to the insured amount, in any FDIC-insured bank.

One of the proposed changes would require a Licensee acquiring temporary control over a portfolio concern in order to protect its investment, or as a result of enforcement action in default situations, to obtain prior SBA approval of its control-divestiture plan. The plan would be subject to SBA's continuing jurisdiction to assure that it represents a workable arrangement under current conditions. After assuming control over a portfolio concern, additional financing by the Licensee would be subject to SBA's prior written approval. Licensees exercising control over a small concern on January 9, 1968 (the anticipated effective date of Revision 4) must file their control divestiture plans with SBA by April 30, 1968. Such plans, which would also be subject to SBA approval, must provide for relinquishment of control within a reasonable period of time not later than March 31, 1975 (§ 107.901).

The regulation of transactions involving transfer of control over a Licensee has been revised to provide uniform requirements for all debtor or nondebtor Licensees as well as 1940 Act companies. Every transfer of control, or transaction involving change of ownership affecting 10 or more percent of a Licensee's stock, will be subject to prior SBA approval (§ 107.701). Existing provisions on "Conflicts of Interest" have been expanded

(§ 107.1004). For example, a Licensee may not supply funds to a small concern for its use in discharging (or freeing other funds for use in discharging) an obligation owing to an officer, director, or other Associate of the Licensee. Joint financing of the same small concern by a Licensee and its associates must be on terms equally favorable to the Licensee, and written evidence of the transaction must be retained as part of Licensee's records available for SBA examination. Officers, directors, and other Associates of a Licensee may not receive any compensation from a small concern for attempting to influence Licensee's action with respect to its application for financing. However, they may receive compensation for bona fide services (e.g., title examination, survey, etc.) performed at the request of the applicant concern. Such fees must be approved by the Licensee; payment must be made through the Licensee; and written evidence of the transaction must be retained as part of its records available for SBA examination. Existing provisions authorizing a Licensee to designate its own officer, director, or other representative to participate in the management of a portfolio concern, wherever necessary to protect Licensee's investment, have been amended. The revised regulation prohibits Licensee's designation of any person (1) having any other financial interest in the portfolio concern or (2) serving as an officer or director or otherwise participating in the management thereof for more than 30 days immediately prior to Licensee's financing (§ 107.1004(f)).

Revision 4 includes a new provision governing "assets acquired in liquidation". A Licensee may incur necessary expenditures for the care and preservation of such assets. Such expenditures (other than ordinary and necessary disbursements for maintenance) may not, without SBA's written permission, exceed an amount equivalent to Licensee's 20 percent overline limit on investments in a single concern. Assets in liquidation must be disposed of within a reasonable period (§ 107.810). A Licensee which has more than 25 percent of its assets in Idle Funds will be deemed inactive if it has not, for a period of more than one year, made new financings totalling at least 25 percent of such Idle Funds. A written report setting forth the reasons for its inactivity must be filed with SBA. The foregoing presumption of inactivity may be rebutted by Licensee's submission of appropriate evidence satisfactory to SBA (§ 107.1003). Revision 4 allows the financing of a small concern which is a customer of a Licensee-associated supplier, if not more than 50 percent of the funds are used to buy goods or services from such supplier (§ 107.1001(g)). Except for this limited authorization, a Licensee may not provide funds for use in purchasing property from any of its associates (§ 107.1004(b)(5)). The definition of "Capital Impairment" remains unchanged, viz., the existence of a retained earnings deficit exceeding 50 percent of Licensee's private paid-in capital and paid-in surplus. Licensees indebted to SBA will be required to inform SBA

PROPOSED RULE MAKING

when its retained earnings deficit reaches 35 percent of paid-in capital and paid-in surplus (§ 107.1002). This "early-warning" system will enable SBA to investigate and attempt to work out a proper resolution of Licensee's financial situation. For purposes of capital impairment, gains will be recognized by SBA as offsets against a Licensee's retained earnings deficit to the extent permitted under SBA Policy and Procedural Release No. 2008, subject: Guidelines Governing the Realization and Use of Income and Gains. Under the proposed Revision, ten or more percent of any Licensee's stock may not be purchased with borrowed funds unless the stockholder has a net worth twice the amount of the funds borrowed (§ 107.101(f)). Whenever 10 or more percent of Licensee's stock is hypothecated as collateral for an indebtedness, written notice must be given to SBA within five days (§ 107.703). Unless an exemption is granted in exceptional circumstances, a Licensee may not dispose of portfolio securities to an officer, director, or other person associated with such Licensee, or to a competitor of the issuer concern (§ 107.1005).

Under the proposed Revision, all post-licensing changes in Licensee's activities, for which prior SBA approval is not otherwise specifically required under the regulations, must be reported for SBA's postapproval as a condition for the continuance of its license. Such matters include Licensee's investment policy, financing plans, increases in capitalization, name, address, operating area, charter, and current officers and directors (§ 107.1105).

The following portions of present Revision 3 are not included in the revised SBIC regulation because SBA has determined on the basis of administrative experience to date that they are no longer necessary or appropriate: § 107.504 (reciprocal stock redemption); § 107.703(a)(2) (employment of common manager by two or more Licensees having a combined private capitalization not exceeding \$800,000); and § 107.750 (purchases from underwriters). The provision authorizing purchases from underwriters is considered unnecessary because small concerns able to obtain financing on the public market would not ordinarily qualify for SBIC assistance, under section 102 of the Act, since funds required by them are available in adequate supply. The need for a common manager as permitted under the special restrictions of the present regulation (§ 107.703(a)(2)) has not arisen with sufficient frequency to warrant a special regulation on the subject. The Administration intends to deal with the problem on a case-by-case basis under other provisions of the revised regulation (§ 107.101(a) of Revision 4). The regulation of reciprocal stock redemption agreements (§ 107.504) is being repealed because administrative experience has not demonstrated any significant need for SBA controls in this area, other than those contained in the

general provisions governing equity financing by SBICs.

Revision 4 includes a savings clause which provides that the legality of transactions of a continuing nature consummated prior to January 9, 1968 (the effective date of the 1967 Amendments), pursuant to former provisions of Revision 3 in effect at the time that a Licensee entered into such transactions with third parties shall be governed by such former provisions.

Interpretations now included as §§ 107.1000 to 107.1024, inclusive, of present Revision 3 are exempt from the advance notice requirements of 5 U.S.C. 553. Those of a continuing relevant nature which may serve a useful purpose under the new regulations will be assembled for publication in the FEDERAL REGISTER upon the promulgation of Revision 4.

Dated: November 22, 1967.

ROBERT C. MOOT,
Administrator.

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AUTHORITY: The provisions of this Part 107 issued under sec. 308, 72 Stat. 694, as amended; 15 U.S.C. 687.

§ 107.1 Scope of Part 107.
The regulations in this Part 107 implement the functions, powers, and duties conferred on SBA by the Small Business Investment Act of 1958, as amended.

§ 107.2 Information, forms, and instructions.

All SBA forms and instructions for their preparation referred to throughout the regulations in this Part 107 have been filed with the Office of Federal Register as part of the original document. Copies may be obtained from SBA, 1441 L Street NW., Washington, D.C. 20416. All applications, reports, or other forms filed with

SBA must be completed in accordance with applicable instructions.

DEFINITIONS

§ 107.3 Definition of terms.

Act. "Act" means the Small Business Investment Act of 1958, as amended.

Associate of a Licensee. "Associate of a Licensee" means:

(a) An officer, director, general manager, or investment adviser of such Licensee, or any person or firm regularly serving such Licensee in the capacity of attorney at law; or

(b) Any person which owns or controls, directly or indirectly, 10 or more percent of any class of stock of such Licensee; or

(c) Any officer, director, partner, general manager, employer, or employee of any person described in paragraphs (a) and (b) of this section; or

(d) Any person which directly or indirectly controls, or is controlled by, or is under common control with, a Licensee or any person described in paragraphs (a) and (b) of this section; or

(e) Any close relative of any person described in paragraphs (a) and (b) of this section; or

(f) Any concern in which (1) any person described in paragraphs (a) through (e) of this section is an officer or director or (2) any such person (or group of two or more such persons acting in concert) owns or controls, directly or indirectly, 10 or more percent equity interest (exclusive of any interest attributable solely to ownership of equity interests in the Licensee); and

(g) For the purposes of this definition, any person which has held any of the positions or relationships described in paragraphs (a) through (f) of this section within 6 months prior to the date of financing provided by the Licensee, or which holds any such position or relationship within 6 months after the date of such financing, shall be deemed to have such position or relationship as of the date of Licensee's financing.

Close relative. "Close relative" means ancestor, lineal descendant, brother or sister and lineal descendants of either, spouse, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law.

Control. "Control" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a Licensee or a small business concern, whether through the ownership of voting securities, by contract, or otherwise.

Debtor Licensee. "Debtor Licensee" means a Licensee indebted to SBA, including SBA guaranties and commitments with respect thereto.

Investment Adviser. "Investment Adviser" of a Licensee means a person who, pursuant to written contract, regularly furnishes advice to such Licensee with respect to the acquisition, servicing, or disposition of portfolio securities, or securities acquired as assets in liquidation. The provisions of § 107.809 govern Licensee's employment of an Investment Adviser.

License. "License" means the grant of authority, evidenced by a certificate issued by SBA pursuant to section 301 of the Act, authorizing a company to conduct operations solely as a Federal Licensee in accordance with the provisions of the Act and regulations thereunder.

Licensee. "Licensee" means a corporation chartered under State law, and granted a license by SBA.

Person. "Person" means a natural person or legal entity.

Portfolio. "Portfolio" means the securities representing a Licensee's total outstanding financing of small business concerns. It does not include Idle Funds or assets acquired in liquidation.

Portfolio concern. "Portfolio concern" means a small business concern financed by a Licensee in exchange for debt or equity securities which are still outstanding and constitute part of Licensee's Portfolio.

Real estate investment. "Real estate investment" means a Licensee's financing of a small business concern which is classified as a real estate concern under Major Group 65 of the Standard Industrial Classification Manual prepared by the Bureau of the Budget, and available from the U.S. Government Printing Office.

1940 Act Company. "1940 Act Company" means a Licensee which is registered under the Investment Company Act of 1940.

SBA. "SBA" means the Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

Small business concern. "Small business concern" means a concern (including affiliates as defined in § 121.3-2), which for purposes of size eligibility, meets the applicable size standards and criteria set forth in § 121.3-11 of this chapter.

Venture Capital. For purposes of this part, the following types of financings will be considered Venture Capital:

1. Common and Preferred Stock with no repurchase requirement for 5 years, except as may be specifically approved by SBA under § 107.901 of the regulations of this part for purposes of relinquishing control of a small business concern.

2. Any right to purchase such stock.

3. Debentures or loans (whether or not convertible or having stock purchase rights) which are unsecured and carry an effective interest rate of not to exceed 10 percent, and which

(a) are subordinated by their terms to all borrowings of the small concern from other institutional lenders; or

(b) have no part amortized during the first 3 years.

OPERATIONAL REQUIREMENTS

§ 107.101 Operational requirements.

New and existing Licensees shall comply with the following requirements:

(a) *Management.* A full time, qualified officer, general manager, or common manager employed by two or more Licensees subject to prior written approval by SBA, shall be in charge of Licensee's operations. A general manager, or common manager, shall be deemed an officer of such Licensee.

(b) *Office.* The Licensee shall maintain a reasonably accessible office, which will display the name of the Licensee and be open to the public during regular business hours. The Licensee certificate shall be displayed in a prominent place in the principal office.

(c) *Independent board members.* The board of directors shall consist of at least five members, 40 or more percent of whom shall be independent members not affiliated in some other capacity, directly or indirectly, with the Licensee or its Associates.

(d) *Diversified investment policy.* Unless specifically authorized in writing by SBA, a Licensee shall not maintain more than one-third of its portfolio, as of the close of any full fiscal year, in any small business concern or concerns classified under any single Major Group of the Standard Industrial Classification Manual issued by the Bureau of the Budget.

(e) *Minimum capital.* Every Licensee shall have a combined private paid-in capital and paid-in surplus in an amount (1) not less than \$150,000, and (2) adequate to assure a reasonable prospect that the company will be operated soundly and profitably, and managed actively and prudently in accordance with the Act and Regulations.

(f) *Borrowed funds.* Shareholders owning 10 or more percent of any class of Licensee's stock may not use borrowed funds in purchasing said stock, unless the net worth of each such shareholder is equal to at least twice the amount borrowed.

(g) *Time-limit for compliance.* Existing Licensees shall bring themselves into compliance with the requirements of paragraphs (a), (b), and (c) of this section not later than June 30, 1968.

PROCEDURE FOR OBTAINING LICENSE

§ 107.102 License application.

The license application shall be submitted on SBA Form No. 415 in accordance with accompanying instructions. A license fee of \$500 shall be paid to SBA simultaneously with the filing of such application.

§ 107.103 Public notice.

SBA shall cause notice to be published in the FEDERAL REGISTER setting forth relevant information concerning the filing of the application for license. The notice shall include the name and location of the proposed Licensee, the area (or areas) in which it is to commence operations, the names and addresses of its Agent for Correspondence and of its officers, directors, and owners of 10 or more percent of its capital stock, and such other information as SBA may deem appropriate. The notice shall provide an opportunity to submit written comments within a designated period of time. A similar notice as prescribed by SBA, shall be published in a newspaper of general circulation in the city or local area (or areas) where the proposed Licensee is to commence operations, and a copy thereof shall be furnished to SBA within 10 days after such publication.

§ 107.104 Transferability of license.

A license is not transferable in any manner except under circumstances expressly approved in writing by SBA.

§ 107.105 Surrender of license.

A Licensee shall not surrender its license without prior written approval of SBA. Request for such approval shall be accompanied by Licensee's offer of immediate payment of all debts owing to SBA, or by a plan satisfactory to SBA for the fair and orderly liquidation of such obligations. Upon receipt of Licensee's request, SBA may remove Licensee's name from its published lists of Licensees, and may conduct an examination of the Licensee to ascertain the state of its affairs. In granting its approval, SBA may impose such terms and conditions as it may determine appropriate.

BORROWING BY LICENSEE**§ 107.201 SBA funds to Licensee.**

Application for the purchase of debentures pursuant to section 303(b) of the Act shall be submitted to SBA on SBA Form No. 416 in accordance with accompanying instructions.

§ 107.202 SBA funds available under section 303(b)(2) of the Act based on Venture Capital financing.

(a) In order to qualify for SBA funds under section 303(b)(2) of the Act, at least 65 percent of a Licensee's total funds available for investment must be actually invested (or committed) in Venture Capital financing of small business concerns.

(b) The term, "total funds available for investment," means Licensee's total assets, except fixed assets and equipment and deferred charges.

(c) Maintenance of Venture Capital ratio: A Licensee indebted pursuant to section 303(b)(2) of the Act shall maintain at least the ratio required by (b) thereof as of March 31 and September 30 of each year: *Provided, however,* That subject to SBA approval a Licensee may temporarily maintain a lesser ratio. Approval may be granted to the extent necessary in appropriate cases, including prepayments of Venture Capital investments, raising of additional private capital, and SBA funds provided to the Licensee less than 3 months prior to these dates.

§ 107.203 SBA sale of securities evidencing loan to Licensee.

SBA may, in its discretion and upon such terms and conditions and for such consideration as shall be deemed to be reasonable, sell, assign, transfer or otherwise dispose of any debenture, or other evidence of debt or security held in connection with any loan made by SBA under the Act.

§ 107.204 Collection or compromise of Licensee's indebtedness to SBA.

The Administrator or his delegate may, in his discretion, and upon such terms and conditions and for such consideration as he shall deem reasonable, collect

or compromise all obligations assigned to or held by SBA and all legal and equitable rights accruing to it in connection with such obligations.

FINANCING OF SMALL BUSINESS CONCERNS (EQUITY CAPITAL FINANCING; LONG-TERM LOANS AND OTHER PERMISSIBLE FINANCING)**§ 107.301 General.**

(a) *Minimum period of financing and maximum amortization.* Except as otherwise provided for in these regulations, all financing of small business concerns by a Licensee shall be for a minimum period of five (5) years, but voluntary prepayment shall be permitted. Amortization during the first 5 years shall not be required at the rate exceeding an accumulated average of 20 percent of principal per year.

(b) *Maximum interest rate and related charges.* The maximum annual cost to a small business concern for average outstanding net funds advanced or guaranteed by the Licensee shall not exceed the lesser of:

(1) The maximum allowable cost prescribed by applicable State or local law; or

(2) Fifteen (15%) percent.

Cost shall include all interest and discount as well as all fees, commissions, charges, etc. (other than charges for management consulting services duly rendered), against such concern at the time of the financing. Such fees, charges, etc. shall be treated as additional discount for this purpose.

(c) *Twenty (20%) percent limitation.*

(1) Without prior written SBA approval, the aggregate amount of obligations and securities acquired and for which commitments or guarantees may be issued by any Licensee for any single small business concern (including affiliated concerns as defined in Part 121 of this chapter) shall not exceed twenty (20%) percent of Licensee's combined paid-in capital and paid-in surplus.

(2) For this purpose, the combined paid-in capital and paid-in surplus of any SBIC licensed prior to January 1, 1968, shall consist of (i) its paid-in capital and paid-in surplus and (ii) the following portions of the funds outstanding from SBA through the issuance of subordinated debentures as of January 1, 1968, or on January 1 of each of the following calendar years, whichever is less:

(a) One hundred (100%) percent, during 1968; (b) seventy-five (75%) percent, during 1969; (c) fifty (50%) percent, during 1970; (d) twenty-five (25%) percent, during 1971; and (e) zero, during 1972 and thereafter: *Provided, however,* That a reduction of Licensee's investment limit as a result of the operation of this subparagraph shall not impair the validity of any prior investment or commitment made in accordance with applicable provisions in effect at the time such investment or commitment was entered into.

(3) The twenty (20%) percent limitation of Licensee's investments in a single concern shall apply to the amount

of funds disbursed and commitments issued to a portfolio concern, as distinguished from the face amount of the portfolio security. However, a write-down in carrying value of a portfolio security shall not reduce the amount which is computed against the limitation.

(d) *Short-term financing to protect investment.* Short-term advances may be made to a portfolio concern when reasonably necessary to protect Licensee's existing long-term investment in such concern, but the sum of such advances and the outstanding amount of its previous investment shall not exceed the 20 percent limit prescribed by paragraph (c) of this section. Such short-term advances may not be made if the purpose is to take care of the normal short-term requirements of the small business concern.

(e) *Size status declaration.* No financing (or management consulting services) shall be provided by a Licensee to any business concern unless (1) the Licensee and such concern have executed SBA Form 480, Size Status Declaration, including Licensee's determination that applicable size standards have been met, or (2) at the request of the Licensee or such concern, SBA has determined that the latter is a small business concern. The Licensee shall retain the completed SBA Form 480 as part of its records available for examination by SBA.

(f) *Settlement statement.* Upon the making of each financing of a small business concern, Licensee shall prepare a settlement statement describing, among other relevant particulars, the amount and purpose of financing, the type of security or other instrument evidencing Licensee's financing, interest rate, the amount of discount, fees, commissions, and charges together with informative identifying details, and the percentage of actual or potential ownership in the small business concern represented by the Licensee-held financing documents and accompanying rights. The original of the settlement statement shall be furnished to the small business concern and a receipted copy thereof, together with the financial statements of such concern, shall be retained by the Licensee as a part of its records available for examination by SBA.

(g) *Nondiscrimination.* Debtor Licensees shall require small business concerns financed by them after January 9, 1968, to certify on SBA Form No. 652-D that they will not illegally discriminate in their operations, employment practices or facilities, as set forth in Part 113 of this chapter. Such certification shall be retained by the Licensee as a part of its records available for examination by SBA.

EQUITY CAPITAL**§ 107.302 Equity capital.**

(a) "Equity capital" means funds received by an incorporated small business concern from a Licensee as the consideration for the issuance of Equity Securities by such concern to such Licensee.

(b) Equity Securities means:

(1) Certificates of stock of any class with or without a right to convert to another class of stock or containing rights or privileges in the nature of stock warrants or options.

(2) Instruments which evidence a debt and which provide a right or privilege to convert all or any portion of the debt instruments into stock of the small business concern, or provide nondetachable or detachable stock purchase warrants or options, or provide both a right or privilege to convert all or any part of the debt instruments into stock and also detachable stock purchase warrants or options.

§ 107.303 Stock options or warrants; conversion rights.

(a) The total cost of all shares of stock which may be acquired through the exercise of options, warrants, or conversion rights shall not exceed the amount of Equity Capital supplied to the small business concern.

(b) Where short-term financing is furnished by a Licensee to protect its interests in previously acquired Equity Securities issued by a portfolio concern, such short-term financing may also incorporate stock acquisition rights on terms and conditions similar to those provided for in connection with the original financing.

(c) Stock purchase warrants or options issued in connection with Equity Securities shall expire not later than 10 years from the date of the issuance of such Equity Securities.

§ 107.304 Refinancing; first refusal on new indebtedness.

Whenever a Licensee provides Equity Capital to a small business concern, it may require such concern to (a) refinance any or all of its outstanding indebtedness so that the Licensee is the only holder of any evidence of indebtedness of such concern and/or (b) agree not to incur any new indebtedness without first obtaining Licensee's approval and afford such Licensee an opportunity to finance such new indebtedness: *Provided, however*, That the Licensee shall allow appropriate exceptions for open account or other short-term credit.

LONG-TERM LOANS

§ 107.401 Provisions applicable to long-term loans.

See section 305 of the Act and § 107.301.

OTHER PERMISSIBLE FINANCING

§ 107.501 SBIC guarantee of loans.

A Licensee may guarantee to lending institutions up to ninety (90) percent of (a) the obligation of a portfolio concern under any note, debenture, or other evidence of indebtedness or (b) short-term advances to such concern: *Provided, however*, That (1) the total amount for which Licensee may be liable on such guarantees shall not exceed the amount of Licensee's debt or equity financing of such concern and (2) such financing

plus the amount of the guarantees do not exceed the 20 percent limit applicable to investments in a single concern under § 107.301(c). Guarantees may be issued only at the request of the portfolio concern or where necessary to protect Licensee's existing investment in such concern.

§ 107.502 Acquisition of stock options or warrants from an affiliate of a portfolio concern.

A Licensee may, in exchange for financing provided to a portfolio concern, acquire stock purchase warrants or options in an affiliated concern, as defined in § 121.3-2 of this chapter.

§ 107.503 Commitments.

(a) *General.* A Licensee is authorized to enter into a commitment to furnish financing to a small business concern. A reasonable commitment fee may be charged.

(b) *Repayment period as to funds advanced pursuant to Licensee's commitment.* (1) Where a Licensee enters into a commitment to finance a small business concern, disbursement in whole or in part to be made on the request of such concern, it shall be lawful (notwithstanding the maturity provisions of § 107.301(a)) to provide for repayment as follows:

(i) Any funds advanced during the first 2 years of the commitment period may become due and payable 5 years after date of the commitment; and

(ii) Any funds subsequently advanced during the commitment period may be for a period of 3 years from respective dates of disbursement.

(2) Amortization of each disbursement made shall not be required at an annual average rate in excess of the principal amount thereof divided by the number of years of the applicable repayment period.

(c) *Stock options and warrants.* Where a Licensee enters into a commitment to provide financing to a small business concern, and the financing agreement calls for the issuance of stock options or warrants, Licensee may acquire such options or warrants up to the full amount of funds disbursed, and up to 25 percent of the undisbursed portion of any commitment obligation not attributable to any default on Licensee's part.

§ 107.504 Special Discretionary Portfolio.

(a) *Authorization.* A Licensee may establish and maintain a Special Discretionary Portfolio. The maximum amount which may be invested and outstanding in such portfolio at any time shall not exceed 20 percent of the Licensee's total adjusted assets as of the date of its most recently required financial report to SBA. "Total adjusted assets" means total assets reduced by outstanding indebtedness of the Licensee to SBA and other loans having maturities of less than 1 year.

(b) *Investments permitted.* Notwithstanding otherwise applicable provisions of this Part 107 (which are hereinafter more specifically identified in subparagraphs of this paragraph), except restrictive provisions required under the Act, a Licensee may make the following types of investments up to the maximum authorized by paragraph (a) of this section:

(1) *Amortization rate of forty (40%) percent per annum.* Notwithstanding the provisions of § 107.301(a), financing with a minimum term of 5 years amortized at a rate not exceeding 40 percent per annum of the declining principal balance outstanding, except for the final year of the term.

(2) *Short-term financing of portfolio concerns.* Notwithstanding the provisions of § 107.301(a), financing with a term of less than 5 years to a portfolio concern when it constitutes a reasonably necessary part of the overall sound financing of such concern pursuant to the Act. This authority shall supplement that available to Licensees under § 107.301(d) relating to short-term financing to protect a Licensee's investment, but the sum of all short-term financing for any purpose and the outstanding amount of Licensee's long-term investment in such concern shall not exceed the 20 percent limit prescribed by § 107.301(c).

(3) *Equity securities of portfolio concerns purchased from nonissuer.* Notwithstanding the provisions of § 107.302, equity securities of a portfolio concern purchased in the open market or through negotiated transactions when such acquisition constitutes a reasonably necessary part of the overall sound financing of such concern pursuant to the Act.

MANAGEMENT CONSULTING SERVICES

§ 107.601 Management consulting services.

(a) *Nature of services.* Management consulting services shall consist only of advice with respect to the financial, management and operating activities of a small business concern; and shall not include performance by the Licensee of any financial, management or operating activity of the small business concern. The words, "management consulting services", shall have the same meaning as the phrase, "consulting and advisory services", in section 308(b) of the Act.

(b) *Services through independent contractor.* Management consulting services may be performed through an independent consultant under contract with the Licensee, whether or not such consultant has similar contracts with other Licensees.

(c) *Records.* A Licensee shall maintain a record for examination by SBA of the time spent and charges made with respect to management consulting services performed for each small business concern financed by the Licensee. Such charges shall not exceed comparable reasonable charges by established professional non-Licensee consultants and consulting firms.

§ 107.602 Wholly owned corporation for management consulting services.

(a) *Organization of subsidiary.* A Licensee may organize a corporation for the sole purpose of providing management consulting services subject to the provisions of § 107.601.

(1) All of its stock shall be owned and held by such Licensee; the parent-Licensee shall not sell, transfer or otherwise divest itself of any part of such stock, but it may transfer back any part thereof to the treasury of the wholly owned subsidiary corporation, whereupon such stock shall be forthwith retired and canceled. If the subsidiary corporation is liquidated, its charter shall be surrendered and terminated.

(2) Each officer and director of the subsidiary corporation must be at the same time either an officer or director of the parent-Licensee.

(3) Licensee's financial investment in its subsidiary corporation shall not exceed 1 percent of Licensee's paid-in capital and paid-in surplus. Advances and other receivables due the parent-Licensee by its subsidiary corporation shall not exceed 1 percent of Licensee's paid-in capital and paid-in surplus.

(b) *Licensee's responsibility.* The parent-Licensee shall be responsible for compliance by its subsidiary corporation with the Act and regulations pursuant thereto. Reports submitted to SBA by the parent-Licensee shall reflect consolidated figures covering the activities of both corporations. The subsidiary shall make such separate reports concerning its activities as shall be required by SBA; it shall be subject to examination and in the event of its failure to make required reports or to submit to SBA examinations, such failure may be acted upon by SBA as an act of noncompliance on the part of the parent-Licensee which shall subject the latter to the imposition of penalties or other sanctions authorized by the Act and regulations thereunder.

§ 107.603 Services to banks or other investors or lenders.

A Licensee may render services for and receive compensation from banks or other investors or lenders only in connection with the financing of, or the providing of management consulting services to, a small business concern by the Licensee in participation or cooperation with such bank or other investors or lenders.

CONTROL OF LICENSEE

§ 107.701 Changes in ownership or control of Licensee.

(a) Transfer of control of a Licensee by any means whatsoever shall be subject to prior written approval of SBA.

(b) *Prior approval requirements.* Prior written approval of SBA shall be required in case of—

(1) A proposed transfer of 10 or more percent of the capital stock issued by a Licensee; or

(2) A proposed transfer which would result in the acquisition of beneficial ownership by any person or affiliated

group of persons of 10 or more percent of its capital stock; or

(3) Any proposed change with respect to the beneficial ownership of its capital stock which involves or results in a change in control over a Licensee.

(c) Unless prior written approval of SBA is obtained, no such transaction shall be consummated and neither the Licensee, nor any of its officers, directors, employees or other persons acting on its behalf shall:

(1) Register on its books any transfer of shares to the proposed new owner (or owners); or

(2) Permit the proposed new owner (or owners) to exercise voting rights with respect to said shares or participate in any manner in the conduct of Licensee's affairs.

(d) *Terms used:*

(1) "Transfer", "stock transfer" or "transfer of shares" refers to the aggregate amount of shares which any person or affiliated group of persons transfers or authorization as to such voting rights (6) month period.

(2) "Exercise of voting rights with respect to shares of Licensee's capital stock" shall include directly or indirectly procuring or voting any proxy, consent, or authorization as to such voting rights at any shareholders' meeting.

(3) "Participation in the conduct of Licensee's affairs" shall include access to, custody of, or control over Licensee's corporate books, records, funds, or other assets; participation directly or indirectly in any disposition thereof; or serving as an officer, director, employee or agent of such Licensee.

(e) *Transferors' liability:* SBA may in its discretion, as a condition of granting or renegotiating loans to a Licensee, require the controlling shareholder(s) to enter into a written agreement assuming personal liability for such Licensee's indebtedness to SBA, but only in the event of their direct or indirect participation in any violation of the prior approval requirements of this section applicable to transfers of control. Such personal liability will terminate if SBA subsequently approves the transfer of control and so notifies the transferor(s) in writing.

(f) *Application for approval:* Application for prior SBA approval shall be promptly filed by the Licensee on SBA Form 414A and by other parties in interest by appropriate written notice to SBA. Such application shall be accompanied by a processing fee in the amount of \$100 for each officer, director, owner of 10 or more percent of Licensee's stock, or other interested party involved in a proposed change of control: *Provided, however,* That the processing fee shall not exceed \$400 for any one transaction.

(g) *Public notice:* SBA shall cause notice to be published in the FEDERAL REGISTER setting forth information concerning the filing of an application for approval of a proposed transfer of control. The notice shall include the name and location of the Licensee and of the proposed transferees who will own 10 or more percent of any class of its stock,

and such other information as SBA may deem appropriate. The notice shall provide interested parties an opportunity to submit written comments, for SBA's consideration within a specified period of time. A similar notice as prescribed by SBA shall also be published in a newspaper of general circulation in the city or local area (or areas) where the Licensee is located (or is to be located and conduct operations if the proposed transfer is approved), and a copy thereof shall be furnished to SBA within 10 days after such publication.

(h) *Standards governing SBA approval:*

(1) SBA may, as a condition of granting approval of a proposed transfer of control, require an increase in Licensee's capitalization pursuant to section 302(a) of the Act.

(2) SBA may condition its approval on the assumption in writing by the new owners of contractual liability for a Licensee's indebtedness to SBA in the event of their noncompliance with the prior approval requirements of paragraphs (a) or (b) of this section. SBA may also condition its approval on other requirements deemed necessary.

(3) SBA approval shall be contingent upon full disclosure by Licensee, and other parties concerned including information identifying the real parties in interest, describing the source of the funds used to effect the transaction, and setting forth such other data as SBA may request concerning the facts, events and circumstances involved.

(4) *Reporting transactions involving possible transfer of control:* The Licensee shall, upon obtaining knowledge thereof, promptly report to SBA the relevant facts pertaining to any transaction or event which affords reasonable grounds for belief that a transfer of control over such Licensee is involved or is likely to doubt as to whether the nature or extent of a particular transaction or event is such as to involve or result in a change of control, such doubt shall be resolved in favor of reporting the facts to SBA.

§ 107.702 Common control.

A Licensee shall not have an officer or a director who at the same time is either an officer or director of any other Licensee (except a common manager approved by SBA), nor shall 10 or more percent of the stock of any Licensee be owned or controlled, directly or indirectly, by an officer or director of, or by any party owning or controlling, directly or indirectly, 10 or more percent of the stock of another Licensee.

§ 107.703 Pledge of Licensee's shares.

Whenever 10 or more percent of a Licensee's stock is pledged or hypothecated by any person (or group of two or more persons acting in concert) as collateral for an indebtedness, and such pledge or hypothecation does not involve any transfer for which prior approval is required under § 107.701, written notice setting forth the terms of such transaction shall be furnished to SBA by the person (or persons) making such pledge

or hypothecation within 5 calendar days from the date of the pledge or hypothecation.

LAWFUL OPERATIONS

§ 107.801 Amendments to Act and regulations.

A Licensee shall be subject to all existing and future provisions of the Act and regulations issued thereunder.

§ 107.802 Other laws.

Each Licensee shall comply with all applicable State or Federal law affecting its operation.

§ 107.803 Operations under Act.

A Licensee shall engage in and conduct only the activities set forth in and contemplated under the Act and shall not engage in or conduct any other activities.

§ 107.804 Identification as SBIC.

Any written communication made by or at the behest of a Licensee, shall identify that Licensee as "a Federal Licensee under the Small Business Investment Act of 1958."

§ 107.805 Postlicensing issuance of securities.

A Licensee may issue any of its securities, including stock options to management and employees, for (a) cash, (b) direct obligations of, or obligations guaranteed as to principal and interest by, the United States, (c) securities of which it is the issuer, in connection with a reclassification approved by SBA, (d) services previously rendered to the Licensee not to exceed fair value thereof, (e) physical assets to be currently employed in the operation of the Licensee at fair market value thereof, (f) as a dividend, and (g) in connection with a merger, consolidation, or reorganization approved by SBA: *Provided, however,* That any shares of stock issued as part of Licensee's minimum capital pursuant to § 107.101(e) must be paid for in cash or securities permitted by the last sentence of section 308(b) of the Act.

§ 107.806 Retention of loans and investments.

A Licensee may retain its investment in a concern which qualified as a small business concern at the time of Licensee's initial financing but which subsequently became large. Securities of a large business received by a Licensee in connection with the merger, consolidation, or affiliation of a portfolio concern with such large business may be retained as long as continued ownership does not interfere with the Licensee's ability to maintain on hand funds in adequate supply for the financing of small business concerns. The Licensee may, however, in any event retain such securities until it has fully recovered the amount of its original investment plus a reasonable return thereon. Additional financing may be provided only to the extent necessary (a) to honor a commitment made while the concern still qualified as a small business concern or (b) to protect Licensee's original investment.

§ 107.807 Purchase of securities from another Licensee.

A Licensee may exchange with or purchase for cash from another Licensee, without recourse against the seller (except for such liability as may result from the falsity of representations or warranties as to matters of fact), portfolio securities (or any interest therein) acquired from small business concerns, by such Licensee or any other Licensee: *Provided, however,* That a Licensee shall not have invested at any one time more than one-third of its total assets in such securities of small business concerns through such exchanges or purchases.

§ 107.808 Idle funds.

Idle funds of a Licensee not employed in current financing of small business concerns and not invested in accordance with the last sentence of section 308(b) of the Act shall, without delay, be placed on demand deposit, or in Time Certificates of Deposit maturing not later than 1 year after issuance, but only up to the insured amount, in any bank or banks which are members of the Federal Deposit Insurance Corporation: *Provided, however,* That a Licensee may maintain an imprest petty cash fund in an amount not to exceed \$500 at any one time.

§ 107.809 Investment adviser.

(a) *General.* A Licensee may contract in writing with an individual or non-Licensee concern to serve on a continuing basis as its investment adviser. Services performed shall be advisory only and shall not include the actual performance of management or operating activities of the Licensee. The Licensee shall, on or before the effective date thereof, furnish SBA with a copy of such contract. Where the Licensee is indebted to SBA, SBA reserves the right to approve the compensation of the investment adviser.

(b) *Common investment adviser.* Two or more Licensees may, with prior SBA approval, contract in writing with an individual or non-Licensee concern to serve on a continuing basis as their common investment adviser.

(c) *Exempt contracts.* Contracts for appraisal, custodial, collection, book-keeping, accounting, and legal services shall not be considered advisory services for the purposes of this section.

§ 107.810 Assets acquired in liquidation.

Where property is acquired by a Licensee in full or partial satisfaction of an obligation of a portfolio concern, Licensee may incur reasonably necessary expenditures for the care and preservation of such property: *Provided, however,* That except as specifically permitted in writing by SBA, such expenditures (other than ordinary and necessary expenses for the maintenance of such assets) plus Licensee's funds attributable to such assets in liquidation shall not exceed an amount equivalent to Licensee's investment limit under § 107.301(c). Licensee shall take steps to dispose of assets in

liquidation within a reasonable period of time.

§ 107.811 Additional investment by bank.

A bank which on January 9, 1968, holds fifty (50%) percent or more of any class of equity securities issued by a Licensee and having actual or potential voting rights, may, pursuant to section 302(b) of the Act, make further investments in such Licensee only if such investments would not increase its percentage holdings of such securities. Such capital increases shall be subject to SBA post-approval under § 107.1105.

RESTRICTED ACTIVITIES

§ 107.901 Control of small business concern.

(a) *General:* The Act does not contemplate that Licensees shall operate business enterprises or function as holding companies exercising control over such enterprises. Accordingly, neither a Licensee, nor a Licensee and its Associates, nor two or more Licensees may, except as hereinafter set forth, assume control over a small business concern pursuant to management agreements, voting trusts, majority representation on the board of directors, or otherwise.

(b) *Presumption of control:* Control over a small business concern will be presumed to exist whenever a Licensee, or a Licensee and its Associates or two or more Licensees acting in concert, own, hold, or control, directly or indirectly, voting securities equivalent to (1) 50 or more percent of the outstanding voting securities, if the voting securities of such concern are held by less than 50 shareholders; (2) 25 or more percent of the outstanding voting securities, if the voting securities of such concern are held by 50 or more shareholders, or (3) a block of stock as large as or larger than, any other outstanding block of stock. This presumption may be rebutted by the submission of appropriate evidence satisfactory to SBA.

(c) *Temporary control permitted:* A Licensee may acquire temporary control over a small business concern in connection with financing supplied to it only where assumption of control is reasonably necessary for the protection of Licensee's investment.

(d) *Plan to relinquish or divest control:* A Licensee shall not assume control over a small business concern pursuant to paragraph (c) of this section unless it has negotiated and has entered into a fair and reasonable written plan at the time of financing, as a contractual obligation on its part enforceable by the small concern or its shareholders providing for relinquishment of control within a reasonable period of time not exceeding seven years. Such plan shall be subject to SBA's prior written approval. Where the plan appears inadequate or unreasonable, SBA may notify and afford the Licensee and other parties concerned an opportunity to submit evidence as to whether renegotiation of the divestiture plan should be required. SBA

approval shall be contingent upon full disclosure of all relevant facts and shall be subject to such conditions as SBA may determine are appropriate.

(e) The Licensee shall report to SBA in its annual audited financial report (SBA Form No. 468) current prospects for the implementation of the divestiture plan, and additional factors, if any, affecting the status or feasibility of relinquishing control.

(f) Subsequent events affecting plan: Where changed circumstances indicate that a workable arrangement no longer exists, SBA may, on its own initiative or upon application by the Licensee or other interested person, notify and afford the Licensee and other parties concerned an opportunity to submit evidence as to whether renegotiation of the divestiture plan should be required.

(g) Enforcement actions:

(1) Divestiture plans entered into pursuant to this section shall not adversely affect or interfere with enforcement by the Licensee of its legal rights against a concern which has defaulted on its obligations to the Licensee and shall no longer continue in effect as a binding obligation on Licensee's part in the event of such enforcement action.

(2) If the Licensee acquires control of the small business concern as the result of enforcement action taken, the Licensee shall immediately notify SBA and shall take steps to divest itself of control within a reasonable period of time pursuant to a plan approved in writing by SBA. In connection therewith, the Licensee shall be free to negotiate with any appropriate person or entity necessary to accomplish relinquishment of control.

(h) Licensees with existing plans: Licensees which have control of a small business concern on January 9, 1968, shall bring their plans for divestiture of control into compliance with this section not later than March 31, 1968; *Provided, however,* That the plan shall provide for relinquishment of such control within a reasonable period of time, but in no event later than March 31, 1975. Such plans shall be filed with SBA not later than April 30, 1968, and will be subject to SBA written approval in accordance with the provisions of this section.

(i) Prior approval for additional financing: Whenever a Licensee assumes control of a small concern, any additional financing provided by the Licensee to such concern shall be subject to SBA's prior written approval.

§ 107.902 Voluntary capital decrease.

A Licensee shall not voluntarily reduce its paid-in capital and paid-in surplus without prior written SBA approval. A Licensee may not purchase and hold more than 2 percent of any class of its stock without prior written SBA approval.

§ 107.903 Mergers, consolidations, and reorganizations.

Subject to the prior written approval of SBA, a Licensee may participate as a party to a statutory or other type of merger, consolidation, or reorganization with another Licensee or non-Licensee company where the resultant company

will qualify as a Licensee. SBA's approval may be conditioned on such reasonable terms and conditions as it determines appropriate.

PROHIBITIONS

§ 107.1001 Prohibited uses of funds.

No funds may be provided by Licensee for:

(a) *Relending, reinvesting, etc.* Relending or reinvesting by the small business concern, except as permitted under § 107.904, nor may funds be provided to a small business concern if the business activity of such concern involves directly or indirectly the investing, lending, or other providing of funds to others in exchange for an equity interest or monetary obligation, purchase or discounting of debt obligations, factoring, or long-term leasing of equipment with no provision for maintenance or repair.

(b) *Financing Licensees.* Use, directly or indirectly, to purchase stock in or otherwise to provide capital for a Licensee, or to repay an indebtedness to accomplish such purpose.

(c) *Investments in unimproved real estate.* The acquisition, or payment of obligations relating to the prior acquisition, by a small business concern of land or improved real estate to be held, without prompt and substantial improvement or development, for resale or leasing to others. Improvement or development shall, for the purposes of this paragraph, be deemed prompt and substantial if (1) an amount equivalent to 50 or more percent of the financing supplied or committed by Licensee is used for land improvement, new construction, renovation, or other types of improvement or development, and (2) such improvement or development is undertaken within one (1) year from date of acquisition or date of Licensee's financing, whichever is later.

(d) *Purposes contrary to the public interest.* Purposes contrary to the public interest, including but not limited to gambling enterprises and activities, and any purpose which would encourage monopoly or be inconsistent with accepted standards of free competitive enterprise.

(e) *Foreign investment.* Use outside the United States: *Provided, however,* That a Licensee may provide funds to a small business concern which is subject to state or federal jurisdiction, (1) for use in the domestic production of products for distribution abroad, or to acquire abroad materials for such operation or (2) for use in its branch operations abroad or for transfer to its controlled foreign subsidiary; so long as the major portion of the assets and activities of such concern, after funds are so employed, remains within the territorial jurisdiction of the States.

(f) *Passive businesses.* Any person that is not engaged in a business operation conducted as a regular and continuous activity.

(g) *Licensee associated supplier.* A small business concern which purchases goods or services from a supplier; which supplier is an Associate of the Licensee, if 50 percent or more of the funds (or

funds of the small business concern released by such financing) are used by the concern to purchase goods or services from such supplier.

(h) *Alcoholic beverages.* Enterprises which derive a substantial portion of their net sales from the sale of alcoholic beverages, where such funds represent proceeds of loans obtained from SBA. Accordingly, within thirty (30) days after the disbursement of any loan funds to Licensee, and thereafter during the period in which any part of such loan, remains unpaid, the Licensee shall maintain assets consisting of cash, eligible Government obligations, and portfolio investments and loans involving enterprises which do not derive a substantial portion of their net sales from the sale of alcoholic beverages (exclusive of all investments and loans already in the Licensee's portfolio at the time that the proceeds of such loans were disbursed), equal in face value to no less than the unpaid principal of such loan.

(i) *Agriculture.* Concerns engaged solely or primarily in the production of agricultural commodities.

§ 107.1002 Capital impairment.

(a) Each Licensee shall maintain at all times an unimpaired capital. An impairment shall be deemed to exist when the retained earnings deficit exceeds fifty (50%) percent of the private paid-in capital and paid-in surplus.

(b) A debtor Licensee shall promptly inform SBA when its retained earnings deficit exceeds thirty-five (35) percent of its combined paid-in capital and paid-in surplus.

(c) For capital impairment purposes, gains may be recognized by SBA only to the extent permitted in Policy and Procedure Release No. 2008; (Guidelines Governing the Realization and Use of Income and Gains).

§ 107.1003 Inactive Licensees.

(a) The Act contemplates that a Licensee shall conduct active operations to meet the needs for financing of small business concerns in its area. Accordingly, inactivity on the part of a Licensee constitutes a violation of these regulations.

(b) A Licensee which has more than twenty-five (25) percent of its assets in Idle Funds (section 308(b) of the Act and § 107.808) shall be presumed inactive if it has not, for a period of more than one year, provided new financing aggregating at least twenty-five (25) percent of said Idle Funds. It shall promptly file with SBA a written report setting forth the reasons for its inactivity. The foregoing presumption may be rebutted by the submission of appropriate written evidence satisfactory to SBA.

§ 107.1004 Conflicts of interest.

(a) *General.* Self-dealing to the prejudice of a small business concern, or of a Licensee or its shareholders, or of SBA, is prohibited.

(b) *Prohibitions.* Except where a written exemption may be granted by SBA in special instances in furtherance of the purposes of the Act—

(1) A Licensee shall not, directly or indirectly, provide financing to any of its Associates.

(2) A Licensee shall not, directly or indirectly, provide financing to an Associate of another Licensee if an Associate of the first Licensee receives, has received, or is about to receive (including receipt pursuant to any understanding, agreement, or cross-dealing, reciprocal or circular arrangement) any direct or indirect financing or a commitment for financing from such other Licensee or a third Licensee.

(3) No Licensee or any of its Associates shall directly or indirectly borrow money from (i) a concern financed by such Licensee or (ii) an officer, director, or owner of 10 or more percent equity interest in such concern, or a close relative of such officer, director, or equity owner.

(4) No Licensee shall directly or indirectly provide financing to a small business concern if the financing is used to provide funds to discharge or to free other funds for use in discharging an obligation of such concern to an Associate of the Licensee.

(5) No Licensee shall directly or indirectly provide financing to a small business concern, except as permitted by § 107.1001(g), if the financing is used to provide funds or to free other funds for use in purchasing property from an Associate of the Licensee.

(6) Where a Licensee provides financing to a small business concern which also receives financing from an Associate of such Licensee within a period of 1 year prior or subsequent thereto, the terms of Licensee's financing shall not be less favorable to the Licensee than those applicable to the financing supplied by its Associate. Licensee shall retain written evidence of such financing by the Licensee and its Associate as part of its records available for examination by SBA.

(c) *Fees or other compensation.* No Associate of a Licensee shall receive, directly or indirectly, from a small business concern any fees or compensation in connection with financing supplied by such Licensee, or any money or thing of value for procuring, attempting to procure, or influencing Licensee's action with respect thereto, except only for bona fide services performed by him at the request of such concern and paid in the manner hereinafter set forth. A reasonable sum for necessary incidental services and costs, including such items as title examination, appraisal, credit report, survey, closing fees and expenses, may be collected by the Licensee and paid to an Associate of the Licensee for services actually rendered by him at the request of the small concern. Such sum shall be approved by the Licensee, and written evidence of the transaction shall be retained as part of Licensee's records available for examination by SBA.

(d) *Public notice.* Prior to an exemption being granted by SBA under paragraph (b) of this section, the Licensee shall publish in a newspaper of general circulation in the locality most directly

affected by the transaction, notice thereof as specified by SBA and shall furnish a copy to SBA within 10 days after publication.

(e) *1940 Act companies.* A 1940 Act company which has been granted an exemption by the Securities and Exchange Commission from applicable provisions of said Act and/or implementing rules and regulations with regard to a transaction which is also subject to paragraph (b) of this section, shall be exempt from the provisions thereof: *Provided, however,* That such Licensee shall inform SBA of the exemption granted by the Commission and shall cause prompt public notice thereof, in form specified by SBA, to be published in a newspaper of general circulation as set forth in paragraph (d) of this section, and shall furnish SBA with a copy of such notice within 10 days after publication.

(f) *Protection of investment.* Nothing herein contained is intended to preclude a Licensee from permitting any of its Associates, an employee, or representative from serving as an officer, director, or in any other capacity in the management of a small business concern for the purpose of protecting its investment in or loan to such concern: *Provided, however,* That the person so designated has no other direct or indirect financial interest in the portfolio concern and has not served as an officer or director or in any other capacity in the management of such concern for more than 30 days prior to such financing.

§ 107.1005 Sale of portfolio securities to competitors of portfolio concern or Licensee's Associates.

Except where an exemption may be granted by SBA in special instances (as being in furtherance of the purposes of the Act) no Licensee shall, directly or indirectly, dispose of its portfolio securities to (a) an Associate of such Licensee; or (b) a competitor of the portfolio concern.

§ 107.1006 Excess real estate investments of SBIC's licensed prior to March 19, 1965.

Unless specific SBA approval has been granted authorizing a particular SBIC to maintain more than one-third of its portfolio in permitted real estate investments, SBIC's licensed prior to March 19, 1965, whose real estate investments as of March 31, 1965, exceeded one-third of their portfolio, may retain such investments (not consummated in violation of provisions in effect when made) but shall not undertake further real estate investments until their portfolio is diversified to such extent that the real estate portion thereof constitutes less than one-third in dollar amount of the total portfolio. Thereafter, new real estate investments may be made, subject to the provisions of § 107.1001(c) as long as the one-third limitation is not exceeded.

§ 107.1007 No Government sponsorship.

No Licensee in issuing any security shall represent or imply in any manner that such security has been approved by

the United States, or any agency or officer thereof, and a statement to such effect shall be included in any solicitations to investors.

§ 107.1008 Violations based on false filings and nonperformance of agreements with SBA.

The following shall constitute a violation of the regulations in this Part 107:

(a) Nonperformance by a Licensee of any of the terms, conditions, or requirements of any debenture, loan agreement, note, or other written agreement with SBA.

(b) Any false statement knowingly made, or misrepresentation or failure to state a material fact necessary in order to make the statement not misleading in the light of the circumstances under which the statement was made, in any document submitted by a Licensee to SBA pursuant to applicable provisions of the Act or regulations.

EXAMINATIONS, ACCOUNTS, RECORDS, AND REPORTS

§ 107.1101 Examinations.

See section 310(b) of the Act.

§ 107.1102 Records and reports.

(a) *Records.* Each Licensee shall keep current financial records in accordance with generally accepted accounting principles, including the maintenance of books of account in accordance with the System of Account Classifications prescribed by SBA as set forth in Part 111 of this chapter. All such financial records and minutes of meetings of stockholders, directors, executive committees, or other officials; and all files containing pertinent documents and supporting material employed by a Licensee with respect to any and all transactions of the Licensee shall be kept at its principal place of business: *Provided, however,* That there shall be exempted from the foregoing all portfolio items held by a custodian for Licensee pursuant to written custodian agreement. All financial reports furnished to SBA by Licensees shall make full and complete disclosure of all matters relevant to the Act and regulations.

(b) *Preservation of records.* Each Licensee shall maintain and preserve, for the periods hereinafter specified, such accounts, books, and other documents relating to its business as constitute the record forming the basis for financial statements required to be filed pursuant to paragraph (d) of this section, and of the independent public accountant's certificate relating thereto. Each Licensee shall:

(1) Preserve permanently, the first 2 years in an easily accessible place, (i) all general and subsidiary ledgers (or other records) reflecting all asset and valuation, liability, capital stock and surplus, income, and expense accounts; (ii) all general and special journals (or other records forming the basis for entries in such ledgers); and (iii) corporate charter, bylaws, Proposal to Operate, and all minute books, capital stock certificates or stubs, stock ledgers, and stock transfer registers;

(2) Preserve for a period of not less than 6 years following repayment, sale, or other final disposition of the related loan or investment (the first 2 years in an easily accessible place) all applications for financing, all size status declarations, all lending agreements, participation agreements, escrow agreements, financing instruments, capital stock certificates and warrants of small business concerns not surrendered or exercised, and all other documents and supporting material relating to such loan or investment, including correspondence, and

(3) Preserve for a period of not less than six (6) years all vouchers, check-books, bank statements, cancelled checks, cash reconciliations, ledger trial balances, memoranda, correspondence, and other documents forming the initial accounting data for entry in, or underlying records in support of, the records enumerated in subparagraph (1) of this paragraph.

(4) Notwithstanding the provisions of subparagraphs (1) through (3) of this paragraph, after any book, document, or other record has been preserved for three (3) years (or 3 years following final disposition of the related loan or investment, when applicable), a photograph or film thereof may be substituted therefor for the balance of the required time and the original destroyed.

(c) *Reports to stockholders.* At the time any financial report (including any prospectus, letter, or other publication with respect to the financial affairs or operations of the Licensee or any of its portfolio small business concerns) is furnished to investors and shareholders of a Licensee, such Licensee shall file with the Office of Investment, SBA, three (3) copies of such report.

(d) *Financial reports to SBA.* (1) Each Licensee shall submit to SBA, at the end of the first 6-month period of each fiscal year, a report containing financial statements covering such 6-month period; at the end of each fiscal year a report containing financial statements for the fiscal year; and, when requested by SBA, interim financial reports. The fiscal year to which such reports shall relate shall be for SBA purposes the period beginning April 1 and ending March 31.

(2) The report as of the end of each fiscal year shall contain, or be accompanied, by, an independent public accountant's opinion on the financial statements for the fiscal year included therein, unless a different 12-month period to be covered by the annual audit is expressly given prior approval in writing by SBA. Such opinion shall be based on an audit of the accounts of the Licensee conducted in accordance with generally accepted auditing standards, and in accordance with the Audit and Examination Guide for Small Business Investment Companies prescribed by SBA, by an independent certified public accountant or an independent licensed public accountant, certified or licensed by a regulatory authority of a State or other political subdivision of the United States, selected or

approved by SBA; or, in States or other political subdivisions of the United States which do not license public accountants, an independent public accountant of recognized standing with 10 or more years of public accounting experience, selected or approved by SBA prior to September 8, 1967, to audit the particular Licensee, who fulfills to SBA's satisfaction the requirements established by SBA.

(e) *Forms for financial reports.* The financial reports required by this section to be filed with SBA by Licensees shall be on the prescribed form constituting the Financial Report, SBA Form 468(9-67), which shall be filed in triplicate with the Office of Investment, SBA, Washington, D.C. 20416, on or before the last day of the month immediately following the close of the period covered by the report (in the case of an unaudited report), and on or before the last day of the third month following the close of the period covered by the report (in the case of an audited report).

(1) Licensees which are 1940 Act companies, as defined in § 107.3, should refer to the rules promulgated by the Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, for the requirements as to financial reports to be filed with SEC and the time allowed for filing.

(2) The Financial Report filed by each Licensee shall present fairly the financial position of the Licensee as of the close of the period covered by the report and the results of the Licensee's operations for such period, and shall be prepared in accordance with the Instructions for Preparation of the Financial Report, SBA Form 468(9-67), which instructions are identified as SBA Form 468A(967).

(3) The Financial Report, SBA Form 468, and the instructions pertaining thereto are incorporated in and expressly made a part of this section.

(f) *Program evaluation reports.* (1) The Program Evaluation Report, SBA Form 684, shall be prepared by each Licensee as of March 31 of every calendar year and filed with SBA not later than June 30 of such year, to reflect all transactions involving Licensee's debt or equity financing of small business concerns which were outstanding at any time during the preceding 12-month period ending March 31. The report shall be prepared in accordance with Instructions for Preparation of the Program Evaluation Report, SBA Form 684. The Program Evaluation Report, SBA Form 684, and the instructions pertaining thereto are incorporated in and expressly made a part of this section.

(2) Each Licensee shall, as a condition of all financing agreements consummated or renegotiated with small business concerns after March 25, 1966, require such concerns to furnish to the Licensee all information needed by such Licensee for the preparation and filing of SBA Form 684.

(3) The provisions of Part 102 of this chapter prohibiting the disclosure of information contained in SBA's files, documents and records, apply to Program

Evaluation Reports filed with SBA. Information submitted on SBA Form 684 is for SBA's official use in the performance of its statutory responsibilities, and not for public disclosure. It will not be published or released, as a matter of public information, except in the form of statistical totals or summaries which will not divulge the identity of the Licensee or its portfolio of small business concerns.

(g) *Litigation reports.* Every Licensee which is a party in any capacity to litigation or other proceedings, including any action by the Licensee or a security holder thereof in a derivative capacity against an officer, director, investment adviser, or trustee of such Licensee for alleged breach of official duty, shall within 10 days of becoming a party thereto file a report with SBA describing the nature and status of the proceedings, the identity of and Licensee's relationship to other parties involved and, upon SBA's request, submit copies of the pleadings and other documents specified by it. In case such proceedings have been compromised or settled or final judgment has been entered on the merits, the Licensee shall furnish SBA with a statement of the terms of such settlement or compromise, or describing the final judgment entered.

(h) *Copies provided SBA.* Whenever a Licensee files any report, application or document with the Securities and Exchange Commission, it shall concurrently provide SBA with a copy thereof.

(i) *Other reports.* In addition to the reports required elsewhere in this part, each Licensee shall, upon request by SBA, file with the Office of Investment, SBA, such other reports at such times and in such forms as SBA shall require.

§ 107.1103 Internal control.

(a) *General.* Each Licensee shall adopt a plan of organization and coordinate methods and measures designed to safeguard its assets and check the accuracy and reliability of its financial data. Effective control arrangements shall be established and maintained covering the Licensee's personnel, portfolio of investment securities, funds, and equipment.

(b) *Dual control.* With the exception provided for hereinafter, each Licensee shall maintain dual control over disbursement of funds and withdrawal of securities from safekeeping. Disbursements shall be made only by means of checks requiring the signatures of two or more officers of the Licensee, covered by the Licensee's fidelity bond, as drawers of such checks; *Provided, however,* A Licensee may maintain a separate imprest bank account to be drawn upon for the payment of operating expenses. Such imprest bank account shall have an aggregate balance not in excess of \$25,000; and such account shall be reimbursed periodically through deposit therein of a check requiring dual signatures and drawn on Licensee's general funds bank account, covering disbursements made from the imprest bank account which have had the postapproval of the two signers of the reimbursement check. Checks drawn upon such imprest bank account in amounts of \$1,000 or

less may be signed by any authorized bonded officer of the Licensee. Two or more bonded officers or one bonded officer and one bonded employee of the Licensee shall be required to open safe deposit boxes or withdraw securities from safekeeping. Each Licensee shall furnish to each of its depository banks, custodians, and entities providing safe deposit boxes a certified copy of the resolution adopted by its board of directors placing the foregoing control procedures in effect.

§ 107.1104 Fidelity insurance.

(a) Each Licensee shall maintain a fidelity bond in the form and amount set forth by SBA in its Audit and Examination Guide for Small Business Investment Companies which must be executed by a surety holding a certificate of authority from the Secretary of the Treasury pursuant to sections 6-13 of Title 6 of the United States Code as an acceptable surety on Federal bonds. Each officer and employee who has control over or access to cash securities or other property of the Licensee, shall be covered by such fidelity bond.

(b) Each Licensee, at least 30 days prior to making any request to the surety to terminate or cancel such bond, shall notify SBA in writing of its intent to terminate or cancel the bond. Each Licensee shall have as a part of its verified bond a rider or endorsement providing that the surety will notify SBA of its intent to cancel, or the expiration of, the fidelity bond at least 30 days in advance of the effective date of the termination. Each Licensee shall notify SBA immediately in writing of any claim for loss filed under the bond with the surety.

(c) The Audit and Examination Guide for Small Business Investment Companies is incorporated and expressly made a part of this section.

§ 107.1105 Reporting postlicensing changes in activities not involving change of control or not otherwise subject to SBA prior approval.

(a) *Changes to be reported.* Any change of Licensee's name, address, operating area, charter, bylaws, increase in capitalization, financing plans, investment policy, officers, directors, or other

changes made with regard to Licensee's affairs not covered by § 107.701 or for which prior approval is not specifically required by any other section of these regulations, shall be reported to SBA not later than thirty (30) days after the events described. All changes shall be subject to SBA postapproval as a condition for the continuance of the license.

(b) *SBA approval.* Reports and requests filed pursuant hereto shall be deemed approved unless Licensee is notified to the contrary by SBA within ninety (90) days after receipt of its request or report. SBA approval shall be contingent upon full disclosure of all relevant facts required by SBA and shall be subject to such conditions as SBA may determine are reasonable under the circumstances.

INVESTIGATIONS AND COMPLIANCE

§ 107.1201 Investigations.

See section 310(a) of the Act.

§ 107.1202 Enforcement actions.

See sections 308(d), 309, 311, 313, and 315(a) of the Act.

§ 107.1203 Exemption from civil penalties.

(a) Where it is impracticable for a Licensee to submit any report required by any regulation or written directive of the Administrator within the time limit prescribed therefor, the president or chief executive officer of such Licensee may, prior to the required filing date, present a written application to the Administration which (1) identifies such report; (2) certifies to the occurrence of extraordinary events which, according to such certification, make the submission of the report on the prescribed form, on or before the required filing date, impracticable due to no fault on the part of the Licensee; and (3) is accompanied by written evidence in support thereof. Such application shall be submitted as promptly as possible after the occurrence of such events. SBA in its discretion may exempt the Licensee, in whole or in part, from the civil penalty provisions of section 315(a) of the Act otherwise applicable, for such length of time and upon such conditions as SBA determines reasonable in the circumstances.

(b) For the purpose of this section, the term, "impracticable", refers to the existence of conditions which would make it physically impossible or otherwise unreasonable for a prudent businessman to prepare and file the required report on time. Such conditions include death or serious illness of Licensee's key personnel, or unavoidable loss or destruction of books, records or other data by fire, theft, or similar hazards beyond Licensee's control.

EXEMPTIONS

§ 107.1301 Exemptions.

A Licensee may file an application in writing with SBA to have a proposed action, which is subject to any procedural or substantive requirement, restriction, or prohibition specified under this part, exempted from applicable provisions thereof. SBA may approve such application and grant an exemption, conditionally or unconditionally, to the extent that such requirement, restriction, or prohibition is not prescribed by statute and exemption therefrom would not be contrary to the Act. Such application must be accompanied by supporting evidence which demonstrates to SBA's satisfaction that (a) the terms of the proposed action are fair and equitable; and (b) the exemption requested is reasonably calculated to advance the best interests of the SBIC program in a manner consonant with the policy objectives of the Act and regulations.

§ 107.1302 Savings clause.

The legality of transactions of a continuing nature consummated with third parties prior to January 9, 1968 (the effective date of Revision 4 of this part), pursuant to former provisions in effect at the time that the Licensee entered into such transactions, shall be governed by such former provisions. Nothing contained herein shall prevent SBA from taking or continuing appropriate enforcement action with respect to any transaction consummated prior to January 9, 1968, in violation of former provisions of this part which were applicable to such transaction at the time it was entered into.

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