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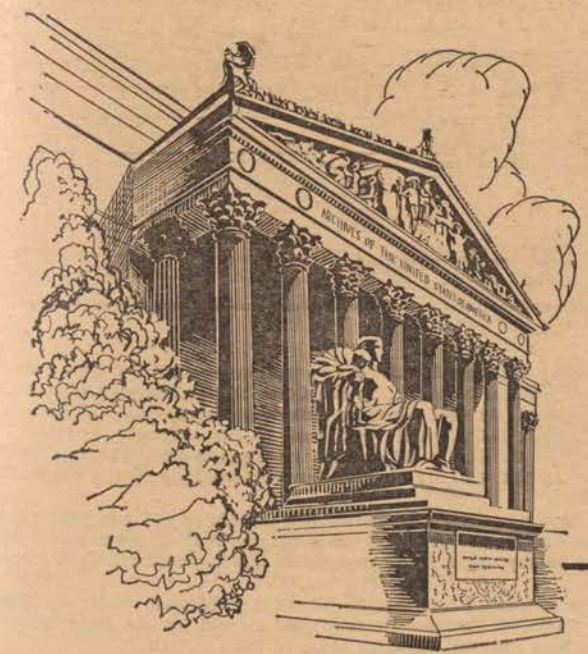

FEDERAL REGISTER

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Title 3—THE PRESIDENT

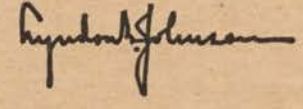
Executive Order 11408

REVOKING EXECUTIVE ORDER NO. 9 OF JANUARY 17, 1873, AND AMENDATORY ORDERS, RELATING TO DUAL FEDERAL-STATE OFFICE HOLDING, AND EXECUTIVE ORDER NO. 9367 OF AUGUST 4, 1943, PROHIBITING GOVERNMENT EMPLOYEES FROM INSTRUCTING PERSONS FOR CERTAIN GOVERNMENT EXAMINATIONS

By virtue of the authority vested in me by section 7301 of title 5, United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. Executive Order No. 9 of January 17, 1873, and Executive Order No. 9367 of August 4, 1943, are hereby revoked.

SEC. 2. All prior Executive orders insofar as they interpret or amend Executive Order No. 9 are hereby revoked. These include, but are not limited to, Executive Orders numbered 9–2, January 28, 1873; 653, June 13, 1907; 661, June 26, 1907; 1072, May 14, 1909; 1118, August 4, 1909; 1210, June 13, 1910; 1390, August 2, 1911; 1472, February 14, 1912; 1583, August 24, 1912; 1930, May 5, 1914; 1947, May 26, 1914; 1991, July 9, 1914; 2071, October 31, 1914; 2154, March 25, 1915; 2252, October 6, 1915; 2325, February 23, 1916; 2596, April 14, 1917; 2819, March 9, 1918; 3158, August 27, 1919; 3359, November 25, 1920; 3597, December 24, 1921; 3668, April 29, 1922; 3771, January 2, 1923; 3860, June 7, 1923; 3941, January 11, 1924; 4013, May 19, 1924; 4048, July 12, 1924; 4059, August 6, 1924; 4250, June 10, 1925; 4439, May 8, 1926; 4527, October 22, 1926; 4627, April 7, 1927; 5133, June 7, 1929; 5187, September 9, 1929; 5188, September 10, 1929; 5627, May 20, 1931; 5666, July 3, 1931; 5700, August 31, 1931; 6051, February 27, 1933; 6108, April 12, 1933; 6259, August 27, 1933; 6518, December 21, 1933; 6824, August 16, 1934; 7332, April 3, 1936; 7369, May 13, 1936; 7636, June 17, 1937; 7648, June 28, 1937; 7736, November 6, 1937; 7796, January 21, 1938; 7823, February 25, 1938; 7896, May 24, 1938; 7944, August 4, 1938; 8390, April 11, 1940; 8399, April 29, 1940; 8516, August 15, 1940; 8880, August 30, 1941; 9442, May 15, 1944; 9845, April 28, 1947; 10044, March 15, 1949; 10055, May 6, 1949; 10645, November 22, 1955.



THE WHITE HOUSE,
April 25, 1968.

[F.R. Doc. 68–5146; Filed, Apr. 25, 1968; 2:49 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

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

[Lemon Reg. 318]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.618 **Lemon Regulation 318.**

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 23, 1968.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period April 28, 1968, through May 4, 1968, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 269,700 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated: April 25, 1968.

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

[F.R. Doc. 68-5135; Filed, Apr. 26, 1968; 8:50 a.m.]

[Lime Reg. 25, Amdt. 1]

PART 911—LIMES GROWN IN FLORIDA

Quality and Size Regulation

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions, during the period April 29 through May 12, 1968, on the handling of limes grown in Florida.

Order. The provisions of § 911.327 (Lime Regulation 25; 33 F.R. 6095) are hereby amended in the following respects:

The introductory text of paragraph (a) (2) and subdivisions (ii) and (iii) thereof are revised to read as follows:

§ 911.327 **Lime Regulation 25.**

(a) * * *

(2) During the period beginning April 29, 1968, and ending May 1, 1969, no handler shall handle:

* * * * *

(ii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which do not grade at least U.S. Combination, Mixed Color, with not less than 75 percent, by count, of the limes in any container thereof grading at least U.S. No. 1 Mixed Color: *Provided,* That during the period April 29 through May 12, 1968, limes of the large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) may be handled if such limes grade at least U.S. No. 2, Turning; or

(iii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which are of a size smaller than 1⅞ inches in diameter: *Provided,* That any lot of such limes which contains limes of a size smaller than 1⅞ inches in diameter but not smaller than 1⅝ inches in diameter may be handled if such lot of limes has an average juice content of at least 50 percent, by volume, the limes are in any of the containers specified in subdivisions (i), (ii), (iii), or (iv) of paragraph (a)(2) of § 911.326 (Lime Regulation 24; 32 F.R. 7212) and each such container contains the applicable quantity of limes prescribed therein for such containers: *Provided further,* That during the period April 29 through May 12, 1968, any such lot of limes may be handled if such limes have an average juice content of at least 45 percent, by volume.

* * * * *

(Secs. 1–19, 58 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated April 26, 1968, to become effective April 29, 1968.

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

[F.R. Doc. 68-5198; Filed, Apr. 26, 1968; 11:17 a.m.]

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Modification of Grade Standards for Natural Condition and Packed Raisins

Notice was published in the December 9, 1967, issue of the FEDERAL REGISTER (32 F.R. 17625) regarding a proposal to change the minimum grade and conditions standards for natural condition Thompson Seedless raisins and minimum grade standards for packed Thompson Seedless raisins. The minimum standards are established under, and the changes would be made pursuant to, the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989; 32 F.R. 12157, 12555, 12710, 18086; 33 F.R. 2988), regulating the handling of raisins produced from grapes grown in California (hereinafter referred to collectively as the "order"), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act".

The Thompson Seedless raisin category includes the varietal types of natural (sun-dried) Thompson Seedless, Golden Seedless, Sulfur Bleached, and Soda Dipped. As indicated in the notice, the proposed change in minimum standards would become effective September 1, 1968, beginning with the 1968–69 crop year and would be applicable to all raisins of such varietal types as provided in §§ 989.58 and 989.59. The change was proposed by the Raisin Administrative Committee so as to improve the quality of raisins marketed and thus enhance consumer demand, thereby tending to effectuate the declared policy of the act.

The notice afforded interested persons an opportunity to submit written data, views, or arguments not later than March 1, 1968. The period for submitting such comments on the proposal was extended until April 1, 1968, in a notice published in the FEDERAL REGISTER on March 1, 1968 (33 F.R. 3641).

The Raisin Administrative Committee submitted written comments with respect to the proposed change in the minimum grade and condition standards for natural condition Thompson Seedless raisins as set forth in the notice. It recommended that such minimum grade and condition standards be changed so as to require only a minimum of 45 percent, by weight, of B maturity, or better, raisins for each lot of such raisins and to permit such lots to contain not more than 12 percent, by weight, of substandard raisins (as such raisins are hereinafter identified). The Committee's comment was based upon extensive data collected on the maturity level of 1967–68 crop raisins received by handlers. The modification recommended by the Committee was on the basis that such, together with the change in requirements, on a lot basis, for packed raisins, would substantially achieve the quality improvement objectives without the need for prescribing a dockage formula as contained in the notice.

After consideration of all relevant matter presented, including that in the notice, the information, recommendation, and comments the Committee submitted pursuant to the notice, and other available information, it is hereby found that the changes relative to the minimum grade and condition standards for natural condition Thompson Seedless raisins and minimum grade standards for packed Thompson Seedless raisins contained in §§ 989.201 and 989.202 hereinafter set forth, would tend to effectuate the declared policy of the act.

Therefore, §§ 989.201 and 989.202 are added to Subpart—Supplementary Orders Regulating Handling and read as follows:

§ 989.201 Changes in minimum grade and condition standards.

Pursuant to § 989.58(b), the following changes are hereby issued relative to paragraphs A2 and A3 of § 989.97 *Exhibit B; Minimum grade and condition standards for natural condition raisins:*

A. Thompson Seedless raisins.

* * * * *

2. a. Shall have a normal characteristic color, flavor, and odor of properly prepared raisins.

b. Shall contain not less than 45 percent, by weight, of B maturity, or better, raisins (raisins showing development characteristic of raisins prepared from well-matured or reasonably well-matured grapes) and not more than 12 percent, by weight, of substandard raisins (raisins that show development less than that characteristic of raisins prepared from fairly well-matured grapes).

3. The moisture content shall not exceed 16 percent (except Golden Seedless, Sulfur Bleached, and Soda Dipped shall not exceed 14 percent), as determined by Dried Fruit Moisture Tester method and the raisins shall be of such quality and condition as can be expected to withstand storage as provided in the marketing agreement and that when processed in accordance with good commercial practices will at least meet the minimum grade standards for packed raisins prescribed in § 989.202 of this subpart.

§ 989.202 Changes in minimum grade standards for packed raisins.

Pursuant to § 989.59(b), the following minimum grade standards are prescribed, on a lot basis for packed raisins of the natural (sun-dried) Thompson Seedless, Golden Seedless, Sulfur Bleached, and Soda Dipped varietal types, in lieu of the minimum grade standards set forth for such varietal types in subdivision (i) of § 989.59(a)(2): "U.S. Grade C" as defined in effective U.S. Standards for Grades of Processed Raisins, except that (a) not less than 55 percent, by weight, of the raisins in the lot shall be of B maturity, or better (raisins that show development characteristic of raisins prepared from well-matured or reasonably well-matured grapes), and (b) not more than 3 percent, by weight, of the raisins in the lot may be substandard raisins (raisins that show development less than that characteristic of raisins prepared from fairly well-matured grapes), of which not more than 1 percent, by weight, of the raisins in the lot may consist of undeveloped berries except that, for midget size raisins, not more than 2 percent, by weight, of the raisins in the lot may consist of undeveloped berries.

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

Dated April 24, 1968, to become effective September 1, 1968.

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

[F.R. Doc. 68–5088; Filed, Apr. 26, 1968; 8:50 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 83—DUCK VIRUS ENTERITIS (DUCK PLAGUE)

Approved Source Flocks

Correction

In F.R. Doc. 68–4633 appearing at page 5942 in the issue of Thursday, April 18, 1968, the first line in the first column on page 5943 should be deleted.

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 31—GENERAL LICENSES FOR CERTAIN QUANTITIES OF BYPRODUCT MATERIAL AND BYPRODUCT MATERIAL CONTAINED IN CERTAIN ITEMS

PART 32—SPECIFIC LICENSES TO MANUFACTURE, DISTRIBUTE, OR IMPORT EXEMPTED AND GENERALLY LICENSED ITEMS CONTAINING BYPRODUCT MATERIAL

Increase in Quantity Limit for Promethium-147 in Generally Licensed Luminous Aircraft Safety Devices

On September 21, 1967, the Atomic Energy Commission published in the FEDERAL REGISTER (32 F.R. 13331), in response to a petition for rule making filed by Minnesota Mining and Manufacturing Co., proposed amendments to its regulations 10 CFR Parts 31 and 32 which would increase the quantity limit of generally licensed promethium-147 in any single aircraft safety device from 100 millicuries to 300 millicuries.

Interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendments within 30 days

after publication of the notice of proposed rule making in the FEDERAL REGISTER. After full consideration of the matter, the Commission has adopted the proposed amendments. The text of the amendments set out below is identical with the text of the proposed amendments published September 21, 1967.

The amendment to § 31.7 of Part 31 increases the maximum quantity of generally licensed promethium-147 in any single aircraft safety device from 100 millicuries to 300 millicuries. Section 32.53 of Part 32, which contains requirements for specific licenses to manufacture or import aircraft safety devices containing promethium-147 for distribution to general licensees, has been amended to reflect the increase in the amount of promethium-147 permitted under the general license.

The Commission has concluded that increasing the maximum quantity limit to 300 millicuries will not result in unacceptable radiation exposures and will not endanger public health and safety. The radiation levels permitted from devices containing 300 millicuries of promethium-147 would remain the same as radiation levels now permitted from devices containing 100 millicuries of promethium-147 and, accordingly, there would be no increase in the exposures to persons during use of the intact devices.

An applicant for a license to manufacture or import luminous safety devices containing promethium-147 for use in aircraft is required to conduct prototype tests on the devices to demonstrate that it is unlikely that a device will be physically damaged or lose its containment capability even under conditions of severe abuse (10 CFR § 32.101). In addition, the petitioner has submitted information which demonstrates that even if shielding defects occur, they are not likely to cause a significant increase in radiation exposures.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter 1, Code of Federal Regulations, Parts 31 and 32, are published as a document subject to codification effective thirty (30) days after publication in the FEDERAL REGISTER.

1. Paragraph (a) of § 31.7 of 10 CFR Part 31 is revised to read as follows:

§ 31.7 Luminous safety devices for use in aircraft.

(a) A general license is hereby issued to own, receive, acquire, possess, and use tritium or promethium-147 contained in luminous safety devices for use in aircraft, provided each device contains not more than 10 curies of tritium or 300 millicuries of promethium-147 and that each device has been manufactured, assembled or imported in accordance with a license issued under the provisions of § 32.53 of this chapter or manufactured or assembled in accordance with a specific license issued by an agreement State which authorizes manufacture or assembly of the device for distribution to persons generally licensed by the agreement State.

* * * * *

2. Paragraph (c) of § 32.53 of 10 CFR Part 32 is revised to read as follows:

§ 32.53 Luminous safety devices for use in aircraft: requirements for license to manufacture, assemble, repair or import.

* * * * *

(c) Each device will contain no more than 10 curies of tritium or 300 millicuries of promethium-147. The levels of radiation from each device containing promethium-147 will not exceed 0.5 millirad per hour at 10 centimeters from any surface when measured through 50 milligrams per square centimeter of absorber.

* * * * *

(Sec. 81, 68 Stat. 935; 42 U.S.C. 2111; sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 12th day of April 1968.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 68-5046; Filed, Apr. 26, 1968; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1319]

PART 13—PROHIBITED TRADE PRACTICES

Ben Ray Sportswear, Inc., et al.

Subpart—Misbranding or mislabeling: § 13.115 *Composition:* 13.1185-80 Textile Fiber Products Identification Act; 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-80 Textile Fiber Products Identification Act; 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-70 Textile Fiber Products Identification Act; 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130, 72 Stat. 1717; 15 U.S.C. 45, 68, 70) [Cease and desist order, Ben Ray Sportswear, Inc., et al., New York, N.Y., Docket C-1319, Apr. 8, 1968]

In the Matter of Ben Ray Sportswear, Inc., a Corporation, and Benjamin Metrano and Ray Robbins, Individually and as Officers of Said Corporation

Consent order requiring a New York City manufacturer of sportswear to cease misbranding its wool and textile fiber products.

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

It is ordered, That respondents Ben Ray Sportswear, Inc., a corporation, and its officers, and Benjamin Metrano and Ray Robbins, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the manufacture for introduction into commerce, introduction into commerce, or offering for sale, sale, transportation, distribution, delivery for shipment, or shipment, in commerce, of wool products as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding wool products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner, each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Ben Ray Sportswear, Inc., a corporation, and its officers, and Benjamin Metrano and Ray Robbins, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from misbranding textile fiber products by failing to affix a stamp, tag, label, or other means of identification to each such textile fiber product showing in a clear, legible, and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

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

Issued: April 8, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-5068; Filed, Apr. 26, 1968; 8:47 a.m.]

[Docket No. C-1318]

PART 13—PROHIBITED TRADE PRACTICES

Guilford Industries, Inc.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053–90 Wool Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–80 Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Guilford Industries, Inc., Guilford, Maine, Docket S–1318, Apr. 3, 1968]

Consent order requiring a Guilford, Maine, fabric mill to cease misrepresenting the fiber content of its wool products and furnishing false guaranties.

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

It is ordered, That respondent Guilford Industries, Inc., a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the manufacture for introduction into commerce, the introduction into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment, or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding wool products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondent Guilford Industries, Inc., a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing false guaranties that certain of their wool products are not misbranded when respondent in furnishing such guaranties has reason to believe that the wool products so falsely guaranteed might be introduced, sold, transported, or distributed in commerce, in violation of section 9(b) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondent Guilford Industries, Inc., a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of fabrics or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character or amount of constituent fibers contained in such products on invoices or shipping memoranda applicable thereto, or in any other manner.

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

Issued: April 3, 1968.

By the Commission.

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

[F.R. Doc. 68–5069; Filed, Apr. 26, 1968; 8:47 a.m.]

[Docket No. 8754]

PART 13—PROHIBITED TRADE PRACTICES

Lawrence TV Corp. and George Harris

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods;* § 13.75 *Free goods or services;* § 13.80 *Free test or trial;* § 13.155 *Prices:* 13.155–10 Bait. Subpart—Misrepresenting oneself and goods—Goods: § 13.1590 *Composition;* § 13.1625 *Free goods or services;* Misrepresenting oneself and goods—Prices: § 13.1779 *Bait.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Lawrence TV Corp. et al., Washington, D.C., Docket 8754, Apr. 10, 1968]

In the Matter of Lawrence TV Corp., a Corporation, and George Harris, Individually and as an Employee of Said Corporation.

Order requiring a Washington, D.C., retailer of television sets and television, radio, and phonograph combinations to cease using bait advertising, deceptive offers of free mechandise, misrepresenting metal cabinets as wood, and using other deceptive sales practices.

The order to cease and desist is as follows:

* * * * *

It is ordered, That respondents Lawrence TV Corp., a corporation, and its officers, and George Harris, individually and as an employee of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of television sets, television, radio, and phonograph combinations, or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using in any manner, a sales plan, scheme, or device wherein false, misleading or deceptive statements or representations are made in order to obtain leads or prospects for the sale of merchandise.

2. Discouraging the purchase of, or disparaging, any products which are advertised or offered for sale.

3. Representing, directly or by implication, that any products are offered for sale when such offer is not a bona fide offer to sell such products.

4. Representing, directly or by implication, that any product will be delivered to prospective customers for a free home demonstration, unless such products are demonstrated without charge or obligation to prospective customers in their homes in every instance where the prospective customer so requests.

5. Representing, directly or by implication, that any products are offered for sale, unless sufficient quantities of such products are available in stock to satisfy reasonably anticipated demand: *Provided, however,* That items available only in limited supply may be advertised if such advertising clearly and conspicuously discloses the number of units in stock and the duration of the offer.

6. Representing, directly or by implication, that free merchandise will be given to purchasers of products, unless such free merchandise is tendered or delivered to the purchasers in every instance.

7. Representing, directly or by implication, through illustration that a product has a cabinet with a grain similar in appearance to natural wood when the cabinet is not wood, unless:

(1) The illustration accurately depicts the appearance of the cabinet; and

(2) The composition of the cabinet is clearly and conspicuously disclosed in immediate conjunction with such illustration.

8. Using any illustration of a product purportedly offered for sale by respondents unless the illustration accurately depicts such product.

9. Misrepresenting, in any manner, the composition of any product.

10. Failing to deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of the respondents' products, and failing to secure from each such salesman or other person a signed statement acknowledging receipt of said order.

By "Final Order" further order requiring report of compliance is as follows:

It is further ordered, That Lawrence TV Corp., a corporation, and George Harris, individually and as an employee of said corporation, shall, within sixty (60) days after service of this order upon them, file with the Commission a report in writing, signed by such respondents, setting forth in detail the manner and form of their compliance with the order to cease and desist.

Issued: April 10, 1968.

By the Commission.

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

[F.R. Doc. 68–5070; Filed, Apr. 26, 1968; 8:47 a.m.]

[Docket No. C-1320]

PART 13—PROHIBITED TRADE PRACTICES

Quality Thrift Furs, Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing produces falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Quality Thrift Furs, Inc., etc., St. Louis, Mo., Docket C-1320, Apr. 8, 1968]

In the Matter of Quality Thrift Furs, Inc., a Corporation, Trading Under Its Own Name and as Hopper Furs, and Edward Hopper, Individually and as an Officer of Said Corporation

Consent order requiring a St. Louis, Mo., retail furrier to cease misbranding and falsely invoicing its fur products.

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

It is ordered, That respondents Quality Thrift Furs, Inc., a corporation, trading under its own name or any other name or names and Edward Hopper, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the advertising, offering for sale, transportation, or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Failing to affix a label to such product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Failing to set forth the term "Dyed Mouton Lamb" on a label in the manner required where an election is made to use that term, instead of the term "Dyed Lamb."

3. Setting forth the term "assembled" or any term of like import as part of the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product composed in whole or in substantial part of paws, tails, bellies, sides, flanks, gills, ears, throats, heads, scrap pieces, or waste fur.

4. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on a label in the sequence required by rule 30 of the aforesaid rules and regulations.

5. Failing to set forth on a label the item number or mark assigned to such fur product.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required to be disclosed on an invoice under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing to disclose that such fur product is "Second-hand" when such fur product has been used or worn by an ultimate consumer and is subsequently marketed in its original, reconditioned, or rebuilt form with or without the addition of any furs or used furs.

4. Failing to set forth on an invoice the item number or mark assigned to such fur product.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

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

Issued: April 8, 1968.

By the Commission.

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

[F.R. Doc. 68-5071; Filed, April 26, 1968 8:47 a.m.]

Title 23—HIGHWAYS AND VEHICLES

Chapter II—Vehicle and Highway Safety

[Docket No. 7]

PART 255—INITIAL FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Door Latches, Hinges, and Locks; Passenger Cars

A proposal to amend Initial Federal Motor Vehicle Safety Standard No. 206 was published as a notice of proposed rule making on December 28, 1967 (32 F.R. 20868). Interested parties have been given the opportunity to participate in the making of this amendment, and careful consideration has been given to all relevant matter presented.

This amendment of Standard 206 adds certain requirements affecting front and rear door locks on passenger cars and rearranges the numerical order of the sections.

The additional performance requirements for door locks provides that engagement of a front door lock renders the outside door latch release control (door handle) inoperative, and engagement of a rear door lock renders the outside and inside door latch release controls (door handles) inoperative.

Retention of occupants within the vehicle during and, at least until the vehicle comes to a halt, subsequent to impact is an important objective. Serious injuries are associated with accidents where occupants have been thrown from vehicles. In many of these cases propulsion from the vehicle resulted from inadvertent door openings due to impact upon or movement of the inside or outside door handle. The additional door lock provisions imposed here will, when the lock mechanism is engaged, reduce unintentional door openings by rendering the outside front door handle inoperative and both the outside and inside rear door handles inoperative. By furnishing additional means for containing occupants within the vehicle, this amendment contributes significantly to motor vehicle safety. Further, the additional requirement for rear door locks serves as a child protection device because it prevents opening the rear door by movement of the inside rear door handle by children occupying the rear of the vehicle. At the same time, by affording occupants of the rear of a vehicle a method of unlocking the rear door from inside the vehicle, a reasonable means of escape is provided for such occupants in the postcrash phase of an accident.

The comments support this amendment and agree that the performance requirements prescribed meet the needs of motor vehicle safety. Two responses requested inclusion of a provision permitting a specific type of dual lock system to satisfy the standard requirements. The dual system is made up of a primary locking system for all doors and a special locking device on each of the rear doors. Engagement of the primary locking system renders the outside door handle on all doors inoperative but has no effect upon the inside door handles. Engagement of the special locking device on rear doors renders the inside rear door handle inoperative but has no effect upon the outside rear door handles. Additionally, the special locking device, when engaged, cannot be released from the interior of the vehicles.

This dual lock system does not achieve the same level of performance criteria and does not attain the same objectives as this amendment. Accordingly, the requests seeking inclusion of a provision allowing this dual lock system to satisfy the standard are denied. The standard

does not preclude installation of the special locking device in addition to the locking system required by the standard.

In consideration of the foregoing, § 255.21 of Part 255 of the Federal motor vehicle safety standards is amended as set forth below, effective January 1, 1969.

This rule making action is taken under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. sections 1392 and 1407) and the delegation of authority of April 24, 1968.

Issued in Washington, D.C., on April 24, 1968.

LOWELL K. BRIDWELL,
Federal Highway Administrator.

MOTOR VEHICLE SAFETY STANDARD NO. 206

DOOR LATCHES, HINGES, AND LOCKS; PASSENGER CARS

S1. *Purpose and scope.* This standard specifies load requirements for door latch and hinge systems and lock requirements to minimize the likelihood of occupants being thrown from the vehicle as a result of impact.

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

S3. *Requirements.* Side doors that can be used for occupant egress shall conform with this standard.

S3.1 *Door latches.* Each door latch and striker assembly shall be provided with two positions consisting of—

(a) A fully latched position; and

(b) A secondary latched position.

S3.1.1 *Longitudinal load.* The door latch and striker assembly shall withstand a longitudinal load of 2,500 pounds in the fully latched position and 1,000 pounds in the secondary latched position.

S3.1.2 *Transverse load.* The door latch and striker assembly of hinged doors shall withstand a transverse load of 2,000 pounds in the fully latched position and 1,000 pounds in the secondary latched position.

S3.1.3 *Inertia load.* The door latch shall not move from the fully latched position when a longitudinal or transverse inertia load of 30g is applied to the door latch system (including the latch and its actuating mechanism).

S3.2 *Door hinges.* Each door hinge system shall support the door and withstand a longitudinal load of 2,500 pounds and a transverse load of 2,000 pounds.

S3.3 *Door locks.* Each door shall be equipped with a locking mechanism with an operating means in the interior of the vehicle.

S3.3.1 *Front door locks.* When the lock mechanism is engaged, the outside door handle or other outside latch release control shall be inoperative.

S3.3.2 *Rear door locks.* When the lock mechanism is engaged, both the outside and inside door handle or other latch release control shall be inoperative.

S4. *Demonstration procedures.*

S4.1 *Door latches.* Door latches shall be tested in accordance with Society of Automotive Engineers Recommended Practice J839b, "Passenger Car Side Door Latch Systems," May 1965.

S4.1.1 *Inertia load.* Compliance with paragraph S3.1.3 shall be demonstrated by approved tests or in accordance with section 5 of SAE Recommended Practice J839b, May 1965.

S4.2 *Door hinges.* Door hinges shall be tested in accordance with SAE Recommended Practice J934, "Vehicle Passenger Door Hinge System," July 1965.

[F.R. Doc. 68-5090; Filed, Apr. 26, 1968; 8:49 a.m.]

[Docket No. 7]

PART 255—INITIAL FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Safety Standard No. 104; Windshield Wiping and Washing Systems; Passenger Cars, Multipurpose Passenger Vehicles, Trucks, and Buses

Motor Vehicle Safety Standard No. 104 (32 F.R. 2410) specifies requirements for windshield wiping and washing systems for passenger cars 68 or more inches in overall width. A proposal to amend section 255.21 of Part 255, Federal Motor Vehicle Safety Standards, by amending Standard No. 104 was published in the FEDERAL REGISTER on December 28, 1967 (32 F.R. 20867).

Interested persons have been afforded an opportunity to participate in the making of the amendment. Their comments, as well as other available information, have been carefully considered.

The primary purpose of the amendment is to broaden the application of the Initial Standard to cover smaller passenger cars, multipurpose passenger vehicles, trucks, and buses. The wiped-area performance requirements have been extended to cars smallar than 68 inches wide, and tables which prescribe the minimum size of wiped areas have been added for such cars. The overall effect is that the wiper systems of various passenger cars must wipe areas to provide approximately equivalent driver vision. The wiper frequency requirement, modified to prescribe that the highest and lowest frequencies must differ by at least 15 cycles per minute, has been extended to multipurpose passenger vehicles, trucks, and buses. A requirement for a windshield washing system has also been extended to smaller cars, multipurpose passenger vehicles, trucks, and buses. Other modifications to the standard were made in order to improve its clarity.

The material received in response to the notice of proposed rule making evinced almost universal acknowledgement that broadening of the coverage of the standard would improve overall driver visibility and thus contribute to safety on the highways. With a few minor exceptions, discussed below, there was no suggestion that manufacturers would have any difficulty in complying with the revised requirements by the January 1, 1969, effective date.

Some of the comments indicated some misunderstanding of the reference to SAE Recommended Practice J903a, "Passenger Car Windshield Wiper Systems," May 1966, in paragraph S4.1.2 of the standard. Paragraph S4.1.2 is part of the wiped area requirement, and it provides, among other things, for testing "in accordance with" SAE Recommended Practice J903a. This does not mean that all of section 4, "Test Methods," of SAE Recommended Practice J903a is incorporated by reference into the wiped area requirements of the standard. The reference to the SAE Recommended Practice relates only to its procedure for testing wiper systems for compliance with wiped area requirements. Therefore, the ozone test, wiper system stall test, 1,500,000-cycle durability test, and other details of section 4 of SAE Recommended Practice J903a are not included in the scope of Standard No. 104.

Several comments asked that the standard contain a demonstration procedure for testing windshield wiper systems for compliance with the 45-cycle-per-minute frequency requirement and the 15-cycle-per-minute frequency differential requirement. Apparently, these persons were concerned that the ability of systems to meet both requirements might be judged under abnormal conditions rather than under those encountered in normal driving. Considering these requests reasonable, the Administrator has provided that windshield wiper systems will be deemed to have met the frequency and frequency-differential requirements of the standard (sections S4.1.2 and S4.1.1.3) if they meet those requirements when tested in accordance with sections 4.1.1 and 4.1.2 of SAE Recommended Practice J903a.

One comment requested clarification of the location of the plan view reference line in the "eyellipse." The "eyellipse" is the "95 percent eye range contour" specified in SAE Recommended Practice J941, "Passenger Car Driver's Eye Range," November 1965. The author of this comment pointed out that Figure 2 in Recommended Practice J903a incorrectly shows the plan view reference line as located through the geometric center of the 95 percent eye range contour. The drawings referred to in Recommended Practice J941 show the "eyellipse" centerline as dissecting the left ellipse of the two intersecting ellipses in the plan view. In paragraph S3 of the standard, the definition of the "95 percent eye range contour" makes reference to SAE Recommended Practice J941, which correctly positions the plan view reference line in the left-hand ellipse of the "eyellipse." Accordingly, the Administrator has determined that subparagraph (a) of the definition of "plan view reference line" in paragraph S3 of the standard correctly reflects this position as defined, but subparagraph (b) of the same definition has been modified to clarify the location of the "eyellipse." Subparagraph (b), as revised by this amendment, places the plan view reference line outboard of the longitudinal centerline of the driver's designated seating position, thus locating the "eyellipse" itself geometrically in the center of the seat.

In the notice of proposed rule making, paragraph S4.2 required a windshield

washing system meeting the requirements of SAE Recommended Practice J942, "Passenger Car Windshield Washer Systems," November 1965. Section 3.1 of that Recommended Practice sets washer system capability requirements by reference to the passenger car wiped area requirements of SAE Recommended Practice J903. Several comments pointed this out and requested modification of the standard in view of the fact that the wiped area requirements of the standard are different from those of Recommended Practice J903. In addition, some comments sought revision of this particular provision on the ground that the wiped areas of Recommended Practice J903 were created for passenger cars, while the washer provisions of the standard apply to multipurpose passenger vehicles, trucks, and buses as well. In view of these comments, the Administrator has deleted the cross-reference, and S4.2 of the standard has been modified. The passenger car wiped-area requirement is now defined as that established under paragraph S4.1.2.1 of the standard; the wiped area for multipurpose passenger vehicles, trucks, and buses is now defined as the wiped area pattern designed by the manufacturer for the windshield wiping system on the exterior surface of the windshield glazing.

One comment sought a change in the wiper frequency differential requirement from 15 cycles per minute to 10 cycles per minute, claiming that production tolerances did not permit exact compliance with the 15-cycle-per-minute differential requirement. The comment did not indicate why, assuming a 5-cycle-per-minute tolerance is needed, the system could not be constructed to operate in the frequency differential range of between 15 and 20 cycles per minute rather than a 10–15 cycle range. The standard, like all standards, is a minimum one, and nothing in it prohibits a higher standard of performance than the one specified as minimal. For these reasons, and because the deviation requested would, if granted, lower the safety performance of this segment of the standard, the request has been denied.

Similarly, the Administrator has denied a request for deletion of the requirement that windshield washing systems must, when tested, deliver approximately 15 cc. of fluid to the windshield glazing surface. The requirement is embodied in section 2.11 of SAE Recommended Practice J942, which is incorporated by reference in paragraph 4.2 of the standard. The amount of fluid placed on the windshield's exterior is a central performance characteristic of a washing system, and a decrease in the required amount would clearly diminish the capability of the system to promote safety. Neither the comments in general nor any other known data indicate that the requirement incorporated in the standard is unfeasible. The one comment that sought a change in this aspect of the standard contained no detail demonstrating that systems in current production would be unable to meet the requirement by the effective date of the amendment. Consequently, the Administrator has decided not to deviate from the adoption of section 2.11 of Recommended Practice J942, as announced in the notice of proposed rule making.

Several comments pointed out the difficulties involved in prescribing wiped-area requirements for multipurpose passenger vehicles, trucks, and buses. The Administrator is cognizant of the problems that arise because of the wide variety of windshield sizes and configurations as well as the differing relationships between the drivers' positions and the windshields in these vehicles. Owing to these factors, he has concluded that it is not possible to prescribe uniform wiped areas for the wiper systems of these vehicles generally or for vehicles within any generic type at this time. Hence, the standard's minimum wiped-area requirements apply only to passenger cars. The possibility of prescribing such requirements for other vehicular types will continue to be studied.

In addition, the Administration will also study the question whether there should be standards applicable to so-called "hidden" windshield wipers to insure their operability under snow and ice conditions. Although a number of comments sought the inclusion of such a provision in this standard, it was deemed inadvisable to do so in view of the absence of any such provision from the notice of proposed rule making.

In consideration of the foregoing, § 255.21 of Part 255, Federal Motor Vehicle Safety Standards, is amended, effective January 1, 1969, by amending Motor Vehicle Safety Standard No. 104 to read as set forth below.

This amendment is made under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegation of authority of April 24, 1968.

Issued in Washington, D.C., on April 24, 1968.

LOWELL K. BRIDWELL,
Federal Highway Administrator.

MOTOR VEHICLE SAFETY STANDARD
No. 104

WINDSHIELD WIPING AND WASHING SYSTEMS; PASSENGER CARS, MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, AND BUSES

S1. *Scope.* This standard specifies requirements for windshield wiping and washing systems.

S2. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, trucks, and buses.

S3. *Definitions.*

The term "seating reference point" is substituted for the terms "manikin H point" and "H point" wherever either of those terms appears in any SAE Standard or SAE Recommended Practice referred to in this standard.

"Daylight opening" means the maximum unobstructed opening through the glazing surface, as defined in paragraph 2.3.12 of section E, Ground Vehicle Practice, SAE Aerospace-Automotive Drawing Standards, September 1963.

"Glazing surface reference line" means the line resulting from the intersection of the glazing surface and a horizontal plane 25 inches above the seating reference point, as shown in Figure 1 of SAE Recommended Practice J903a, "Passenger Car Windshield Wiper Systems," May 1966.

"Overall width" means the maximum overall body width dimension "W116", as defined in section E, Ground Vehicle Practice, SAE Aerospace-Automotive Drawing Standards, September 1963.

"Plan view reference line" means—

(a) For vehicles with bench-type seats, a line parallel to the vehicle longitudinal centerline outboard of the steering wheel centerline 0.15 times the difference between one-half of the shoulder room dimension and the steering wheel centerline-to-car-centerline dimension as shown in Figure 2 of SAE Recommended Practice J903a, May 1966; or

(b) For vehicles with individual-type seats, a line parallel to the vehicle longitudinal centerline located so the 95 percent eye range contour is geometrically positioned around the longitudinal centerline of the driver's designated seating position.

"Shoulder room dimension" means the front shoulder room dimension "W3" as defined in section E, Ground Vehicle Practice, SAE Aerospace-Automotive Drawing Standards, September 1963.

"95 percent eye range contour" means the 95th percentile tangential cutoff specified in SAE Recommended Practice J941, "Passenger Car Driver's Eye Range," November 1965.

S4. *Requirements.*

S4.1 *Windshield wiping system.* Each vehicle shall have a power-driven windshield wiping system that meets the requirements of S4.1.1.

S4.1.1 *Frequency.*

S4.1.1.1 Each windshield wiping system shall have at least two frequencies or speeds.

S4.1.1.2 One frequency or speed shall be at least 45 cycles per minute regardless of engine load and engine speed.

S4.1.1.3 The highest and lowest frequencies or speeds must differ by at least 15 cycles per minute, and the lowest frequency or speed must be at least 20 cycles per minute regardless of engine load and engine speed.

S4.1.1.4 Compliance with subparagraphs S4.1.1.2 and S4.1.1.3 may be demonstrated by testing under the conditions specified in sections 4.1.1 and 4.1.2 of SAE Recommended Practice J903a, May 1966.

S4.1.2 *Wiped area.* When tested wet in accordance with SAE Recommended Practice J903a, May 1966, each passenger car windshield wiping system shall wipe the percentage of Areas A, B, and C of the windshield (established in accordance with S4.1.2.1) that (1) is specified in column 2 of the applicable table following subparagraph S4.1.2.1; and (2)

is within the area bounded by a perimeter line on the glazing surface 1 inch from the edge of the daylight opening.

S4.1.2.1 Areas A, B, and C shall be established as shown in Figures 1 and 2 of SAE Recommended Practice J903a, May 1966, using the angles specified in Columns 3 through 6 of Table I, II, III, or IV, as applicable.

S4.2 *Windshield washing system.*

S4.2.1 Each passenger car shall have a windshield washing system that meets the requirements of SAE Recommended Practice J942, "Passenger Car Windshield Washer Systems," November 1965, except that the reference to "the effective wipe pattern defined in SAE J903, paragraph 3.1.2" in paragraph 3.1 of SAE Recommended Practice J942 shall be deleted and "the areas established in accordance with subparagraph S4.1.2.1 of Motor Vehicle Safety Standard No. 104" shall be inserted in lieu thereof.

S4.2.2 Each multipurpose passenger vehicle, truck, and bus shall have a windshield washing system that meets the requirements of SAE Recommended Practice J942, November 1965, except that the reference to "the effective wipe pattern defined in SAE J903, paragraph 3.1.2" in paragraph 3.1 of SAE Recommended Practice J942 shall be deleted and "the pattern designed by the manufacturer for the windshield wiping system on the exterior surface of the windshield glazing" shall be inserted in lieu thereof.

TABLE I—PASSENGER CARS OF LESS THAN 60 INCHES IN OVERALL WIDTH

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Area	Minimum percent to be wiped	Angles in degrees			
		Left	Right	Up	Down
A	80	16	49	7	5
B	94	13	46	4	3
C	99	7	15	3	1

TABLE II—PASSENGER CARS OF 60 OR MORE BUT LESS THAN 64 INCHES IN OVERALL WIDTH

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Area	Minimum percent to be wiped	Angles in degrees			
		Left	Right	Up	Down
A	80	17	51	8	5
B	94	13	49	4	3
C	99	7	15	3	1

TABLE III.—PASSENGER CARS OF 64 OR MORE BUT LESS THAN 68 INCHES IN OVERALL WIDTH

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Area	Minimum percent to be wiped	Angles in degrees			
		Left	Right	Up	Down
A	80	17	53	9	5
B	94	14	51	5	3
C	99	8	15	4	1

TABLE IV.—PASSENGER CARS OF 68 OR MORE INCHES IN OVERALL WIDTH

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Area	Minimum percent to be wiped	Angles in degrees			
		Left	Right	Up	Down
A	80	18	56	10	5
B	94	14	53	5	3
C	99	10	15	5	1

[F.R. Doc. 68-5091; Filed, Apr. 26, 1968; 8:49 a.m.]

[Docket Nos. 9, 1-12]

PART 255—INITIAL FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Safety Standard No. 103; Windshield Defrosting and Defogging Systems; Passenger Cars, Multipurpose Passenger Vehicles, Trucks, and Buses

Motor Vehicle Safety Standard No. 103 (32 F.R. 2410) requires that each passenger car and multipurpose passenger vehicle manufactured for sale in the continental United States be provided with a windshield defrosting and defogging system. A proposal to amend section 255.21 of Part 255, Federal Motor Vehicle Safety Standards, by amending Standard No. 103, was published in the FEDERAL REGISTER on December 28, 1967 (32 F.R. 20867).

Interested persons have been afforded an opportunity to participate in the making of the amendment. Their comments, as well as other available information, have been carefully considered.

The purpose of the amendment is to increase driver visibility, and thereby enhance safe vehicle performance, by (1) adding test conditions and performance requirements for passenger car defrosting and defogging systems; and (2) broadening the standard's application to cover trucks and buses, which were not subject to the initial standard. In addition, the standard was modified to improve its clarity.

Paragraph S4.3 in the notice of proposed rule making required testing of passenger car windshield defrosting and defogging systems in accordance with the test conditions specified in paragraph 4 of SAE Recommended Practice J902, August 1964. Several comments asked that this requirement be modified to permit optional use of the test conditions set out in paragraph 4 of SAE Recommended Practice J902a, March 1967, a revised version of the Recommended Practice. The Administrator has determined that there are only minor differences between the test equipment, instrumentation, conditions and procedures in paragraphs 4.1 through 4.4.7 of these two versions, and that these minor differences do not affect the level of safety attained with the use of either one. Accordingly, S4.3 of the notice has been changed to permit the use of the demonstration procedures described in paragraphs 4.1 through 4.4.7 of either SAE Recommended Practice J902 or SAE Recommended Practice J902a.

Another feature of paragraph S4.3 which evoked comments was its provision for use of the test procedures in section 4 of Recommended Practice J902 to the extent they are "applicable to" the particular system being tested. Any possible ambiguity that might appear upon superficial examination of the quoted words disappears when this requirement is read in conjunction with the operative provisions of section 4 of the SAE Recommended Practices. Section 4 makes reference to certain components that are not incorporated in every passenger car e.g. defroster blowers). The use of the section 4 test procedures is restricted to those procedures "applicable to" the particular passenger car system being tested to make it clear that procedures which, by their terms, apply to components that are not a part of the car being tested need not be complied with.

Three comments asked that paragraph S4.2 of the standard be changed to permit optional use of the defrosted area and defrosting time requirements prescribed in section 3 of SAE Recommended Practice J902a in lieu of those set forth in section 3 of Recommended Practice J902. In the notice of proposed rule making, paragraph S4.2 incorporated, with minor modifications, the defrosted area and defrosting time requirements of Recommended Practice J902. Comparison of the two versions of the SAE Recommended Practice reveals that there are great differences between the areas and times prescribed by J902 and those prescribed by J902a. The requests for a change in paragraph S4.2 acknowledged that compliance with one procedure is not necessarily more difficult than compliance with the other. The submissions did not indicate that adherence to the J902 requirements would impose any significant burden or would be impracticable in any sense. In view of the absence of sufficient substantiation to justify changing the standard, paragraph S4.2 has not been modified to allow alternative defrosted area and defrosting time requirements.

One comment requested that the standard be changed to allow 5 minutes more to meet the defrosted area requirements of the critical or "C" area. It was said that reasonable performance tolerances should be taken into account, and that, therefore, the requirement of paragraph 3.1 of SAE Recommended Practice J902, as adopted in modified form in paragraph S4.2 of the standard, that the "C" area must be 80 percent defrosted after 20 minutes of operation should be changed to allow manufactur-

ers 25 minutes to attain the 80-percent defrosted goal. Such a modification would permit a significant reduction of the defrosting performance of defrosting and defogging systems and this, in turn, would be contrary to the interest of safety. While it is true that variations in such things as the performance of the thermostat and the outlet nozzle will affect the system's capability to defrost a given windshield area within a stated time, there is no apparent reason why it is impracticable to design and construct the system so that, at a minimum performance level, it will comply with the requirements of paragraph S4.2. For these reasons, the Administrator has rejected this request for modification of the standard.

Many comments submitted suggestions that went beyond the scope of the notice. For example, submissions that discussed the problems of establishing performance requirements for defrosting and defogging systems on multipurpose passenger vehicles, trucks, and buses were received. These, and other comments of this nature, will be considered in connection with future rule making action.

In consideration of the foregoing, § 255.21 of Part 255, Federal Motor Vehicle Safety Standards, is amended, effective January 1, 1969, by amending Motor Vehicle Safety Standard No. 103 to read as set forth below.

This amendment is made under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegation of authority of April 24, 1968.

Issued in Washington, D.C., on April 24, 1968.

LOWELL K. BRIDWELL,
Federal Highway Administrator.

MOTOR VEHICLE SAFETY STANDARD NO. 103

WINDSHIELD DEFROSTING AND DEFOGGING SYSTEMS; PASSENGER CARS, MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, AND BUSES

S1. *Scope.* This standard specifies requirements for windshield defrosting and defogging systems.

S2. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, trucks, and buses, manufactured for sale in the continental United States.

S3. *Definitions.* "Road load" means the power output required to move a given motor vehicle at curb weight plus 400 pounds on level, clean, dry, smooth Portland cement concrete pavement (or other surface with equivalent coefficient of surface friction) at a specified speed through still air at 68° F. and standard barometric pressure (29.92" of Hg.) and includes driveline friction, rolling friction, and air resistance.

S4. *Requirements.*

S4.1 Each vehicle shall have a windshield defrosting and defogging system.

S4.2 Each passenger car windshield defrosting and defogging system shall meet the requirements of section 3 of SAE Recommended Practice J902, "Passenger Car Windshield Defrosting Systems," August 1964, when tested in accordance with S4.3, except that "the critical area" specified in paragraph 3.1 of SAE Recommended Practice J902 shall be that established as Area C in accordance with Motor Vehicle Safety Standard No. 104, "Windshield Wiping and Washing Systems," and "the entire windshield" specified in paragraph 3.3 of SAE Recommended Practice J902 shall be that established as Area A in accordance with Motor Vehicle Safety Standard No. 104.

S4.3 *Demonstration procedure.* The passenger car windshield defrosting and defogging system shall be tested in accordance with the portions of paragraphs 4.1 through 4.4.7 of SAE Recommended Practice J902, August 1964, or SAE Recommended Practice J902a, March 1967, applicable to that system, except that—

(a) During the first 5 minutes of the test, the engine speed or speeds may be those which the manufacturer recommends as the warmup procedure for cold weather starting;

(b) During the last 35 minutes of the test period (or the entire test period if the 5-minute warmup procedure is not used), either—

(i) The engine speed shall not exceed 1,500 r.p.m. in neutral gear; or

(ii) The engine speed and load shall not exceed the speed and load at 25 m.p.h. in the manufacturer's recommended gear with road load;

(c) A room air change of 90 times per hour is not required;

(d) The windshield wipers may be used during the test if they are operated without manual assist;

(e) One or two windows may be open a total of 1 inch;

(f) The defroster blower may be turned on at any time; and

(g) The wind velocity may not exceed 5 m.p.h.

[F.R. Doc. 68-5092; Filed, Apr. 26, 1968; 8:49 a.m.]

[Docket No. 1-16]

PART 255—INITIAL FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Headlamp Concealment Devices; Passenger Cars, Multipurpose Passenger Vehicles, Trucks, Buses, and Motorcycles

A proposal to amend Part 255 by adding Federal motor vehicle safety standard No. 112, Headlamp Concealment Devices—Passenger Cars, Multipurpose Passenger Vehicles, Trucks, Buses, and Motorcycles, was published as an advance notice of proposed rule making on October 14, 1967 (32 F.R. 14280) and as a notice of proposed rule making on December 28, 1967 (32 F.R. 20865).

Interested persons have been given the opportunity to participate in the making of this amendment, and careful consideration has been given to all relevant matter presented.

Inadvertent actuation of a headlamp concealment devices, due to a defective condition thereby causing headlamps to be blacked out, has compromised the safety of occupants of the vehicle concerned and other highway users. There have been reports of several accidents and incidents caused by such inadvertent blacking out of headlamps. In addition, the Administrator considers headlamp concealment devices present a continuing hazard to motor vehicle safety in that they may inadvertently black out headlamps while headlamps are in use. This standard requires that fully opened headlamp concealment devices must remain fully opened whenever there is a loss of power to or within the device and whenever any malfunction occurs in components that control or conduct power for the operation of a concealment device. These requirements provide a fail-safe operation which serves to prevent further incidents of inadvertent blacking out of headlamps by headlamp concealment devices.

In addition, other safety performance criteria are established. Thus, whenever any malfunction occurs in components that control or conduct power for the actuation of the concealment device, additional means for fully opening each headlamp concealment device must be provided. A single mechanism must be provided for actuating the headlamp concealment devices and illuminating the lights. The installation of each headlamp concealment device must be such that no component of the device, other than components of the headlamp assembly, need be removed when mounting, aiming and adjusting the headlamps. Headlamp beams that illuminate during opening and closing of the headlamp concealment device may not project to the left of or above the position of the beam in the fully opened position. Finally, within the temperature ranges specified, headlamp concealment devices must be fully opened in three seconds after actuation of the appropriate mechanism, except in the event of a power loss. These additional performance criteria meet the needs of motor vehicle safety by increasing the safe and reliable operation of headlamp concealment devices.

Several comments stated that a requirement for fail-safe operation under any combination of unforeseeable circumstances is unreasonable. The requirements expressed in S4.1 are not intended to impose responsibility for failures caused by abuse, poor maintenance practices or other conditions not encompassed by S4.1. Whether or not failure of a headlamp concealment device to remain in an open position once fully opened is a violation of the standard would, of course, depend upon

whether the device failed under the conditions encompassed by the standard. Some comments requested that the conditions expressed in S4.1 be made test conditions and one commentator submitted a suggested test procedure to demonstrate compliance. Because of the wide variety of designs and types of headlamp concealment devices currently in use, no single demonstration procedure is appropriate for all. Consequently, prescription of a standard demonstration procedure is neither practicable nor feasible under the circumstances. The Administrator concludes that the needs of motor safety require that headlamp concealment devices be fail-safe. The Administrator further concludes that the most appropriate method of meeting those needs and of preventing further hazard from obstructed headlamps caused by headlamp concealment device failures is by the prescription of fail-safe operational criteria, as specified in S4.1. Accordingly, the requests are denied.

A number of comments stated that the 3-second operating time requirement and the aiming requirements for rotating headlamps would impose unreasonable burdens in retooling and redesigning if the January 1, 1969, effective date is to be met. Based upon the data presented, the Administrator agrees with these comments. Accordingly, S4.5 and S4.6 are made effective January 1, 1970.

Several comments recommended additional provisions expressly permitting headlamp concealment devices that are automatically actuated by light sensing mechanisms. This standard is not intended to prevent the use of light sensing mechanisms. Consequently, language has been added to clarify this intention if the light sensing mechanism meets the same operational requirements prescribed for switch operated headlamp concealment devices.

Several comments requested inclusion of a provision in S4.3 permitting an additional separate control that actuates only the headlamp concealment device. The Administrator considers permitting this additional control would not be in the best interests of motor vehicle safety. The requests are, therefore, denied.

Other comments suggested that rotating headlamps be required to return to the correctly aimed position after a specified minimum number of opening and closing cycles that power be provided for at least one opening cycle after the vehicle engine has been stopped for a specified length of time; that a warning device be required to indicate to the driver that the concealment devices are malfunctioning; that requirements for aiming and adjusting of headlamps be expanded to insure that vehicle body structure and lamp ornaments will not interfere with these operations; that the standard prohibit designs which permit snow and ice to accumulate over the sealed beam headlamp units; that requirements be included to assure capability for opening concealment devices that are frozen shut; and that a standard be established to prohibit the use of headlamp concealment devices. Although some of these suggestions appear to have merit, they are all beyond the scope of the notice and will, therefore, be considered for future rule making action.

In consideration of the foregoing, § 255.21 of Part 255 of the Federal motor vehicle safety standards is amended by adding Standard No. 112, Headlamp Concealment Devices—Passengers Cars, Multipurpose Passenger Vehicles, Trucks, Buses, and Motorcycles, as set forth below, effective January 1, 1969.

This rule making action is taken under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (Public Law 89–563, 15 U.S.C. sections 1392 and 1407) and the delegation of authority of April 24, 1968.

Issued in Washington, D.C., on April 24, 1968.

LOWELL K. BRIDWELL,
Federal Highway Administrator.

MOTOR VEHICLE SAFETY STANDARD NO. 112

HEADLAMP CONCEALMENT DEVICES; PASSENGER CARS, MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, BUSES, AND MOTORCYCLES

S1. *Scope.* This standard specifies requirements for headlamp concealment devices.

S2. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, trucks, buses, and motorcycles.

S3. *Definitions.*

"Fully opened" means the position of the headlamp concealment device in which the headlamp is in the design open operating position.

"Headlamp concealment device" means a device, with its operating system and components, that provides concealment of the headlamp when it is not in use, including a movable headlamp cover and a headlamp that displaces for concealment purposes.

"Power" means any source of energy that operates the headlamp concealment device.

S4. *Requirements.*

S4.1 Each fully opened headlamp concealment device shall remain fully opened whenever either or both of the following occur—

(a) Any loss of power to or within the headlamp concealment device;

(b) Any disconnection, restriction, short-circuit, circuit time delay, or other similar malfunction in any wiring, tubing, hose, solenoid or other component that controls or conducts power for operating the concealment device.

S4.2 Whenever any malfunction occurs in a component that controls or conducts power for the actuation of the concealment device, each closed headlamp concealment device shall be capable of being fully opened—

(a) By automatic means;

(b) By actuation of a switch, lever or other similar mechanism; or

(c) By other means not requiring the use of any tools.

Thereafter, the headlamp concealment device must remain fully opened until intentionally closed.

S4.3 Except for cases of malfunction covered by S4.2, each headlamp concealment device shall be capable of being fully opened and the headlamps illuminated by actuation of a single switch, lever, or similar mechanism, including a mechanism that is automatically actuated by a change in ambient light conditions.

S4.4 Each headlamp concealment device shall be installed so that the headlamp may be mounted, aimed, and adjusted without removing any component of the device, other than components of the headlamp assembly.

S4.5 After December 31, 1969, the headlamp beam of headlamps that illuminate during opening and closing of the headlamp concealment device may not project to the left of or above the position of the beam when the device is fully opened.

S4.6 Except for cases of malfunction covered by S4.2, after December 31, 1969, each headlamp concealment device shall, within an ambient temperature range of −20° to +120° F., be capable of being fully opened in not more than 3 seconds after actuation of the mechanism described in S4.3.

[F.R. Doc. 68–5093; Filed, Apr. 26, 1968; 8:49 a.m.]

[Docket No. 1–17]

PART 255—INITIAL FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Hood Latch Systems; Passenger Cars, Multipurpose Passenger Vehicles, Trucks, and Buses

A proposal to amend Part 255 by adding Federal motor vehicle safety Standard No. 113, Hood Latch Systems—Passenger Cars, Multipurpose Passenger Vehicles, Trucks, and Buses, was published as an advance notice of proposed rule making on October 14, 1967 (32 F.R. 14280), and as a notice of proposed rule making on December 28, 1967 (32 F.R. 20866).

Interested persons have been given the opportunity to participate in the making of this amendment, and careful consideration has been given to all relevant matter presented.

This new standard requires that all motor vehicles to which it is applicable be equipped with a hood latch system. Additionally, in those instances where a vehicle is equipped with a front opening hood, which in any open position partially or completely obstructs a driver's forward view through the windshield, a second latch position on the hood latch system or a second hood latch system must be provided.

Available data reveals that inadvertent hood openings pose a serious hazard to the safe operation of motor vehicles, particularly in the case of front opening hoods. By requiring a hood latch system for all hoods, and under certain circumstances, a second position on that system

or an independent second system, this standard will help to reduce incidents of inadvertent hood openings.

All the comments support the need for a hood latch system or hood latch systems, as the case may be. Several commentators requested inclusion of a definition of "hood" and "front opening hood." The Administrator agrees that "hood" should be defined and has defined it as any exterior movable body panel forward of the windshield used to cover an engine, luggage, storage, or battery compartment. However, the Administrator concludes that a definition of "front opening hood" is unnecessary; that phrase is sufficiently definite and is clearly distinguishable from a "side opening" or "rear opening" hood.

Several commentators conditioned their support upon the understanding that the requirement for front opening hoods could be met by a single latch system with two positions, by two separate primary latch systems, or separate primary and secondary latches. Language changes have been made to S4.2 to clarify that all of these types of installations are acceptable.

Several commentators expressed concern over the lack of quantitative performance criteria for hood latch systems. The Administrator finds that additional research and study are necessary before meaningful quantitative performance criteria can be appropriately specified.

In consideration of the foregoing, § 255.21 of Part 255 of the Federal motor vehicle safety standards is amended by adding Standard No. 113, Hood Latch Systems—Passenger Cars, Multipurpose Passenger Vehicles, Trucks, and Buses, as set forth below, effective January 1, 1969.

This rule making action is taken under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (Public Law 89-563, 15 U.S.C. sections 1392 and 1407) and the delegation of authority of April 24, 1968.

Issued in Washington, D.C., on April 24, 1968.

LOWELL K. BRIDWELL,
Federal Highway Administrator.

MOTOR VEHICLE SAFETY STANDARD No. 113

HOOD LATCH SYSTEM; PASSENGER CARS, MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, AND BUSES

S1. *Purpose and scope.* This standard establishes the requirement for providing a hood latch system or hood latch systems.

S2. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, trucks, and buses.

S3. *Definitions.* "Hood" means any exterior movable body panel forward of the windshield that is used to cover an engine, luggage, storage, or battery compartment.

S4. *Requirements.*

S4.1 Each hood must be provided with a hood latch system.

S4.2 A front opening hood which, in any open position, partially or completely obstructs a driver's forward view through the windshield must be provided with a second latch position on the hood latch system or with a second hood latch system.

[F.R. Doc. 68-5094; Filed, Apr. 26, 1968; 8:49 a.m.]

[Docket No. 1-21]

PART 255—INITIAL FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Safety Standard No. 114; Theft Protection; Passenger Cars

A proposal to amend § 255.21 of Part 255, Federal Motor Vehicle Safety Standards, by adding a new standard, Theft Protection—Passenger Cars, was published in the FEDERAL REGISTER on December 28, 1967 (32 F.R. 20866).

Interested persons have been afforded an opportunity to participate in the making of the standard. Their comments and other available information have been carefully considered.

Responses to the notice and other information have demonstrated that stolen cars constitute a major hazard to life and limb on the highways. The evidence shows that cars operated by unauthorized persons are far more likely to cause unreasonable risk of accident, personal injury, and death than those which are driven by authorized individuals. Further, the incidence of theft, and hence the risk of accidents attributable thereto, is increasing. According to a recent study by the Department of Justice there were an estimated 94,000 stolen cars involved in accidents in 1966, and more than 18,000 of these accidents resulted in injury to one or more people. On a proportionate basis, 18.2 percent of the stolen cars became involved in accidents, and 19.6 percent of the stolen-car accidents resulted in personal injury. The same study predicted that automobile thefts in 1967 total about 650,000; about 100,000 of these stolen cars could be expected to become involved in highway accidents. Comparing these figures with statistics for vehicles which are not stolen, the approximate rate for stolen cars would be some 200 times the normal accident rate for other vehicles. Thus, a reduction in the incidence of auto theft would make a substantial contribution to motor vehicle safety. It would not only reduce the number of injuries and deaths among those who steal cars, it would also protect the many innocent members of the public who are killed and injured by stolen cars each year.

The President's Commission on Law Enforcement and Administration of Justice, in its report "The Challenge of Crime in a Free Society", noted the rising cost in lives and dollars as a result of auto theft, highlighted the need for measures to reduce auto thefts and suggested that "The responsibility could well be assigned to the National Highway Safety Agency as part of its program to establish safety standards for automobiles." (pp. 260-261).

The Administrator has concluded that a standard that would reduce the incidence of unauthorized use of cars meets the need for motor vehicle safety. Consequently, he rejects those comments on the proposed standard which questioned its validity on the ground that it is not related to improving motor vehicle safety. As indicated below, amateur car thieves make up the majority of those unauthorized drivers who become involved in motor vehicle accidents. Many of these thieves make use of keys left in the ignition locks to start the cars they steal. Hence, the standard requires each car to be equipped with a device to remind drivers to remove the key when leaving the car. The number of car thieves who start cars with so-called "master keys" and devices which bypass the lock is also large enough to produce a significant safety hazard. Therefore, the standard also requires devices which tend to defeat this category of thief: A large number of locking-system combinations and a steering or self-mobility lock.

Several comments urged that the warning-device requirement be eliminated from the standard upon the ground that the removal of the key is the driver's responsibility. It was also said that, since any locking system, no matter how it is construted, can be defeated by persons possessing sufficient skill, equipment, and tenacity, provisions for ensuring removal of ignition keys would be futile because a thief need not make use of a key.

As the Department of Justice survey mentioned above demonstrates, however, the large majority of car thieves are amateurs, almost half of whom are engaged in so-called "joy-riding". The evidence shows that a high proportion of these thieves, most of whom are juveniles, start the cars' engines simply by using the key which has been left in the ignition lock. It is, of course, the operator's responsibility to remove the key when the car is left unattended, and drivers should continue to be exhorted or required to take this elementary precaution. Nevertheless, many do not, and the interest of safety would be promoted by the existence of a visible or audible warning device on the car, reminding the driver when he has neglected his responsibility. This is an instance in which engineering of vehicles is more likely to have an immediate beneficial impact than a long-range process of mass education.

The requirement of a warning when the key is left in the lock was also the subject of several comments which asked that the warning be required when the front-seat passenger's door, as well as the driver's door, is opened. There is considerable validity in the contention that the device should operate upon the opening of either door, particularly because, in some jurisdictions, exiting from a car on the left side is prohibited in certain circumstances. However, the notice of proposed rule making stated that the standard under consideration made the warning-device requirement

applicable only when the driver's door is opened. Information available to the Administrator shows that development of such warning devices has concentrated on warnings that are activated only in the event the driver's door is opened while the key remains in the lock. To extend this requirement to the opening of either door might necessitate both the initiation of new rule making proceedings and an extension of the standard's effective date. For these reasons, the requirement is, with minor exceptions discussed below, in substance unchanged from the one which appeared in the notice of proposed rule making. Extension of the requirement to passenger-door warning devices will be kept under consideration.

The January 1, 1970, effective date also remains unchanged. Most of the comments which focused on the proposed effective date stated that the standard could be complied with by that date. One manufacturer sought a 1-year extension on the ground that it could not produce a steering or mobility lock in sufficient time to equip its automobiles with such a device by January 1, 1970. Although this comment alleged that data in the possession of its author showed that the cost of purchasing and installing a device to comply with the standard would impose an unreasonable economic burden, neither those data nor the basis for the company's conclusion have been supplied to the Administration. In short, nothing supported the request except the broad generalization that the proposed effective date would cause some undefined hardship. Balancing this unsubstantiated generalization against the increase in deaths and injuries that postponing the effective date for a year would probably cause, the Administrator has concluded that a change in the effective date to January 1, 1971, would not be in the interest of safety, that the January 1, 1970, effective date is a practicable one, and that the request to extend it for 1 year is denied.

Many persons who responded to the notice asked that specific theft protection devices be prescribed. These specific devices included brake locks and so-called "pop-out" keys which automatically eject from the locking system, to devices which purportedly make bypassing the ignition switch impossible. The Administrator concludes that it would be unwise to establish a standard in terms so restrictive as to discourage technological innovation in the field of theft inhibition. Consequently, the standard has been framed to permit as many specific devices as possible to meet its requirements. In addition, the standard does not preclude the use of supplementary theft protection measures, such as the "pop-out" key, so long as automobiles comply with the standard's minimum requirement.

In drafting the standard, a number of revisions were made in the language employed in the notice of proposed rule making. Many of these revisions clarify definitional problems that were raised in responses to the notice. The term "key" is defined so as to include methods of activating the locking system other than the commonly accepted concept of a key. The term "combination" was defined to clarify its meaning, and the 1,000-combinations requirement has been changed to make it clear that, after the standard's effective date, each manufacturer must produce at least 1,000 different locking system combinations, unless he manufactures less than 1,000 passenger cars. In response to comments which pointed out the impossibility of constructing a system which, upon removal of the key, would prevent operation of the powerplant absolutely and in all events, the provisions of paragraph S3(a) of the notice were revised to require only that removal of the key must prevent normal activation of the powerplant. Paragraph S4.2 represents a clarification of the requirement contained in paragraph S3.3 of the notice. It is intended to permit the driver of a car to turn off the engine in emergency situations while the car is in motion without also activating the steering or self-mobility lock. Other minor changes were made for amplification or clarification.

Shortly after the issuance of this standard, the Administrator will issue a notice of proposed rule making to determine the practicability of improving the standard by adding a requirement that key locking systems be designed and constructed to preclude accidental or inadvertent activation of the deterrent required by S4.1(b) while the car is in motion. The notice will propose an effective date for the additional requirement identical to that of the present standard: January 1, 1970.

In consideration of the foregoing, § 255.21 of Part 255, Federal Motor Vehicle Safety Standards, is amended by adding Standard No. 114, as set forth below, effective January 1, 1970.

In accordance with section 103(c) of the National Traffic and Motor Vehicle Safety Act of 1966, I find that it would be impractical to require compliance with this standard within 1 year and therefore it is in the public interest to adopt a later effective date.

This amendment is made under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Act of 1966 (15 U.S.C. 1392, 1407) and the delegation of authority of April 24, 1968.

Issued in Washington, D.C., on April 24, 1968.

LOWELL K. BRIDWELL,
Federal Highway Administrator.

MOTOR VEHICLE SAFETY STANDARD NO. 114

THEFT PROTECTION; PASSENGER CARS

S1. *Purpose and scope.* This standard specifies requirements for theft protection to reduce the incidence of accidents resulting from unauthorized use.

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

S3. *Definitions.*

"Combination" means one of the specifically planned and constructed variations of a locking system which, when properly actuated, permits operation of the locking system.

"Key" includes any other device designed and constructed to provide a method for operating a locking system which is designed and constructed to be operated by that device.

S4. *Requirements.*

S4.1 Each passenger car shall have a key-locking system that, whenever the key is removed, will prevent—

(a) Normal activation of the car's engine or other main source of motive power; and

(b) Either steering or self-mobility of the car, or both.

S4.2 The prime means for deactivating the car's engine or other main source of motive power shall not activate the deterrent required by S4.1(b).

S4.3 The number of different combinations of the key locking systems required by S4.1 of each manufacturer shall be at least 1,000, or a number equal to the number of passenger cars manufactured by such manufacturer, whichever is less.

S4.4 A warning to the driver shall be activated when the key required by S4.1 has been left in the locking system and the driver's door is opened.

[F.R. Doc. 68-5095; Filed, Apr. 26, 1968; 8:49 a.m.]

Title 25—INDIANS

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

SUBCHAPTER E—EDUCATION OF INDIANS

PART 31—FEDERAL SCHOOLS FOR INDIANS

APRIL 12, 1968.

Pursuant to the authority of the Commissioner of Indian Affairs found in Part 230 of the Departmental Manual, Chapter 2, Part 31, Chapter 1, Title 25 of the Code of Federal Regulations is revised in the following manner: (1) A new § 31.0 *Definitions* is added; and (2) § 31.1 is revised to restate and clarify Bureau of Indian Affairs policy regarding enrollment at Federal schools. Since this revision is a statement of policy, advance notice and public procedure thereon have been deemed unnecessary and are dispensed with under the exception provided in subsection (d)(2) of 5 U.S.C. 553 (Supp. II, 1965–66). Accordingly, these revisions will become effective upon publication in the FEDERAL REGISTER.

As added, § 31.0 reads as follows:

§ 31.0 Definitions.

As used in this part:

(a) "School district" means the local unit of school administration as defined by the laws of the State in which it is located.

(b) "Cooperative school" means a school operated under a cooperative agreement between a school district and

the Bureau of Indian Affairs in conformance with State and Federal school laws and regulations.

As so revised, § 31.1 reads as follows:

§ 31.1 Enrollment in Federal schools.

(a) Enrollment in Bureau-operated schools in available to children of one-fourth or more degree of Indian blood reside within the exterior boundaries of Indian reservations under the jurisdiction of the Bureau of Indian Affairs or on trust or restricted lands under the jurisdiction of the Bureau of Indian Affairs except when there are other appropriate school facilities available to them as hereinafter provided in paragraph (c) of this section.

(b) Enrollment in Bureau-operated boarding schools may also be available to children of one-fourth or more degree of Indian blood who reside near the reservation when a denial of such enrollment would have a direct effect upon Bureau programs within the reservation.

(c) Children of Federal employees, whether Indian or non-Indian, are deemed eligible on the same basis as other eligible students for enrollment at facilities provided by the school district (including cooperative schools) wherein they reside.

(41 Stat. 410, 25 U.S.C. 282; 35 Stat. 72, 25 U.S.C. 295)

ROBERT L. BENNETT,
Commissioner.

[F.R. Doc. 68-5086; Filed, Apr. 26, 1968; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

[DoD Instruction 1100.13, Apr. 17, 1968]

PART 64—SURVEYS OF DEPARTMENT OF DEFENSE PERSONNEL

The Assistant Secretary of Defense (Manpower and Reserve Affairs) approved the following on April 17, 1968:

Sec.
64.1 Purpose.
64.2 Applicability and scope.
64.3 Definitions.
64.4 Policy.
64.5 Responsibilities.
64.6 Procedures for surveys requiring OASD (M&RA) approval.

AUTHORITY: The provisions of this Part 64 are issued under 5 U.S.C. 301 and 5 U.S.C. 552.

§ 64.1 Purpose.

(a) This part is issued to provide guidance in the administration and use of personnel surveys in order to (1) foster the development of compatible and effective survey programs, (2) reduce the burden on DoD Components and (3) minimize repetitious or unwarranted exposure of Department of Defense personnel to survey solicitations.

(b) It (1) assigns responsibilities for coordination of DoD survey efforts, (2) sets forth policies for evaluating survey requests and (3) establishes procedures for obtaining approval to survey DoD personnel.

§ 64.2 Applicability and scope.

(a) The provisions of this part govern all surveys of military and civilian personnel and apply to the Office of the Secretary of Defense, the Military Services, the Organization of the Joint Chiefs of Staff, and all other DoD agencies, each hereinafter referred to as a component.

(b) Nothing in this part is intended or should be construed to preclude a DoD component from conducting a survey of its own personnel.

§ 64.3 Definitions.

"Survey" or "Personnel Survey" means an organized activity to solicit indications of attitudes and opinions and to obtain related information from individuals representing large or important populations when communication of the information is not a normal administrative requirement.

§ 64.4 Policy.

(a) The use of survey techniques to obtain needed management information is encouraged. However, a survey shall be initiated only after it has been determined that:

(1) The available information, including results of past surveys of the same or similar individuals is not adequate to fill the need satisfactorily.

(2) Currently programed surveys cannot either produce information adequate for the purpose, or be adapted to obtain the required information.

(3) The need for the information warrants the cost of administration and analysis of the survey.

(4) The survey is to produce the most valid information with the least burden to individual personnel or participating organizations.

(b) Surveys sponsored by DoD components: Surveys requiring participation of personnel in any DoD component other than the sponsoring component will be submitted, in accordance with the procedures specified in § 64.6, to the Office of the Assistant Secretary of Defense (Manpower and Reserve Affairs) for approval.

(c) Surveys sponsored by a Government department or agency other than the DoD:

(1) Requests for DoD assistance in survey projects sponsored by a Government Department or Agency other than DoD normally will be approved, subject to:

(i) Compatibility with the policies set forth in paragraph (a) of this section.

(ii) Compliance with DoD security standards with respect to handling and use of responses where classified information is involved.

(iii) Feasibility of providing the assistance requested without interference with the missions of the DoD activities affected.

(iv) Agreement by the sponsor to defray fiscal costs arising from the administration of the survey.

(2) Where survey designs contemplate application to only one DoD Component, approval may be granted by that component. Should there be any question regarding sponsorship or the possible application to more than one DoD component, the request shall be referred to the OASD(M&RA) for resolution.

(d) Survey requests from non-Government sources:

(1) Requests for participation of DoD personnel or assistance in survey projects from non-Government sources will be subject to the foregoing provisions of this section.

(2) Response by DoD personnel to surveys addressed to them as individuals without official participation of their DoD component will, in general, be neither encouraged nor discouraged, except that replies are not authorized to questions eliciting responses which might include or be based on (i) classified information, or (ii) information derived from performance of official duties if the opinion or information is not available to the general public.

(3) Official sanction for conducting or providing assistance in surveys requested by other than governmental sponsors shall be based on:

(i) An identified DoD interest in the projected results of the survey.

(ii) The protection of DoD personnel from clearly unwarranted invasions of privacy.

(iii) The potential for generation of large numbers of requests by individuals or organizations having equally meritorious claims for favored treatment.

(iv) The propriety of lending either official recognition or special assistance or privileges that primarily will benefit an individual or a commercial interest.

§ 64.5 Responsibilities.

(a) The Deputy Assistant Secretary of Defense (Military Personnel Policy) (DASD(MPP)) is designated as the staff officer to carry out the following functions:

(1) Coordinate and approve survey requests which require participation of personnel in more than one DoD component or components other than the sponsoring component.

(2) Provide a depository, with a capability for ready reference, for reports or results of surveys conducted by DoD components which are or may be of particular interest and usefulness to OSD.

(3) Provide consultative service for any OSD staff element and designated survey offices of DoD components in survey design and administration.

(4) Foster the development of compatible and effective survey programs among DoD components.

(b) Each DoD component will:

(1) Designate one office as the point of contact for survey activities of that component.

(2) Establish procedures to insure conformity with the provisions of this instruction.

(3) Provide for liaison and participation in surveys originated by other DoD components in the interest of coordination and compatibility of survey efforts.

(4) Furnish copies of survey reports or results which are determined to be of particular interest to the ODASD(MPP) for the DoD depository (paragraph (a) (2) of this section) and maintain records of background information to provide ready accessibility on request.

§ 64.6 Procedures for surveys requiring OASD(M&RA) approval.

(a) Requests for OASD(M&RA) approval, will be accompanied by:

(1) A statement explaining the purpose, data collection plans, individual and command time required, schedule of events, related surveys, and reporting plans.

(2) A draft of the forms, schedules, or questionnaires, and instructions to be used for data collection.

(3) The name, title, address, and telephone number of the senior project officer.

(b) For each survey approved by OASD(M&RA), a final copy of the survey form, instructions for administration, and survey reports will be furnished to the ODASD(M&RA) for the depository (§ 64.5(a)(2)).

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

[F.R. Doc. 68-5055; Filed, Apr. 26, 1968; 8:45 a.m.]

PART 71—SPECIAL 30-DAY LEAVE

The Deputy Secretary of Defense approved the following on Feburary 13, 1968:

Sec.
71.1 Purpose.
71.2 Applicability and scope.
71.3 Policy.
71.4 Eligibility criteria.
71.5 Administrative instructions.
71.6 Restrictions.
71.7 Effective date.

AUTHORITY: This Part 71 is issued under the authority of sec. 1, 80 Stat. 1163; 10 U.S.C. 703(b).

§ 71.1 Purpose.

This part establishes uniform procedures for implementing Public Law 89-735.

§ 71.2 Applicability and scope.

The provisions of this part apply to the Military Departments, and cover all members of the Armed Forces of the United States on active duty.

§ 71.3 Policy.

(a) Members of the Armed Forces who volunteer, and are approved by competent authority for a tour extension in Vietnam of at least six (6) months duration will be authorized a special 30-day leave, exclusive of travel time, at any desired location selected by the member, except locations restricted to military personnel traveling in a leave status.

(b) These special leave privileges may also be extended to other Southeast Asia assignees who are regularly engaged in operations in a hostile fire area and who extend their assignments in a hostile fire area for a period of at least six (6) months.

§ 71.4 Eligibility criteria.

To be eligible for special leave and transportation under this policy, the member must:

(a) Be permanently assigned to a military unit stationed in Vietnam or permanently assigned on a 12-month Southeast Asia unaccompanied tour and regularly engaged in operations in a hostile fire area;

(b) Agree, in writing, to serve in a hostile fire area for at least six (6) months (exclusive of special leave and travel time) beyond either the normal expiration date of his 12-month tour, or the date of expiration of his term of active duty service, whichever date is earlier;

(c) Reenlist or execute a voluntary extension of his term of service in any instance where he does not have sufficient obligated active duty service remaining to complete the tour extension; and

(d) Be approved for tour extension by competent military authority.

§ 71.5 Administrative instructions.

(a) Round-trip leave transportation will be furnished at Government expense to the leave site selected.

(b) Mode of transportation will be determined in accordance with prescribed regulations, using the most expeditious means available. Government transportation or Government-procured transportation will be used to the maximum extent practicable.

(c) Special leave must be taken in one (1) increment, and may not be charged or credited to leave already accrued or to leave which may accrue.

(d) Special leave shall not commence earlier than ninety (90) days before or later than thirty (30) days after the member's normal rotation date. Where operational commitments preclude leave from being taken, the Secretary of the Military Department, or his designee, may authorize the commencement of leave up to sixty (60) days subsequent to normal rotation date.

(e) When the member departs on special leave prior to the normal expiration of his tour of duty, the unserved portion of his normal tour will be added to the period of his extension.

(f) Leave rations are authorized for the period of special leave and authorized travel time.

§ 71.6 Restrictions.

Tour extension agreements shall not be approved:

(a) If the member is serving in a temporary duty status;

(b) Where there is no reasonable assurance that the tour extension can actually be served in the hostile fire area;

(c) In any instance where the additional period of service for which the individual volunteers plus the period of his current tour of duty totals less than twelve (12) months.

§ 71.7 Effective date.

This part is effective immediately, and will continue in effect until the expiration of Public Law 89-735.

MAURACE W. ROCHE,
Director, Correspondence and Directives Division OASD (Administration).

[F.R. Doc. 68-5056; Filed, Apr. 26, 1968; 8:45 a.m.]

PART 72—SPECIAL LEAVE ACCRUAL FOR PERSONNEL ASSIGNED TO A HOSTILE FIRE AREA

The Assistant Secretary of Defense (Manpower and Reserve Affairs) approved the following on March 20, 1968:

Sec.
72.1 Purpose and scope.
72.2 Applicability.
72.3 Policy.

AUTHORITY: This Part 72 is issued under the authority of Sec. 1, 81 Stat. 782; 37 U.S.C. 701(f).

§ 72.1 Purpose and scope.

This part establishes Department of Defense guidance concerning the accrual of personal leave by military personnel serving on active duty in hostile fire areas and drawing special pay under the provisions of title 37, U.S.C. section 310 (a), exclusive of leave authorized under the provisions of Department of Defense Directive 1327.3, "Special 30-day Leave," February 13, 1968.

§ 72.2 Applicability.

The provisions of this part apply to the Military Departments.

§ 72.3 Policy.

(a) *Accrual provisions.* Personnel who serve on active duty for a continuous period of at least one hundred and twenty (120) days after January 1, 1968, in an area in which they are entitled to special pay under the provisions of title 37, U.S.C. section 310(a) may accumulate ninety (90) days leave at the rate of two and one-half (2½) days per month for each month of such service.

(b) *Limitations.* Leave in excess of sixty (60) days accumulated under this provision is lost unless it is used before the end of the fiscal year after the fiscal year in which the service in the hostile fire area terminated.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division OSAD (Administration).

[F.R. Doc. 68-5057; Filed, Apr. 26, 1968; 8:46 a.m.]

SUBCHAPTER E—DEFENSE CONTRACTING

PART 170—POLICY GOVERNING CONTRACTING FOR EQUIPMENT MAINTENANCE SUPPORT

The Assistant Secretary of Defense (Installations and Logistics) approved the following on March 27, 1968.

Sec.
170.1 Purpose.
170.2 Applicability.
170.3 Policy.
170.4 Procedures.
170.5 Responsibility.

AUTHORITY: This Part 170 is issued under the Authority of Section 2202, Title 10, U.S.C.

§ 170.1 Purpose.

This part establishes policies and procedures to achieve improved management of equipment maintenance workload programs accomplished under contract with commercial industrial sources by the Department of Defense.

§ 170.2 Applicability.

The provisions of this part apply to all components of the Department of Defense.

§ 170.3 Policy.

(a) Equipment maintenance contracts for depot level support of materiel (overhaul, repair, rework, modification, modernization, alteration, Inspect and Repair as Necessary, Progressive Aircraft Rework, etc.) will be awarded and administered on the basis of total cost to the Department of Defense. Such costs will include all Government-furnished materials and suitable charges for Government-furnished tooling, equipment and/or facilities. (See DoD Directive 3232.1, "Department of Defense Maintenance Engineering Program," Nov. 3, 1955;[1] DoD Directive 4151.1, "Policies Governing the Use/Commercial and Military Resources for Maintenance of Military Materiel," July 28, 1960;[1] DoD Directive 4100.15, "Commercial or Industrial Activities," July 9, 1966;[1] and DoD Instruction 4100.33, "Commercial or Industrial Activities-Operation of," July 22, 1966.)[1]

(b) Cost forecasts will be developed and included with all equipment maintenance work requirements submitted for procurement action. These forecasts will be based on past actual costs for accomplishment of like or similar work either by organic or contract sources. They will include total labor and total material costs including all Government-furnished materials consumed in the previous contract programs. Costs associated with organic sources will include all appropriate general overhead and administrative expenses as well as centrally procured material costs. (See DoD Instruction 7220.14, "Uniform Cost Accounting for Depot Maintenance," Aug. 14, 1963.)[1]

(c) All revisions of changes to equipment maintenance contracts that affect production schedules or costs will be coordinated with the DoD component who generated the requirement for procurement action prior to effecting formal revision or change to the contract.

(d) Work specifications governing maintenance workloads to be accomplished by contract will be developed in a manner that will provide maximum latitude to prospective contractors in determining the mix of labor and materials including Government-furnished materials that they will require to produce a quality product at the least cost to the Department of Defense.

(e) Maintenance workloads accomplished by contract sources will be given the same emphasis and level of management attention as workloads performed by DoD component organic activities. Production and accrued cost information will be used by DoD component maintenance workload and distribution activities to measure the progress of contractor performance. (See DoD Instruction 7220.14, "Uniform Cost Accounting for Depot Maintenance," Aug. 14, 1963[1] and DoD Instruction 7720.9, "Depot Maintenance Production Report," Dec. 18, 1963.[1])

(f) Maintenance workloads of like or similar type equipment or items, will be consolidated to the maximum extent feasible within and between DoD components. These consolidated workloads will be governed by a single work specification that satisfies the technical requirements of the participating agencies.

(g) All DoD components must coordinate proposed contract maintenance with other appropriate DoD components prior to the award of a contract.

§ 170.4 Procedures.

(a) The responsible DoD component will assure that all referrals for maintenance workloads to be performed by contract sources include:

(1) Specific identification of equipment and/or items to be processed.

(2) Quantitative input and output schedules for accomplishment of the workload(s).

(3) Specific technical instructions for the work to be accomplished.

(4) Test procedures and output standards for completed work.

(5) A parts breakdown list associated with the equipment or item(s) to be overhauled or repaired. Such lists will include "Piece part" replacement factor data when available and itemized pricing information.

(6) Special instructions for parts rework and/or component repair or replacement when applicable.

(7) Disposition instructions for reparable parts and/or components.

(8) Management reporting requirements including frequency intervals. (See DoD Instruction 7220.14, "Uniform Cost Accounting for Depot Maintenance," Aug. 14, 1963[1] and DoD Instruction 7720.9, "Depot Maintenance Production Report," Dec. 18, 1963.[1])

(b) Procedures for procurement implementation of policies covered by this instruction will be included in the Armed Services Procurement Regulation.

(c) Each DoD component will designate a single focal point for:

(i) Coordinating the contract maintenance program within and between activities to facilitate consolidation of like or similar type workloads designated for accomplishment by commercial sources; and

(ii) Maintaining a master listing of all current maintenance contracts, appropriately identified, to facilitate timely coordination action.

§ 170.5 Responsibility.

Pursuant to the responsibilities outlined in DoD Directive 4151.1, "Policies Governing the Use/Commercial & Military Resources for Maintenance of Military Materiel," July 28, 1960,[1] Assistant Secretary of Defense (Installations and Logistics) will monitor the overall program prescribed herein.

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

[F.R. Doc. 68-5058; Filed, Apr. 26, 1968; 8:46 a.m.]

[1] Filed as part of original document. Copies are available at the Publications Counter, OASD(A), Room 3B200, Pentagon, Washington, D.C. 20301 or OX 52167.

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order 4 (OPR-1, Amdt. 1)]

OPR 1—SLOP CHESTS

General Agent's Requirements

Effective upon the date of publication in the FEDERAL REGISTER, paragraphs (d) and (e) of Sec. 2 of OPR-1 are hereby amended to read as follows:

* * * * *

Sec. 2 General Agent's requirements.

* * * * *

(d) Submit to the Coast Director in the district in which the General Agent is located, upon termination of each voyage a copy of the Slop Chest Statement obtained from the Master as provided for in section 3(b) of this order and a copy of all invoices for slop chest purchases showing items by brand or trade name, unit cost and total.

(e) Account to the cognizant Coast Director for the purchase, delivery to the Master, receipts from sales, condemnations, transfers and all other transactions in connection with slop chests.

* * * * *

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

Approved: April 25, 1968.

L. C. HOFFMAN,
Assistant to the Director.

[F.R. Doc. 68-5155; Filed, Apr. 26, 1968; 8:50 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9–3—PROCUREMENT BY NEGOTIATION

Subpart 9–3.8—Price Negotiation Policies and Techniques

MISCELLANEOUS AMENDMENTS

§ 9–3.807–1 [Deleted]

1. Section 9–3.807–1, *General,* is deleted and reserved.

2. In § 9–3.807–3, *Requirements for cost or pricing data,* paragraphs (a) and (b) are revised and paragraph (c) is added, as follows:

§ 9–3.807–3 Requirements for cost or pricing data.

(a) The requirements of FPR 1–3.807–3(a) should not be applied to cost-type operating contracts; on-site service contracts of a continuing nature; cost and cost-sharing contracts under which the contractor receives no fee; contracts with educational institutions; or architect-engineer contracts where lump-sum or CPFF fees are based on estimates of construction costs. They are applicable when the architect-engineer fee is based on the estimated cost of the architect-engineer's services.

(b) Managers of Field Offices shall take the necessary steps to assure AECPR 9–3.8 and FPR 1–3.8 are followed with respect to procurements under (1) cost and cost-sharing contracts under which the contractor receives no fee, cost-type contracts with educational institutions, and cost-type architect-engineer and construction contracts, where the estimated cost of procurement activities under such contracts exceeds $100,000 annually; and (2) to procurements under cost-type operating contracts and on-site service contracts of a continuing nature. Contracts subject to this paragraph shall include paragraph (a) (or equivalent language) and paragraph (b) of the "Contractor procurement" clause in AECPR 9–7.5006–29 with respect to the contractor's obligation for requiring subcontractors to furnish cost or pricing data, and for including the article in AECPR 9–3.814–50 in subcontracts as required by that AECPR.

(c) Determinations as to whether to require cost or pricing data in situations covered by the first sentence of FPR 1–3.807–3(c) shall be made in accordance with AECPR 9–3.807–3(g).

3. Section 9–3.807–3(e), *Initial awards below $100,000,* is relettered 9–3.807–3(g) and revised to read as follows:

§ 9–3.807–3(g) Initial awards below $100,000.

Cost or pricing data should be requested for those awards under $100,000 where no satisfactory method of price analysis can be found, although this should seldom be necessary for awards between $2,500 and $10,000. When cost and pricing data are requested prior to the award of any contract anticipated to be for $10,000 or less, or for modifications in those amounts, the contracting officer shall not require them to be certified. There should be relatively few instances where the certification of cost or pricing data and inclusion of the required clauses would be justified in awards between $10,000 and $100,000. Certification of such data is not required; however, the contracting officer may require it if he considers it to be appropriate.

4. Section 9–3.807–12, *Sole-source items,* is revised to read as follows:

§ 9–3.807–12 Sole-source items.

See AECPR 9–3.807–54, *Price warranties.*

5. Section 9–3.807–50, *Justification and documentation of procurement actions,* is revised to read as follows:

§ 9–3.807–50 Justification and documentation of procurement actions.

The justification for negotiated procurements (see AECPR 9–55.102) shall include an explanation of why cost or pricing data were or were not required, and if they were not required in the case of any price negotiation in excess of $100,000, a statement of the basis for determining that the price resulted from or was based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public or prices set by law or regulation. Whenever cost or pricing data were submitted, and a certificate of cost or pricing data was obtained, the record shall reflect the reliance placed upon the factual cost or pricing data submitted and the use of these data by the contracting officer in determining his total price objective.

6. The following subsection is added:

§ 9–3.807–54 Price warranties.

(a) Price warranty provisions, such as "best user," "most favored customer," or similar provisions, should not be used when the contracting officer can satisfy himself through the normal process of competition or cost and price analysis that a proposed contract price is reasonable. Such price warranty provisions shall not be used as a substitute for obtaining adequate competition or for performing price or cost analysis. Ordinarily, the most likely circumstances where it would be in the Commission's interest to require price warranties would be similar to those currently set forth in FPR 1–3.807–12, *Sole-source items.*

(b) Where price warranties are used an appropriate price warranty provision should be included in the terms and conditions of the contract. Additionally, the contract should include the following clause with respect to the Commission's right to examine the record of the contractor:

"The contracting officer or his authorized representative shall have the right to examine the records of the contractor as necessary to assure that the prices charged the Government for the items under this contract do not exceed those charged by the contractor to any other customer purchasing the same items in like or comparable quantities."

7. Section 9–3.809–50, *Use of advisory accounting reports,* is deleted and the following section substituted therefor:

§ 9–3.809 Audit as a pricing aid.

(a) *General.* (1) In addition to any other financial reviews required for negotiated contracts over $100,000 based on cost or pricing data, the contracting officer shall request a preaward audit review of the cost or pricing data upon which negotiations are to be conducted in the following situations:

(i) Any fixed-price contract, subcontract, or modification in excess of $100,000;

(ii) Any fixed-price contract, subcontract, or modification where only a portion of the total price is based on cost or pricing data and that portion is more than $100,000;

(iii) A time and material type contract, subcontract, or modification where that portion of the estimated cost to which fixed rates are applicable is more than $100,000; and

(iv) Any cost-type contract, subcontract, or modification involving a fixed fee of more than $100,000. Audit reviews prior to award of contracts or modifications involving lesser amounts, where the price or fee will be based on cost or pricing data, may also be requested by the contracting officer where a valid need appears to exist, such as the conditions set forth in FPR 1–3.809(c).

(2) The requirement for preaward audit review may be waived by the field office manager in the following circumstances:

(i) A follow-on procurement is involved, a site review was performed of the earlier procurement within a 12-month period, and there is adequate evidence to indicate that no significant changes having an impact on the price have occurred in the intervening period;

(ii) The record clearly evidences that information already available is adequate for evaluating price in the proposed procurement; or

(iii) The exigency of the procurement does not permit a preaward audit review.

(3) The contract file will be documented to reflect the reason for the waiver and the field office manager will report any instance where the waiver was based upon the exigency of the procurement, together with the reasons therefor, to the Headquarters Division of Contracts, with a copy to the Controller.

8. In § 9–3.814–50, *Subcontractor cost or pricing data clause,* the first paragraph is revised to include reference to a footnote as follows:

§ 9–3.814–50 Subcontractor cost or pricing data clause.

The following clause shall be inserted in all subcontracts under the prime contracts referred to in 9–3.807–3(b), where such subcontracts are over $100,000,[1] and

[1] This clause may also be used for subcontracts of $100,000 or less for which a certificate of cost or pricing data is obtained in accordance with 9–3.807–3(g), and if so used, the $100,000 amount stated in the clause should be appropriately modified.

in all modifications over $100,000 to such subcontracts even though the original amount of the subcontract is $100,000 or less:

* * * * *

(Sec. 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date: These amendments are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 19th day of April 1968.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director,
Division of Contracts.

[F.R. Doc. 68-5047; Filed, Apr. 26, 1968; 8:45 a.m.]

Title 46—SHIPPING

Chapter III—Coast Guard (Great Lakes Pilotage), Department of Transportation

[CG FR 68-57]

PART 401—GREAT LAKES PILOTAGE REGULATIONS

PART 402—GREAT LAKES PILOTAGE RULES AND ORDERS

Rates and Regulations for Great Lakes Pilotage Services

On March 20, 1968, the Commandant of the Coast Guard published a notice of proposed rule making in the FEDERAL REGISTER (33 F.R. 4746) regarding Great Lakes Pilotage rates and the pilotage system. The proposals in the notice were the result of a study of the Great Lakes Pilotage system and rate structure initiated by the United States and Canada and coordinated with interested parties. Interested parties were invited to submit written data, views, and arguments on the notice and, in addition, a public hearing was held on the proposals in Cleveland, Ohio, on April 3, 1968.

After further review of the proposals and all the views, arguments, and data received, representatives of the United States entered into discussions with representatives of Canada. As a result of these discussions, the Memorandum of Arrangements between the two countries governing Great Lakes pilotage was amended to prescribe revised pilotage rates effective April 27, 1968, and to specifically authorize the joint issue of regulations governing mandatory change points, rest periods, and other matters.

As stated in the notice of proposed rule making, the United States and Canada undertook, last fall, an overall review of the Great Lakes pilotage system and rate structure. Based upon that review, the notice proposed certain rate changes, the establishment of mandatory change points and rest periods, modification of pilot registration requirements, and changes in the limits of designated waters. It also proposed further joint study with all interested parties of a number of concepts designed to increase the efficiency and effectiveness of the system. As a result of the comments received and further consultation with representatives of Canada, a number of the proposals have been modified.

REVISION OF RATES

Comments received on the proposed rate schedule varied widely. Shipping interests opposed it on the grounds that the proposed increase in rates was unwarranted and would have a detrimental impact on Great Lakes shipping. Pilot groups, on the other hand, considered the proposed increases grossly inadequate to meet the revenue needs of the pilots.

The schedule of rates was initially established in 1960 following the opening of the St. Lawrence Seaway and the enactment of the Great Lakes Pilotage Act. Since that time, only three changes to the schedule have been made. In 1964, minor changes were made in the docking and undocking rates and in trip rates. In 1966, the rates in undesignated waters in District No. 1 were increased by 10 percent and certain other charges were converted from mileage charges to trip charges. In 1967, an across-the-board rate increase of 10 percent was adopted as an interim measure pending the results of the overall review.

This overall review is continuing and further changes in the pilotage system and its rate structure are anticipated. However, the Minister of Transport of Canada and the Secretary of Transportation have concluded that sufficient information has now been developed to establish the revised rates contained herein. The pilotage tonnage and revenue statistics for the year 1967 clearly establish a need for an adjustment in the present rate schedules. There has been a serious decline, over the past 2 years, in the earnings of pilots. This decline accelerated in 1967 and can be attributed, in certain measure, to a decrease in traffic on the Great Lakes due to the introduction of newer and larger ships. As pilotage revenues are based on numbers of assignments without regard to vessel size, pilotage revenues have decreased even though the tonnage handled has increased. In addition, the decline has not been evenly distributed over the three pilotage districts and this has resulted in an increasing disparity in average pilot earnings between districts. With respect to U.S. pilots, those working in Districts 2 and 3 have suffered the most serious decline. Further contributing to a need for an increase in pilot revenue has been the increased costs of establishing and maintaining communication, dispatching, and pilot boat services.

The potential impact of rate increases on Great Lakes shipping was also carefully considered. The rate schedule contained herein has been established at a level designed to equalize pilot revenue between districts and to ensure that the revenue derived is fair and adequate with minimal effect on the competitive position of the Great Lakes shipping interests. The revised rates also reflect the anticipated savings due to the recent consolidation of dispatching and accounting functions in District No. 1.

A review of the proposed winter surcharge revealed that it could be misinterpreted and, therefore, misapplied. Accordingly, that proposed charge has been dropped. It may be reproposed, at a later date, in clarified form.

CHANGE POINTS AND REST PERIODS

Responses to the proposed establishment of mandatory change points and rest periods was generally favorable. The pilot groups pointed out, however, that pilotage revenue must be sufficient to cover any potential increased cost due to their establishment. It is anticipated that the revised rate structures will do so. The establishment of these change points and rest periods will serve to assure that ships will be served by a rested, efficient pilot. In addition, the establishment of a change point and boat service at Port Colbourne will enable ships holding Canadian "B" certificates to cross Lake Erie to undesignated water ports without holding a pilot on board, resulting in a savings in dollars to the ship, and in manpower to the pilot pools. In addition, a substantial decrease in detention and detention charges in Detroit is anticipated as a result of the stationing of pilots at Detroit in order to effect the mandatory change point to be established there.

PILOT REGISTRATION AND PHYSICAL EXAMINATIONS

The Commandant considers that the physical demands on pilots warrant the establishment of annual physical examinations. However, after further review and an analysis of the comments received, it has been determined that this requirement need not be accompanied by an annual registration requirement, as had been proposed.

Accordingly, § 420.210 of 46 CFR is being amended to require annual physical examinations for registered pilots. In addition, § 401.240 of 46 CFR is being amended to eliminate the requirement that a fingerprint chart and a full original application form be submitted for each application for renewal.

LIMITS OF WELLAND CANAL

The proposal that the United States recommend that Canada define the southern limits of the Welland Canal received no unfavorable comment. Accordingly, that recommendation has been made and the Canadian Department of Transport has advised that action has been initiated to fix definite limits at both ends of the Canal.

CONTINUING EXAMINATION AND ADJUSTMENT OF THE SYSTEM

Response was unanimously in favor of the proposal for the continued study of the practicality and feasibility of implementing a series of operational and procedural changes in the pilotage system. Centralization of accounting and

dispatching functions has already been accepted and implemented in District No. 1 and, as previously stated, the anticipated savings in 1968 are reflected in the revised rate schedule.

The near uniformity of comments on several aspects of the proposals suggests that substantial progress toward the solution of a number of problems and the development of improved procedures might well be realized if the knowledge, skill, and efforts of the pilot associations and the shipping interests and associations were to jointly focus on the matters under review.

As a part of the continuing program of examination and adjustment of the pilotage system, parties with differing interests but common concern for the healthy future of water-borne commerce on the Great Lakes will be invited and encouraged to meet to exchange views and information and to develop mutually acceptable solutions. The comments received emphasized the need for an intensive, accelerated study of the concepts of "port" and "open lake" pilotage. Accordingly, the study of these concepts will be given priority and will be the subject of joint meetings with all interested parties at the earliest practicable date.

In addition, among the more urgent problems under consideration are:

(1) Re-definition of the term "harbor move";

(2) Modifying the "tour de role" assignment procedure to provide more effective use of pilots;

(3) Further centralization of dispatching and accounting functions;

(4) Streamlining the dispatch and communications network;

(5) Modifying the rate structure to more accurately reflect the relative difficulty of assignments; and

(6) Establishing procedural uniformity in the manner of adopting and amending working rules.

Changes in the system and its rate structure in these areas will be made on a continuing basis as soon as they have been determined to be desirable and practicable, after full consultation with, and review by, all parties concerned.

In addition to the changes proposed in the notice of proposed rule making, one comment requested that § 401.250 be clarified. Due apparently to a typographical error, that section presently establishes "willfulness" as a grounds for the temporary denial of a pilot's right to be dispatched to an assignment. Accordingly, that section is being corrected by removing that word. As this amendment simply corrects a typographical error, is nonsubstantive in nature, and imposes no additional burden on any person, I find that the notice and public procedure thereon are not required and good cause exists for making the amendment effective in less than 30 days.

As previously stated, the Memorandum of Arrangements between the United States and Canada has been amended to prescribe new rates to become effective on April 27, 1968. Pursuant to section 553 of title 5, United States Code, I find that good cause exists for making the amendment of §§ 401.400, 401.410, and 401.210 establishing those rates effective in less than 30 days because a foreign affairs function is involved.

In consideration of the foregoing and pursuant to the authority of sections 4 and 5 of the Great Lakes Pilotage Act of 1960 (46 U.S.C. 216b and 216c); section 6(a)(4) of the Department of Transportation Act (49 U.S.C. 1655(a)(4)); and 49 CFR 1.5(q)(1), Parts 401 and 402 of title 46 of the Code of Federal Regulations are amended as follows:

1. Effective April 27, 1968, paragraph (c) of § 401.250 and §§ 401.400, 401.410, and 401.420 are amended to read as follows:

§ 401.250 Suspension and revocation of Certificates of Registration.

* * * * *

(c) Whenever the public health, interest, or safety requires, the Director may deny a Registered Pilot dispatch for a period not to exceed 30 days pending investigation by the Coast Guard or other agency having jurisdiction in the matter.

* * * * *

§ 401.400 Rates and charges on designated waters.

(a) Except as provided under § 401.420 of this subpart, the following rates and charges shall be payable for all services performed by United States or Canadian Registered Pilots in the following areas of the U.S. waters of the Great Lakes described in § 401.300, pursuant to the Memorandum of Arrangements, Great Lakes Pilotage:

(1) *District No. 1.*

(i) Between Snell Lock and Cape Vincent or Kingston whether or not undesignated waters are traversed—$261.

(ii) Between Snell Lock and Cardinal, Prescott or Ogdensburg—$131.

(iii) Between Cardinal, Prescott, or Ogdensburg and Cape Vincent or Kingston, whether or not undesignated waters are traversed—$190.

(iv) For pilotage commencing or terminating at any point above Snell Lock other than those named in items (i) to (iii), $2.60 per mile but with a minimum charge therefor of—$59.

(v) For a movage in any harbor—$73.

(2) *District No. 2.*

(i) Passage through the Welland Canal or any part thereof, $7.25 for each mile plus $21.80 for each lock transited but with a minimum of $73 and a maximum for a through trip of $290. When pilots are changed at Lock 7 on a through trip the charges are apportioned as follows:

(A) Between northerly limits and Lock 7—$145.

(B) Between Lock 7 and southerly limits—$145.

(ii) Between Southeast Shoal or any point on Lake Erie west thereof and any point on the St. Clair River or the approaches thereof as far as the northerly limit of the District—$218.

When pilots are changed at Detroit/Windsor on a through trip the charges are apportioned as follows:

(A) Between Southeast Shoal or any point on Lake Erie west thereof and Detroit/Windsor—$109.

(B) Between Detroit/Windsor and the northerly limits—$109.

(iii) Between Southeast Shoal and any point on Lake Erie west thereof or on the Detroit River—$138.

(iv) Between any point on Lake Erie west of Southeast Shoal and any point on the Detroit River—$138.

(v) Between points on Lake Erie west of Southeast Shoal—$73.

(vi) Between points on the Detroit River—$73.

(vii) Between any point on the Detroit River and any point on the St. Clair River or its approaches as far as the northerly limit of the District—$138.

(viii) Between points on the St. Clair River including the approaches thereto as far as the northerly limit of the District—$109.

(3) *District No. 3.*

(i) Between the southerly limit of the District and the northerly limit of the District or the Algoma Steel Corp. Wharf at Sault Ste. Marie, Oontario—$290.

(ii) Between the southerly limit of the District and Sault Ste. Marie, Mich., or any point in Sault Ste. Marie, Ontario, other than the Algoma Steel Corp. Wharf—$240.

(iii) Between the northerly limit of the District and Sault Ste. Marie, Ontario, including the Algoma Steel Corp. Wharf, or Sault Ste. Marie, Ontario—$290.

(iv) For a movage in any harbor—$73.

(b) When the passage of a ship through a District is interrupted for the purpose of loading or discharging cargo or for any other reason and the services of the Registered Pilot are retained during such interruption, for the convenience of the ship, the ship shall be required to pay an additional charge of $7.25 for each hour or part of an hour during which each interruption lasts, but with a maximum of $109 for each 24-hour period of such interruption. However, there is no charge for any interruption caused by ice, weather, or traffic except during the period beginning the 1st day of December and ending on the 8th day of April next following.

§ 401.410 Rates and charges on undesignated waters.

(a) Except as provided under § 401.420 and subject to paragraph (b) of this section, the charges to be paid by a ship that has a Registered Pilot on board in the undesignated waters of Lake Ontario shall be $59 and in other undesignated waters shall be $73 for each 24-hour period or part thereof that the pilot is on board, plus (1) $36 for each time the pilot performs the docking or undocking of the ship on entering or leaving the harbor or performs a movage of the ship within a harbor, and (2) the travel expenses reasonably incurred by a pilot in joining the ship and returning to his base.

(b) When a Register Pilot is carried on a ship in a direct transit of the undesignated waters of Lake Erie between Southeast Shoal and Port Colbourne, the charges referred to in paragraph (a) of this section are not payable unless, (1) the ship is required by law to have a Registered Pilot on board in those waters, or (2) services are performed by the pilot in those waters at the request of the master.

§ 401.420 Cancellation or delay in rendition of services.

(a) Whenever in designated or undesignated waters, the departure or movage of a ship for which a Registered Pilot has been ordered is delayed for the convenience of the ship for more than 1 hour after the pilot reports for duty or after the time for which he was ordered, whichever is the later, or when a pilot is detained on board a ship for the convenience of the ship for more than 1 hour after the end of the assignment for which he was ordered, there shall be payable an additional charge of $7.25 per hour after the first hour of such delay; but the aggregate of such further charges shall not exceed $109 for any 24-hour period.

(b) Whenever in designated or undesignated waters a Registered Pilot reports for duty as ordered and the order is canceled, the charges to be paid by the ship shall be (1) a cancellation charge of $36, (2) if the cancellation is more than 1 hour after the pilot was ordered for, a further charge of $7.25 for each hour or part of an hour after the first hour, except that the aggregate charge payable in any 24-hour period shall not exceed $109, and (3) if the ship is in the undesignated waters, the travel expenses reasonably incurred by the pilot in joining the ship and returning to his base.

2. Effective June 27, 1968, paragraph (a) of § 401.240 is amended and §§ 401.450, and 401.451 are added, to read as follows:

§ 401.240 Renewal of Certificates of Registration.

(a) An application for renewal of a Certificate of Registration shall be submitted to the Director together with two full-face photographs, 1½ inches by 2 inches, signed on the face, at least 15 days before the expiration date of the existing Certificate. The form for renewal of Certificates of Registration may be obtained from the Director. A renewal fee of 5 dollars by check or money order, drawn to the order of the U.S. Coast Guard, shall accompany an application for renewal of registration, which will be refunded if registration is not renewed. Failure of a Registered Pilot to comply with these requirements or file a complete and sufficient application may constitute cause for denying renewal of the Certificate of Registration.

* * * * *

§ 401.450 Pilot change points.

A Registered Pilot's assignment is completed when the vessel to which he is assigned completes its arrival at or, in the case of a through trip, passes any of the following places:

(1) Snell Lock;
(2) Cape Vincent;
(3) Port Weller;
(4) Lock No. 7, Welland Canal;
(5) Detroit/Windsor, other than assignments originating or terminating at a point on the Detroit River;
(6) Port Huron/Sarnia;
(7) Detour;
(8) Gros Cap;
(9) Chicago with respect to assignments originating at Detour or Port Huron/Sarnia; and
(10) Duluth/Superior and Fort William/Port Arthur with respect to assignments originating at Gros Cap.

§ 401.451 Pilot rest periods.

(a) Except as provided in paragraph (b) of this section:

(1) Each Registered Pilot upon completing an assignment at a change point designated in § 401.450, and

(2) Each Registered Pilot upon completing a series of assignments totaling more than 10 hours with no more than 2 hours rest between assignments, shall not perform pilotage services for at least 10 hours.

(b) In the event of an emergency or other compelling circumstances a pilotage pool may assign a Registered Pilot for service before his 10-hour rest period required under paragraph (a) of this section is completed. Pilotage pools shall advise the Director of each assignment made under this paragraph.

3. Effective June 27, 1968, § 402.210 is amended to read as follows:

§ 402.210 Requirements and qualifications for registration.

(a) Pursuant to § 401.210(a)(4), each applicant for an original registration at the time of application and each Registered Pilot annually is required to pass a physical examination given by a licensed medical doctor and reported on the form furnished by the Director. The examination report shall describe the applicant's or Registered Pilot's visual acuity, color sense, physical condition, and competency or perform the duties of a U.S. Registered Pilot.

(b) Any disease, physical or mental defect, or impairment to hearing or visual acuity, such as epilepsy, insanity, senility, acute venereal disease, neurosyphilis, hemiplegia, paralysis or missing arm, leg, or eye, muteness or pronounced speech impairment, acute kidney or gastro-enteritis disease, extreme obesity, addiction of alcohol or narcotics, acute varicosity of the legs, cardiovascular disease or other disorder which would impair the applicant's ability to be available for service when required and to withstand the rigors of boarding vessels, climbing ladders or great heights, standing for long periods of time, and performing his duties under prolonged periods of nervous strain are causes for determination of physical incompetency.

(c) An applicant for original registration must have a visual acuity either with or without glasses of at least 20/20 vision in one eye and at least 20/40 in the other. An applicant who wears glasses or contact lenses must also pass a test without glasses or lens of at least 20/40 in one eye and at least 20/70 in the other. Registered Pilots, however, must have either with or without glasses or lens visual acuity of at least 20/30 in one eye and at least 20/50 in the other. A Registered Pilot who wears glasses or lens must also pass a test without glasses or lens of at least 20/50 in one eye and at least 20/100 in the other. The color sense of original applicants and Registered Pilots shall be tested by a pseudoisochromatic plate test. Passage of the Williams lantern test or its equivalent is an acceptable substitute for a pseudoisochromatic plate test.

Issued in Washington, D.C., on April 25, 1968.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 68-5171; Filed, Apr. 26, 1968; 8:50 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

Long Lake National Wildlife Refuge, N. Dak.

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.

NORTH DAKOTA

LONG LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Long Lake National Wildlife Refuge, N. Dak., is permitted only on the areas 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 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 May 4, 1968, through September 14, 1968, daylight hours only.

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 September 14, 1968.

MARVIN MANSFIELD,
Refuge Manager, Long Lake National Wildlife Refuge, Moffitt, N.C.

APRIL 16, 1968.

[F.R. Doc. 68-5072; Filed, Apr. 26, 1968; 8:47 a.m.]

Proposed Rule Making

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

[Release No. 33-4901]

LOCAL DEVELOPMENT COMPANIES

Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration the adoption of Rule 237 (17 CFR 230.237), pursuant to the authority contained in sections 3 and 19 of the Securities Act of 1933; 48 Stat. 75, 85, as amended; 15 U.S.C. 77c, 77s. The proposed rule would exempt securities issued by a local development company, incorporated by and doing business in the District of Columbia, from the registration requirements of the Act, if certain conditions are met.

As used in the proposed rule, the term "local development company" means any corporation, organized under the laws of the District of Columbia either for profit or not for profit, having the authority to promote and assist the growth and development of small business concerns within the District. The rule is proposed to allow local development companies interested in urban renewal projects in the District of Columbia to offer securities in a manner which will encourage community participation in such projects.

The exemption is limited to offerings of securities that do not exceed $300,000, and will be available only for securities of local development companies which have received a loan commitment under section 502 of the Small Business Investment Act of 1958, as amended; 72 Stat. 697, as amended; 15 U.S.C. 696. No exemption exists under the rule for securities offered pursuant to an underwriting agreement, under a contract in which a discount or commission is offered as compensation, or for which an employee of the local development company is paid compensation in addition to his regular salary. An offering circular which contains certain information specified in the rule is required under the rule, and must be filed with the Commission 5 days prior to its use. The proceeds of the sale of the securities must be kept in an escrow account until such time as the Small Business Administration approves the disbursal of funds under its loan commitment. The proposed rule does not exempt any person who offers or sells the securities of a local development company from the antifraud provisions of the Act.

The Commission proposes to adopt § 230.237 of Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

§ 230.237 Exemption of securities offered and sold in the District of Columbia by a local development company.

(a) Except as provided below, all securities offered in accordance with the terms and conditions of this section, by, on behalf of, or for the benefit of a local development company shall be exempt from registration provided the aggregate price of any securities offered under this section shall not exceed $300,000 in any period of 12 months.

(b) As used in this section, a local development company is any corporation, organized under the laws of the District of Columbia either for profit or not for profit, for the purpose and with the authority to promote and assist the growth and development of small business concerns within the District and which has received a commitment from the Small Business Administration for a loan under section 502 of the Small Business Investment Act of 1958, as amended (72 Stat. 697, as amended; 15 U.S.C. 696).

(c) No exemption under this section shall be available for securities which are:

(1) Part of an issue offered or sold in whole or in part to persons residing in any place other than the District of Columbia, or

(2) Offered or sold pursuant to an underwriting agreement or under a contract in which a discount or commission is offered as compensation.

(d) (1) No offering shall be made under this section unless an offering circular is concurrently given or has previously been given to the person to whom the offer is made. Three copies of the offering circular must be filed with the Washington Regional Office at least 5 days (Saturdays, Sundays, and holidays excluded) prior to the date on which the initial offering of any securities is made under this section.

(2) The offering circular required by paragraph (d)(1) of this section shall include the following information:

(i) The full names and complete mailing addresses of (*a*) the issuer and (*b*) all officers and directors of the issuer,

(ii) The title of the securities proposed to be offered, the principal amount of evidence of indebtedness or the number of shares or other units proposed to be offered, and the price per share at which they are to be offered to the public,

(iii) The approximate date of the commencement of the proposed public offering,

(iv) The purpose(s) for which the proceeds from the securities are to be used.

(3) The Commission may, at any time after the offering circular has been filed, enter an order temporarily denying the exemption if it has reason to believe that

(i) any of the terms or conditions of this section has not been met, or

(ii) the offering circular or any other sales literature contains any untrue statement of a material fact or omits to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading.

(4) Upon the entry of an order under paragraph (d)(3) of this section, the Commission will promptly give notice to the persons on whose behalf the offering circular was filed (i) that such order has been entered, together with a brief statement of the reasons for the entry of the order, and (ii) that the Commission, upon receipt of a written request within 30 days after the entry of such order, will, within 20 days after the receipt of such request, set the matter down for hearing at a place to be designated by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission. Where a hearing is requested or is ordered by the Commission, the Commission will, after notice of and opportunity for such hearing, either vacate the order or enter an order permanently suspending the exemption.

(5) The Commission may at any time after notice of and opportunity for hearing, enter an order permanently suspending the exemption for any reason upon which it could have entered a temporary suspension order under paragraph (d)(3) of this section. Any such order shall remain in effect until vacated by the Commission.

(6) All notices required by this section shall be given to the person or persons on whose behalf the notification was filed by personal service, registered or certified mail or confirmed telegraphic notice at the addresses of such persons given in the offering circular.

(e) Three copies of every advertisement, article or other communication which is used in connection with an offering of its securities by the local development company, shall be filed with the Washington Regional Office 5 days prior to its use and may contain no more information than those items required under paragraph (d)(2) of this section, except that it may state from whom an offering circular may be obtained.

(f) No exemption under this section shall be available for the securities of any issuer, if any of its directors, officers, or principal security holders, or any of its promoters presently connected with it in any capacity (1) has been convicted within 10 years of any crime or offense involving the purchase or sale of any securities, (2) is subject to any order,

judgment, or decree of any court of competent jurisdiction temporarily or permanently enjoining or restraining such person from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security, or (3) is subject to an order of the Commission entered pursuant to section 15(b) of the Securities Exchange Act of 1934 (48 Stat. 895, as amended; 15 U.S.C. 78*o*;) has been found by the Commission to be a cause of any such order which is still in effect; or is subject to an order of the Commission entered pursuant to section 203 (d) or (e) of the Investment Advisers Act of 1940 (54 Stat. 850, as amended; 15 U.S.C. 80b–3).

(g) No exemption under this section shall be available unless the proceeds from the sale of the securities shall be kept in an escrow account, in a banking institution, doing business in the District of Columbia until such time as the Small Business Administration authorizes the disbursement of funds against the commitment which is referred to in paragraph (b) of this section.

(h) An offering may be made pursuant to this section even though it is contemplated that after the termination of the offering, an offering of additional securities will be made.

All interested persons are invited to submit their views and comments on the above proposal, in writing, to the Securities and Exchange Commission, Washington, D.C. 20549 on or before May 15, 1968. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission, April 15, 1968.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68–5077; Filed, Apr. 26, 1968; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 138]

DRUGS

Proposed Additional Official Names

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 508, 76 Stat. 1789; 21 U.S.C. 358) and the administrative procedure provisions of 5 U.S.C. 552 (80 Stat. 383, as amended 81 Stat. 54), and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120), the Commissioner proposes that § 138.2 be amended by alphabetically inserting the following items as official names for drugs:

§ 138.2 **Drugs; official names.**

* * * * *

Official name	Chemical name or description	Molecular formula
Alphasone	16α,17-Dihydroxypregn-4-ene-3,20-dione	$C_{21}H_{30}O_4$
Alprenolol	1-(*o*-allylphenoxy)-3-(isopropyl-amino)-2-propanol	$C_{15}H_{23}NO_2$
Amiloride	*N*-Amidino-3,5-diamino-6-chloropyrazinecarboxamide	$C_6H_8ClN_7O$
Azaribine	2-β-D-Ribofuranosyl-*as*-triazine-3,5(2*H*,4*H*)-dione2′,3′,5′-triacetate; (2′,3′,5′-triacetyl)-2-β-D-ribofuranosyl-*as*-triazine-(2*H*,4*H*)-dione.	$C_{14}H_{17}N_3O_9$
Bisoxatin	2,2-Bis(*p*-hydroxyphenyl)-2*H*-1,4-benzoxazin-3(4*H*)-one	$C_{24}H_{19}NO_6$
Bolenol	19-Nor-17α-pregn-5-en-17-ol; 17-α-ethyl-5-estren-17-ol	$C_{20}H_{32}O$
Bromelains	A concentrate of proteolytic enzymes derived from the pineapple plant.	
Carbenicillin	*N*-(2-Carboxy-3,3-dimethyl-7-oxo-4-thia-1-azabicyclo[3.2.0]hept-6-yl)-2-phenylmalonamic acid; 6-(2-carboxy-2-phenylacetamido)-3,3-dimethyl-7-oxo-4-thia-1-azabicyclo[3.2.0]heptane-2-carboxylic acid.	$C_{17}H_{18}N_2O_6S$
Cetophenicol	D-*threo*-*N*-[*p*-Acetyl-β-hydroxy-α-(hydroxymethyl) phenethyl]-2,2-dichloroacetamide.	$C_{13}H_{13}Cl_2NO_4$
Cingestol	19-Nor-17α-pregn-5-en-20-yn-17-ol; 17α-ethynyl-5-estren-17-ol	$C_{20}H_{28}O$
Cisclomiphene	2-[*p*-(2-Chloro-*cis*-1,2-diphenylvinyl) phenoxy]-triethylamine	$C_{26}H_{28}ClNO$
Clinimycin	Methyl 7-chloro-6,7,8-trideoxy-6-*trans*-(1-methyl-4-propyl-L-2-pyrrolidinecarboxamido)-1-thio-L-*threo*-α-D-*galacto*-octopyranoside.	$C_{18}H_{32}ClN_2O_5S$
Clioxanide	4′-Chloro-3,5-diiodosalicylanilide acetate; 2-acetoxy-4′-chloro-3,5-diiodobenzanilide.	$C_{15}H_{10}ClI_2NO_3$
Clomacran	2-Chloro-9-[3-(dimethylamino)-propyl] acridan	$C_{18}H_{21}ClN_2$
Clomiphene	2-[*p*-(2-Chloro-1,2-diphenylvinyl) phenoxy]triethylamine	$C_{26}H_{28}ClNO$
Cosyntropin	H-Ser-Tyr-Ser-Met-Glu-His-Phe-Arg-Try-Gly-Lys-Pro-Val-Gly-Lys-Lys-Arg-Arg-Pro-Val-Lys-Val-Tyr-Pro-OH.	
Cromolyn	5,5′-[(2-Hydroxytrimethylene)dioxy]bis[4-oxo-4*H*-1-benzopyran-2-carboxylate]; 1,3-bis(2-carboxychromon-5-yloxy)-2-hydroxypropane.	$C_{23}H_{16}O_{11}$
Diatrizoic Acid	3,5-Diacetamido-2,4,6-triiodobenzoic acid	$C_{11}H_9I_3N_2O_4$
Ferric Fructose	Fructose iron complex, compound with potassium (2:1)	$(C_6H_9FeO_7)_nK_N/_2$
Filipin	3,5,7,9,11,13,15,26,27-Nonahydroxy-2-(1-hydroxyhexyl)-16-methyl-16,18,20,22,24-octacosapentaenoic acid 1,27-lactone.	$C_{35}H_{58}O_{11}$
Flavoxate	2-Piperidinoethyl 3-methyl-4-oxo-2-phenyl-4*H*-1-benzopyran-8-carboxylate.	$C_{24}H_{25}NO_4$
Flurazepam	7-Chloro-1-[2-(diethylamino)ethyl]-5-(*o*-fluorophenyl)-1,3-dihydro-2*H*-1,4-benzodiazepin-2-one.	$C_{21}H_{23}ClFN_3O$
Glyburide	1-[[*p*-[2-(5-Chloro-*o*-anis-amido)ethyl]phenyl]sulfonyl]-3-cyclohexylurea; *N*-[4-(B-(2-methoxy-5-chlorobenzamido)-ethyl) benzosulfonyl]-*N*′-cyclohexylurea.	$C_{23}H_{28}ClN_3O_5S$
Guanacline	[2-(2,6-Dihydro-4-methyl-1(2*H*)-pyridyl)ethyl]guanidine	$C_9H_{18}N_4$
Indriline	*N*,*N*-Dimethyl-1-phenylindene-1-ethylamine	$C_{19}H_{21}N$
Kalafungin	An antibiotic substance derived from *Streptomyces tanashiensis* strain *kala*.	
Ketipramine	5-[3-(Dimethylamino)propyl]-5,11-dihydro-10*H*-dibenz[*b*, *f*]-azepin-10-one.	$C_{19}H_{22}N_2O$
Liotrix	A mixture of: Sodium liothyronine (sodium L-3,3′,5-triiodo thyronine) and sodium levothyroxine (sodium L-3,3′,5,5′-tetraiodo thyronine).	$C_{15}H_{11}I_3NNaO_4$ $C_{15}H_{10}I_4NNaO_4 \cdot XH_2O$
Lithium Carbonate	Lithium carbonate	Li_2CO_3
Lydimycin	An antibiotic substance derived from *Streptomyces lydicus*.	
Medazepam	7-Chloro-2,3-dihydro-1-methyl-5-phenyl-1*H*-1,4-benzodiazepine	$C_{16}H_{15}ClN_2$
Mefenorex	*N*-(3-Chloropropyl)-α-methylphenethylamine	$C_{12}H_{18}ClN$
Melitracen	*N*, *N*, 10,10-Tetramethyl-Δ9(10*H*), γ-anthracenepropylamine; 9-(3-dimethylaminopropylidine)-10,10-dimethyl-9,10-dihydroanthracene.	$C_{21}H_{25}N$
Mequidox	3-Methyl-2-quinoxalinemethanol 1, 4-dioxide	$C_{10}H_{10}N_2O_3$
Methalliburе	1-Methyl-6-(1-methylallyl)-2, 5-dithiobiurea	$C_7H_{14}N_4S_2$
Millpertine	5, 6-Dimethoxy-3-[2-[4-(*o*-methoxyphenyl)-1-piperazinyl]ethyl]-2-methylindole.	$C_{24}H_{31}N_3O_2$
Monensin	2-[5-Ethyltetrahydro-5-[tetrahydro-3-methyl-5-[tetrahydro-6-hydroxy-6-(hydroxymethyl)-3,5-dimethylpyran-2-yl]-2-furyl-2-furyl]-9-hydroxy-β-methoxy-α, γ,2,8-tetramethyl-1,6-dioxaspiro[4. 5]decane-7-butyric acid.	$C_{36}H_{62}O_{11}$
Nebramycin	An antibiotic substance derived from *Streptomyces tenebrarius*	
Nifursol	3,5-Dinitrosalicylic acid (5-nitrofurfurylidene)hydrazide	$C_{12}H_7N_5O_8$
Nimazone	3-(*p*-Chlorophenyl)-4-imino-2-oxo-1-imidazolidineacetonitrile	$C_{11}H_9ClN_4O$
Nonoxynol 4	Nonylphenoxypolyethyleneoxy-ethanol	$C_{15}H_{24}O(C_2H_4O)_n$ (n=approximately 4)
Nonoxynol 9	Nonylphenoxypolyethyleneoxy-ethanol	$C_{15}H_{24}O(C_2H_4O)_n$ (n=approximately 9)
Nonoxynol 15	Nonylphenoxypolyethyleneoxy-ethanol	$C_{15}H_{24}O(C_2H_4O)_n$ (n=approximately 15)
Nonoxynol 30	Nonylphenoxypolyethyleneoxy-ethanol	$C_{15}H_{24}O(C_2H_4O)_n$ (n=approximately 30)
Oxogestone	20β-Hydroxy-19-norpregn-4-en-3-one; 20β-hydroxy-19-nor-4-pregnen-3-one.	$C_{20}H_{30}O_3$
Parbendazole	Methyl 5-butyl-2-benzimidazolecarbamate	$C_{13}H_{17}N_3O_2$
Piprozolin	Ethyl 3-ethyl-4-oxo-5-piperidino-Δ2,α-thiazolidineacetate	$C_{14}H_{22}N_2O_3S$
Povidone	Polyvinylpyrrolidone	
Profadol	*m*-(1-Methyl-3-propyl-3-pyrrolidinyl) phenol	$C_{14}H_{21}NO$
Quazodine	4-Ethyl-6,7-dimethoxyquinazoline; 6,7-dimethoxy-4-ethylquinazoline.	$C_{12}H_{14}N_2O_2$
Quingestanol	3-(Cyclopentyloxy)-19-nor-17α-pregna-3,5-dien-20-yn-17-ol	$C_{25}H_{34}O_2$
Racephenicol	(±)-*threo*-2,2-Dichloro-*N*-[β-hydroxy-α-(hydroxymethyl)-*p*-(methylsulfonyl)phenethyl]-acetamide.	$C_{12}H_{15}Cl_2NO_5S$
Rayon, Purified	A fibrous form of regenerated cellulose, manufactured by the viscose process, desulfured, washed and bleached, and sterilized in its final container.	
Riboprine	*N*-(3-Methyl-2-butenyl)adenosine; 6-*N*-(3-methyl-2-butenyl-amino)-9-β-D-ribofuranosyl-purine.	$C_{15}H_{21}N_5O_4$
Rifampin	5,6,9,17,19,21-Hexahydroxy-23-methoxy-2,4,12,16,18,20,22-heptamethyl-8-[*N*-(4-methyl-1-piperazinyl)formimidoyl]-2,7-(epoxypentadeca[1,11,13]trienimino)naphtho[2,1-b]furan-1,11(2H)-dione 21-acetate; 3-(4-methylpiperazinyliminomethyl)rifamycin SV.	$C_{43}H_{58}N_4O_{12}$
Soterenol	2′-Hydroxy-5′-[1-hydroxy-2-(isopropylamino)ethyl]methane-sulfonanilide.	$C_{12}H_{20}N_2O_4S$
Steffimycin	An antibiotic substance derived from *Streptomyces steffisburgensis* var. *steffisburgensis* sp.n.	
Thiamphenicol	D-(+)-*threo*-2, 2-Dichloro-*N*-[β-hydroxy-α-(hydroxymethyl)-*p*-(methylsulfonyl)-phenethyl]acetamide.	$C_{12}H_{15}Cl_2NO_5S$
Tigestol	19-Nor-17α-pregn-5(10)-en-20-yn-17-ol; 17α-ethynyl-5(10)-estren-17-ol.	$C_{20}H_{28}O$
Tilidine	Ethyl 2-(dimethylamino)-1-phenyl-3-cyclohexene-1-carboxylate	$C_{17}H_{23}NO_2$
Tofenacin	*N*-Methyl-2-[(*o*-methyl-α-phenyl-benzyl)-oxy]ethylamine	$C_{17}H_{21}NO$
Transclomiphene	2-[*p*-(2-Chloro-*trans*-1,2-diphenylvinyl)phenoxy]-triethylamine	$C_{26}H_{28}ClNO$

Any interested person may, within 60 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: April 19, 1968.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 68-5014; Filed, Apr. 26, 1968; 8:45 a.m.]

Notices

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 296]

FOREIGN MANUFACTURING LICENSE AGREEMENTS

Reporting

Pursuant to section 414 of the Mutual Security Act of 1954, as amended (68 Stat. 848; 22 U.S.C. 1934), and Executive Order 10973 of November 3, 1961 (3 CFR, 1959–1963 Comp., p. 493), and the International Traffic in Arms Regulations issued thereunder (22 CFR Parts 121–127).

Any person, partnership, company, association, or corporation in the United States having entered into an agreement with any foreign person or entity, private or governmental, for the manufacture abroad of articles enumerated in the U.S. Munitions List shall, if such agreement became effective or was approved by the Department of State prior to January 1, 1968, but was not terminated prior to August 26, 1954 (effective date of section 414, Mutual Security Act of 1954), report with respect thereto the following information to the Director, Office of Munitions Control, Department of State, by June 15, 1968:

1. Name and address of the foreign person or entity (licensee) with whom each agreement (and amendment thereto) has been concluded.

2. Effective date of the agreement (and amendment thereto) and the date of approval by the Department of State, together with the Munitions Control case number.

3. Duration of the agreement:

(a) Identify the agreement (and amendments thereto) by the date of expiration or termination prior to December 31, 1967, and furnish the information required (if not previously furnished) by 22 CFR 124.04(c), or

(b) Identify the agreement (and amendments thereto) as being in effect as of December 31, 1967, and give the duration thereof.

4. With respect to agreements (and amendments thereto) identified under paragraph 3(b):

(a) Describe the U.S. Munitions List article(s) authorized for manufacture abroad by the agreement (and amendments thereto); and

(b) Describe the rights conveyed by the agreement (and amendments thereto) with particular attention to the identification of the countries wherein sale or other form of transfer of the article(s) is (are) licensed. List any special restrictions or limitations concerning:

(i) The use of the articles (e.g., provisions limiting use to the armed forces of a designated country; or provisions limiting use to the area defined in Article VI of the North Atlantic Treaty); and

(ii) The sale or other form of transfer of the article(s) (e.g., provisions such as those in 22 CFR 124.04(a)(5)) against transfer to communist controlled countries; or provision that resale or retransfer from the approved sales territory to a country outside such territory requires the prior approval of the U.S. Government.

[SEAL] DEAN RUSK,
Secretary of State.

APRIL 22, 1968.

[F.R. Doc. 68-5179; Filed, Apr. 26, 1968; 8:56 a.m.]

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1967 Rev., Supp. No. 10]

AMERICAN INTERNATIONAL INSURANCE CO.

Change of Name From Fidelity-Phenix Insurance Co.

Fidelity-Phenix Insurance Co., New York, N.Y., a New York corporation, has formally changed its name to American International Insurance Co., effective August 25, 1967. A copy of Certificate of Amendment of the Restated Certificate of Incorporation of Fidelity-Phenix Insurance Co. approved by the Insurance Department of the State of New York on August 25, 1967, changing the name of Fidelity-Phenix Insurance Co. to American International Insurance Co., has been received and filed in the Treasury.

A new certificate of authority as an acceptable surety on Federal bonds, dated August 25, 1967, has been issued by the Secretary of the Treasury to the American International Insurance Co., New York, N.Y., under the Act of Congress approved July 30, 1947 (6 U.S.C. 6–13), to replace the certificate issued June 1, 1967 to the company under its former name, Fidelity-Phenix Insurance Co. The underwriting limitation of $649,000 previously established for the company remains unchanged.

A change in name of Fidelity-Phenix Insurance Co. does not affect its status or liability with respect to any obligation in favor of the United States or in which the United States has an interest, which it may have undertaken pursuant to the certificate of authority issued by the Secretary of the Treasury.

Certificates of authority expire on May 31 each year, unless sooner revoked and new certificates are issued on June 1, so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of June 1, in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: April 23, 1968.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 68-5085; Filed, Apr. 26, 1968; 8:48 a.m.]

DEPARTMENT OF DEFENSE

Department of the Air Force

ORGANIZATION STATEMENT

1. Section 2 of the Organization Statement of the Department of the Air Force (32 F.R. 12489) is amended by revising paragraphs (b), (c), (d), (f), (g), (h), and (j) to read as follows:

SEC. 2 *Office of the Secretary of the Air Force.*

* * * * *

(b) *Under Secretary of the Air Force.* The Under Secretary of the Air Force, as principal assistant to the Secretary, acts with full authority of the Secretary on all affairs of the Department.

(c) *Assistant Secretary of the Air Force (Research and Development).* The Assistant Secretary of the Air Force (Research and Development) is responsible for direction, guidance, and supervision over all matters pertaining to the formulation, review, and execution of plans, policies, and programs relative to: Scientific and technical matters; basic and applied research, exploratory development and advanced technology; integration of technology with, and determination of, qualitative Air Force requirements; research, development, test, and evaluation of weapons, weapons systems, and defense materiel; technical management of systems engineering and integration; and directing and supervising all space programs and space activities of the Air Force.

(d) *Assistant Secretary of the Air Force (Installations and Logistics).* The Assistant Secretary of the Air Force (Installations and Logistics) is responsible for direction, guidance, and supervision over all matters pertaining to the formulation, review, and execution of plans, policies, and programs relative to: Production and contract management of weapons systems, industrial defense program; industrial resources and readiness; procurement activities, including required determinations and findings, contracting, and administration and termination of contracts; contractors equal

employment opportunities; renegotiation affairs, contract appeals, and related activities; Contract Adjustment Board matters; small business matters; Canadian Production and Development Sharing Program; supply management, including requirements determinations, storage, distribution, and disposal of all materiel; equipment maintenance and modification management; International Logistics Program; materiel and logistics planning and programing; cost reduction program; standardization and technical data; installations planning and programing; acquisition and disposal of real estate; construction of bases and facilities; family housing; maintenance of real property; civil aviation, including the Department of Defense Advisory Committee on Federal Aviation, and the Interagency Group on International Aviation; transportation, communications, and other service activities; and economic utilization policy.

* * * * *

(f) *Assistant Secretary of the Air Force (Manpower and Reserve Affairs).* The Assistant Secretary of the Air Force (Manpower and Reserve Affairs) is responsible for direction, guidance, and supervision over all matters pertaining to the formulation, review and execution of plans, policies, and programs relative to: Reserve component affairs; manpower, and organization; military and civilian personnel, including procurement, assignment, training, promotion, career development, pay and benefits, utilization, separation, medical care, and all factors affecting morale and well being; programs to prohibit discrimination because of race, creed, color, sex, or national origin, except programs applicable to contractors; Civil Air Patrol; Reserve Officers Training Corps; Air National Guard; contracts for personal services and training; travel and per diem allowances; Secretary of the Air Force Board for Correction of Military Records; Secretary of the Air Force Personnel Council and its component boards, including the Air Force Discharge Review Board, the Air Force Board of Review, the Air Force Personnel Board, the Air Force Disability Review Board, the Air Force Physical Disability Appeal Board, and the Air Force Decorations Board; military, civilian, and industrial personnel security and investigative programs; and manpower management programs and techniques. The Assistant Secretary of the Air Force (Manpower and Reserve Affairs) is, pursuant to 10 U.S.C. 175(a)(2), a member of the Reserve Forces Policy Board.

(g) *The Administrative Assistant.* The Administrative Assistant serves as principal advisor to the Secretary of the Air Force and other statutory appointees on all phases of internal administration and management policies. He is responsible for the management and administration of the Office of the Secretary on departmental management and administrative matters; assures administrative continuity in the Office of the Secretary during changes of top officials; performs various functions and special projects involving matters in the department as directed by the Secretary.

(h) *General Counsel.* The General Counsel is the final legal authority on all matters arising within or referred to the Department of the Air Force, except those relating to the administration of military justice and such other matters as may be assigned to The Judge Advocate General. The General Counsel furnishes all necessary legal advice and assistance to the Office of the Secretary of the Air Force and is also responsible for providing legal advice and assistance to the Air Staff on matters relating to: procurement and disposal of supplies; research and development; real property acquisition and disposal; construction of military public works; family housing programs; fiscal matters; civil aviation; and personnel security programs. The General Counsel represents the Secretary of the Air Force in dealing with other departments and agencies of the Government on all matters relating to the negotiation of international agreements affecting the Air Force.

* * * * *

(j) *Director, Office of Information.* The Director of Information, under the direction of the Secretary of the Air Force and consistent with policies established by the Office of the Secretary of Defense, is assigned the authority and responsibility to discharge the duties and functions prescribed herein. This authority extends to relationships and transactions with all elements of the Department of the Air Force and other governmental and nongovernmental organizations and individuals. The Director provides advice and counsel on Information matters to the Secretary of the Air Force, the Chief of Staff, U.S. Air Force, and all other principal civilian and military officials of the Department of the Air Force. He is responsible for the U.S. Air Force Information Program, planning, directing, and supervising internal and external information activities; developing and supervising programs designed to maintain effective Air Force-community relations; maintaining liaison with counterpart information offices of the Office, Secretary of Defense, Army, Navy, and other governmental and industrial organizations.

2. Section 3 is amended by deleting the word "USAF" in the first sentence of paragraphs (g) and (m); delete the words "United States Air Force" in the first sentence from paragraphs (h) and (j); delete the word "USAF" used after the words "Chief of Staff" in the first sentence of paragraph (k); and paragraphs (c), (l), and (o) are revised to read as follows:

SEC. 3 *Air Staff.*

* * * * *

(c) *Assistant Vice Chief of Staff.* The Assistant Vice Chief of Staff assists the Chief of Staff and the Vice Chief of Staff in the discharge of their duties. He assists in the development, implementation, and review of plans, programs, and policies, and in the overall direction of the USAF. He also exercises general supervision over the organization and administration of the Air Staff.

* * * * *

(l) *Chief, Air Force Reserve.* The Chief, Air Force Reserve is the principal adviser to the Chief of Staff on all matters relating to the Air Force Reserve and serves on his special staff. He monitors and maintains surveillance of Air Staff actions affecting the Air Force Reserve and is final coordinator on all correspondence, directives, and other official documents concerning the Air Force Reserve. He also provides a channel of communication between Hq. U.S. Air Force and all subordinate elements responsible for the administration and training of the Air Force Reserve. He presents all pertinent matters concerning the Air Force Reserve to Congress and provides liaison with nongovernmental organizations having a primary interest in the Air Force Reserve.

* * * * *

(o) *Director of Administrative Services.* The Director of Administrative Services is responsible for the development, coordination, and management of Air Force-wide programs, systems, and procedures governing: Printing and duplicating operations and facilities; publications management and distribution; forms management; postal and courier operations; records management; correspondence and message management. He is also responsible for administrative orders; effective writing program; document security; reference library service; terminology and abbreviations; and the release of documents and fee system in compliance with the Freedom of Information Act.

* * * * *

3. Section 4 is amended by revising the introduction and the caption and text of paragraph (a) to read as follows; paragraph (b) is corrected by changing the spelling of the last word from "material" to "materiel"; paragraph (i) is corrected by deleting the capitals from the words "Air Forces" in the last sentence; and paragraph (n)(4) is revised by adding the following at the end of the original text:

SEC. 4. *Field Organization.* There are 16 major commands and five separate operating agencies which together represent the field organization of the U.S. Air Force. These commands are organized on a functional basis in the United States and on an area basis overseas. The commands are given the responsibility for accomplishing certain phases of the worldwide activities of the USAF. They are responsible for organizing, administering, equipping, and training their subordinate elements for the accomplishment of assigned missions.

(a) *Aerospace Defense Command.* The Aerospace Defense Command is a major command of the U.S. Air Force and is the Air Force component in the North American Air Defense Command/Continental Air Defense Command structure.

Its primary mission is to discharge Air Force responsibilities for the aerospace defense of the United States.

* * * * *

(n) *Separate Operating Agencies.* * * *

(4) * * * The Air Force Data Systems Design Center analyzes, designs, develops, tests, implements, and maintains all automated data processing systems assigned to it by Headquarters USAF, including particularly standard automated data systems.

(5 U.S.C. 301, 552; 10 U.S.C. 8012)

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. 68-5054; Filed, Apr. 26, 1968; 8:45 a.m.]

Office of the Secretary of Defense

SURPLUS PERSONAL PROPERTY

Donation to Educational Activities of Special Interest to the Armed Services (DoD Directive 5100.13)

The Deputy Secretary of Defense approved the following on April 12, 1968:

References:

(a) 40 U.S.C. 484(j)(3).

(b) DoD Directive 4160.21, "DoD Personal Property Disposal Program." April 28, 1967.

(c) DoD Directive 5100.13, subject as above, May 20, 1957 (hereby canceled).

I. *Purpose and applicability.* A. This Directive assigns responsibilities for carrying out the provisions of 40 U.S.C. 484(j)(3), and establishes basic policy governing the donation of surplus personal property to educational activities of special interest to the Armed Services.

B. Its provisions apply to the Military Departments and the Defense Supply Agency (DSA) (hereinafter referred to collectively as "DoD Components").

II. *Policy.* The Department of Defense will make available to designated schools and organizations (hereinafter referred to as "Service educational activities") certain surplus personal property of the Department of Defense in order to foster and encourage the educational purposes of such activities.

III. *Responsibilities.* A. The Assistant Secretary of Defense (Manpower and Reserve Affairs) ASD (M&RA) will:

1. Establish criteria for the designation of Service educational activities as educational activities of special interest to the Department of Defense;

2. Approve or disapprove requests for special interest consideration under the above-established criteria; and

3. Prescribe other policies and procedures necessary to carry out his responsibilities under this Directive.

B. The Assistant Secretary of Defense (Installations and Logistics) (ASD (I&L)) will:

1. Establish the categories of surplus personal property materiel which may be usable by, and necessary for each approved Service educational activity, in consultation with the ASD (M&RA);

2. Enter into an appropriate agreement with each approved Service educational activity, under which that activity will receive donations of surplus personal property; and

3. Prescribe other policies and procedures necessary to carry out his responsibilities under this directive.

C. The Director, Defense Supply Agency will administer the Defense donable surplus personal property program as it applies to approved Service educational activities, and assure its implementation and compliance under the terms of each donation agreement. In carrying out this responsibility, the DSA will:

1. Prescribe procedures in consonance with provisions of this Directive for incorporation in the Defense Disposal Manual authorized under DoD Directive 4160.21, DoD Personal Property Disposal Program dated April 28, 1967; [1]

2. Develop and recommend to the ASD (I&L) an appropriate "donation agreement" under which a Service educational activity will receive donations of surplus personal property;

3. Refer to the ASD (I&L) requests for deviation or exemption from conditions contained in existing agreements; and

4. Recommend to the ASD (I&L) the approval or disapproval of one-time requests for surplus personal property not authorized under formal agreements, on a case-by-case basis.

D. The Secretaries of the Military Departments:

1. May individually nominate schools or organizations for special interest consideration provided such activities are located in the United States, Puerto Rico, or the Virgin Islands. Recommendations, with justification for such designation, will be submitted to the ASD (M&RA) for approval; and

2. Will recommend to the ASD (I&L) categories of property which are considered usable by, and necessary for each approved educational activity.

IV. *Cancellation.* DoD Directive 5100.13 "Donation of Surplus Personal Property to Educational Activities of Special Interest to the Armed Services" dated May 20, 1957 is hereby canceled.

V. *Effective date and implementation.* A. The provisions of this directive are effective immediately.

B. The Director, DSA will, within one hundred and twenty (120) days, revise the Defense Disposal Manual (established by DoD Directive 5100.13 "Donation of Surplus Personal Property to Educational Activities of Special Interest to the Armed Services" dated May 20, 1957), as necessary to reflect the policies contained herein and promulgate procedures for their implementation.

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

[F.R. Doc. 68-5059; Filed, Apr. 26, 1968; 8:46 a.m.]

[1] Filed as part of original document. Copies are available at the Publications Counter, OASD(A), Room 3B200, Pentagon, Washington, D.C. 20301 or OX 52167.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Cedar City, Utah 84720]

ADMINISTRATIVE OFFICER, CEDAR CITY DISTRICT

Delegation of Authority Regarding Contracts and Leases

District Manager, Cedar City District—supplement to Bureau of Land Management Manual 1510.

A. Pursuant to delegation of authority contained in Bureau Manual 1510-03B2 and BLM Manual Supplement, State Office—Utah 1510-03C, the Administrative Officer, Cedar City District is authorized:

1. To enter into contracts with established sources for supplies and services, excluding capitalized and major noncapitalized equipment, regardless of amount, and

2. To enter into contracts on the open market for supplies and materials, excluding capitalized and major noncapitalized equipment, not to exceed $1,000 per transaction, provided the requirement is not available from established sources; and

3. To enter into negotiated contracts without advertising pursuant to section 302(c)(2) of the FPAS Act, as amended, for rental of equipment and aircraft covered by offer agreements necessary for the purpose of emergency fire suppression, and

4. To enter into contracts for construction and land treatment not to exceed $2,000 per transaction.

B. This authority may not be redelegated.

DELMAR D. VAIL,
District Manager.

[F.R. Doc. 68-5074; Filed, Apr. 26, 1968; 8:47 a.m.]

[Supplement to Bureau of Land Management Manual 1510]

CHIEF, BRANCH OF ADMINISTRATIVE SERVICES ET AL.

Delegation of Authority Regarding Contracts and Leases

A. Pursuant to the authority contained in Bureau Manual 1510.03C, the following are hereby redelegated the authorities contained in Bureau Manual 1510.03B2c in the amounts shown:

1. Chief, Branch of Administrative Services and Chief, Procurement Section.

a. May enter into contracts after formal advertising regardless of amount.

b. May enter into leases of space in real estate; *Provided*, That the conditions set forth in FPMR 101–18.106 are met.

c. May enter into negotiated contracts without advertising pursuant to sections 1 through 15 of the FPAS Act, as amended, with the following limitations:

(1) Negotiation under section 302(c) (1) is restricted to contracts not exceeding $25,000.

(2) Negotiation under section 302(c) (11) must be preceded by a determination and findings by the Director if the proposed contract does not exceed $25,000. If the contract exceeds $25,000, a determination and findings of the Secretary is required.

(3) Negotiation under section 302(c) (12) and (13) requires a determination and findings by a Secretarial officer.

d. May procure necessary supplies and services from established sources (GSA, FSS, etc.) in any amount.

2. Chief, Property Management Section:

a. May enter into leases of space in real estate, provided that the conditions set forth in FPMR 101–18.106 are met.

b. May sign Government Bills of Lading which obligate funds for transportation charges.

c. May sign Government Printing Office orders which obligate funds for printing and duplicating charges.

3. Procurement Specialist, Purchasing Unit:

a. May procure necessary supplies and services up to $2,500, and from established sources (GSA, FSS, etc.) in any amount.

B. The authorities contained herein may not be redelegated.

C. This delegation of authority is effective on date of publication in the FEDERAL REGISTER.

TOM D. CONKLIN,
Acting Director,
Portland Service Center.

[F.R. Doc. 68–5075; Filed, Apr. 26, 1968; 8:47 a.m.]

Fish and Wildlife Service

[Docket No. G–407]

JESSE WILLARD CALLOWAY AND JAMES WILLARD CALLOWAY

Notice of Loan Application

APRIL 23, 1968.

Jesse Willard Calloway and James Willard Calloway, Gulf Shores, Ala. 36542, have applied for a loan from the Fisheries Loan Fund to aid in financing the construction of a new 72-foot length overall wood vessel to engage in the fishery for shrimp.

Notice is hereby given pursuant to the provisions of Public Law 89–85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

J. L. MCHUGH,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 68–5073; Filed Apr. 26, 1968; 8:47 a.m.]

National Park Service

[Order No. 3, Amdt. 1]

PARK SUPERINTENDENTS AND CERTAIN REGIONAL OFFICIALS, NATIONAL CAPITAL REGION

Delegation of Authority

Delegation Order No. 3, approved May 16, 1966, and published at 31 F.R. 8500 on June 17, 1966, set forth in sections 1 through 6 (and respective subsections) certain authority delegated or withheld from Park Superintendents and Certain Regional Officials. This amendment covers the revision of sections 1 and 2, as follows:

SECTION 1. The National Park Service Superintendents in the National Capital Region whose positions are allocated to Civil Service Grade GS–14 and above, in the administration, operation, and development of the areas under their supervision, are authorized to exercise all of the authority now or hereafter delegated to the Regional Director by the Director, except with respect to the following:

* * * * *

SEC. 2. The Superintendents whose positions are allocated to Civil Service Grades GS–11, GS–12, and GS–13, in the administration, operation and development of the areas under their supervision, are authorized to exercise all of the authority now or hereafter delegated to the Regional Director by the Director, except with respect to the following matters:

* * * * *

(National Park Service Order No. 34 (31 F.R. 4255, 32 F.R. 13199; 39 Stat. 535, 16 U.S.C., Sec. 2))

(National Capital Region Order No. 2 (30 F.R. 6738))

(National Capital Region Order No. 3 (31 F.R. 8500))

Dated: March 8, 1968.

NASH CASTRO,
Regional Director,
National Capital Region.

[F.R. Doc. 68–5076; Filed, Apr. 26, 1968; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

MALVERN LIVESTOCK AUCTION, ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
ARKANSAS	
Malvern Livestock Auction, Malvern, June 21, 1957.	Malvern Livestock Auction Co., Feb. 12, 1968.
COLORADO	
Pikes Peak Livestock Commission Co., Inc., Colorado Springs, Apr. 12, 1961.	Skaggs Ranch Supply, Nov. 15, 1967.
FLORIDA	
Bonifay Livestock Market, Bonifay, Feb. 29, 1960.	Bonifay State Livestock Market, Mar. 1, 1968.
Tindell Livestock Auction Market, Graceville, July 26, 1960.	Tindell Livestock Auction Market, Inc., Feb. 1, 1968.
GEORGIA	
Mitchell County Livestock Company, Camilla, May 16, 1959.	Mitchell County Livestock Market, Inc., Mar. 1, 1968.
Jepeway-Craig Commission Co., Dublin, May 22, 1959.	Jepeway-Craig Commission Company, Inc., Jan. 1, 1968.
Telfair County Stockyard, McRae, Apr. 29, 1966.	Farmer's Stockyard of McRae, Inc., July 1, 1967.
INDIANA	
Indianapolis Stockyard Company, Incorporated, Indianapolis, Nov. 1, 1921.	Indianapolis Stockyards Corporation, Mar. 1, 1968.

NORTH CAROLINA

Asheville Livestock Yards, Inc., Canton, Aug. 30, 1966.	Cattleman's Livestock Yard, Incorporated, Feb. 1, 1968.

NORTH DAKOTA

Harrington Brothers, Minot, June 1, 1959.	Harrington Brothers Livestock Auction Market, Inc., Jan. 1, 1968.

TEXAS

Bode Livestock Commission Company, Bryan, Sept. 23, 1964.	Bryan Livestock Commission Company, Inc., Oct. 24, 1967.
Johnson County Livestock Commission Company, Burleson, Jan. 19, 1959.	Burleson Dairy Cow Sales, Inc., Jan. 10, 1968.
Tulia Livestock Auction, Tulia, May 23, 1958.	Tulia Livestock Auction, Inc., Jan. 1, 1968.

WISCONSIN

Kuehne Livestock Auction, Seymour, June 8, 1959.	Kuehne Livestock Sales, Inc., Jan. 3, 1968.

Done at Washington, D.C., this 23d day of April 1968.

G. H. HOPPER,
Acting Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 68-5089; Filed, Apr. 26, 1968; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

RUTGERS STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00292-65-46040. Applicant: Rutgers—The State University, New Brunswick, N.J. 08903. Article: Electron microscope, Model JEM-200. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: Applicant states:

> Our intended uses of the requested apparatus are to study the morphology, the structure, and the nature of defects in crystals of both metals and polymers. By use of the 200 KV electron microscope, we hope to obtain new information about structure, and changes in structure, produced by various types of external agencies, such as applied stress, rediation, annealing, crystallization conditions, etc.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a maximum accelerating voltage of 200 kilovolts. The only known domestic electron microscope is the Model EMU-4 manufactured by the Radio Corporation of America (RCA), which provides a maximum accelerating voltage of 100 kilovolts. For the purposes for which the foreign article is intended to be used, the additional accelerating voltage provided by the foreign article is pertinent.

For this reason, we find that the RCA Model EMU-4 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68-5052; Filed, Apr. 26, 1968; 8:45 a.m.]

Bureau of International Commerce

[File Nos. 23(67)-11, 22(65)-8]

JOSEPH S. VERSCH ET AL.

Order Extending Temporary Denial of Export Privileges

In the matter of Joseph S. Versch, Am Buchwald 2, Oberjosbach/Taunus, Federal Republic of Germany, Respondent; Petroservice International GmbH, Adolfsallee 27, 6200 Wiesbaden, Federal Republic of Germany; Bavaroil Establishment, Vaduz, Liechtenstein, Related Parties.

On February 19, 1968, an order temporarily denying export privileges for 45 days was entered against the above named Petroservice International GmbH and Joseph S. Versch, as respondents, in which Bavaroil Establishment was named as a related party to them (33 F.R. 3395). On April 1, 1968, said order was extended for a period of 20 days, to wit, through April 24, 1968 (33 F.R. 5425).

On April 16, 1968, the Director, Investigations Division, Office of Export Control, issued a charging letter against said Joseph S. Versch charging violations of the U.S. Export Control Act and regulations. Said charging letter notifies said respondent that if an order is issued as a result of these proceedings denying to said respondent U.S. export privileges, request will be made to have said order expressly extended to Petroservice International GmbH and Bavaroil Establishment or any other person or firm to which said respondent is related as described in § 381.10 or § 382.1 of the Export Control Regulations. Said charging letter has been forwarded for service on said respondent and on said Petroservice International GmbH and Bavaroil Establishment.

By reason of ownership, control, position of responsibility and other connection that the respondent Joseph S. Versch has in the firms Petroservice International GmbH and Bavaroil Establishment there is ample basis to warrant naming said firms as related parties to said respondent.

The said Director, Investigations Division has now applied for an order against said Versch, as respondent, and Petroservice International and Bavaroil, as related parties to further extend the temporary denial order until the completion of compliance proceedings. The matter has been considered by the Compliance Commissioner and he has reported his recommendation to me that the temporary order be extended as requested. He has found that such an extension is reasonably necessary to protect the public interest and for effective enforcement of the law. I confirm these findings. *Accordingly, it is hereby ordered:*

I. The prohibitions and restrictions of the temporary denial order issued on February 19, 1968 (33 F.R. 3395), and extended on April 1, 1968 (33 F.R. 5425), are hereby continued in full force and effect against Joseph S. Versch respondent, and against Petroservice International GmbH and Bavaroil Establishment, related parties to said Joseph S. Versch.

II. The respondent, his assigns, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transactions involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the export regulations. Without limitation of the generality of the foregoing, participating prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using

of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part, exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to his agents and employees, and to any person, firm, corporation, or business organization with which he now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith. A determination has been made that the firms Petroservice International GmbH of Wiesbaden, Federal Republic of Germany and Bavaroil Establishment of Vaduz, Liechtenstein are such related parties.

IV. This order continues in full force and effect against the respondent and related parties herein named the prohibitions and restrictions of the temporary denial order of February 19, 1968, as extended on April 1, 1968, which was entered against Petroservice International GmbH and Joseph S. Versch, as respondents, and Bavaroil Establishment as related party. This order shall remain in effect until the completion of administrative compliance proceedings which have been instituted in the case.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondent, or whereby the respondent may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for the respondent; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served upon the respondent and the other parties named herein.

VII. In accordance with the provisions of § 382.11(c) of the export regulations, the respondent or the other parties named herein may move at any time to vacate or modify this temporary denial order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request an oral hearing thereon which, if requested, shall be held before the Compliance Commissioner in Washington, D.C., at the earliest convenient date.

Dated: April 23, 1968.

This order shall become effective forthwith.

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

[F.R. Doc. 68-5053; Filed, Apr. 26, 1968; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Correction

In F.R. Doc. 68-4385 appearing at page 5828 of the issue for Tuesday, April 16, 1968, make the following changes:

1. In 8B, the first sentence for *"Office of the Regional Assistant Commissioner, OC"* should read: "Serves as the personal representative of the Commissioner in the Social Security region and is accountable to the Commissioner through the Assistant Commissioner, Field."

2. On page 5830, column 3, the heading *"Studies, ORS"* should read *"Division of Economic and Long-Range Studies, ORS."*

ATOMIC ENERGY COMMISSION

[Docket No. 50-276]

GEORGIA INSTITUTE OF TECHNOLOGY

Notice of Issuance of Facility License

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on February 9, 1968 (33 F.R. 2803), the Commission has issued Facility License No. R-111 to the Georgia Institute of Technology (GIT). The license was issued substantially as proposed, except that sections "3.C" and "3.D" of the license have been expanded to more specifically enumerate the reporting and record keeping requirements. The changes made in these sections, which have been agreed to by the applicant, are:

1. To section 3.C the following has been added: As promptly as practicable, but no later than 60 days after the initial criticality of the facility, the licensee shall submit a written report to the Director, DRL, describing the measured values of the operating conditions or characteristics listed below and evaluating any significant variation of a measured value from the corresponding predicted value:

(a) Maximum excess reactivity of the facility;

(b) Total control rod reactivity worth;

(c) Maximum worth of the single control rod of highest reactivity value; and

(d) Maximum total and individual reactivity worth of any fixed or movable experiments inserted in the facility.

2. To section 3.D the following has been added as items 5 and 6:

"(a) Records of maintenance operations involving substitution or replacement of reactor equipment or components.

(b) Records of tests and measurements performed pursuant to the Technical Specifications."

The license authorizes GIT to possess and operate the Model AGN-201, Serial No. 104, nuclear reactor on its campus in Atlanta, Ga., for educational and research purposes.

Dated at Bethesda, Md., this 19th day of April 1968.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 68-5049; Filed, Apr. 26, 1968; 8:45 a.m.]

[Docket No. 50-131]

VETERANS ADMINISTRATION HOSPITAL, OMAHA, NEBR.

Notice of Issuance of Facility License Amendment

The Atomic Energy Commission has issued Amendment No. 5, as set forth below and effective as of the date of issuance, to Facility License No. R-57. The license authorizes the Veterans Administration Hospital to operate its TRIGA type nuclear reactor located at Omaha, Nebr. The Amendment, republishes, without substantive change, the license with Amendments 1 through 4 included therein, and incorporates Technical Specifications for operation of the facility into the license.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this license amendment may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated August 16, 1967, and supplement thereto dated March 14, 1968, and (2) a related

Safety Evaluation prepared by the Division of Reactor Licensing, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 19th day of April 1968.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[License No. R-57 Amdt. 5]

AMENDED FACILITY LICENSE

The Atomic Energy Commission (hereinafter "the Commission") has found that:

a. The application for license, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (hereinafter "the Act"), and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

b. The reactor has been constructed in conformity with Construction Permit No. CPRR-36 and will operate in conformity with the application and in conformity with the Act and the rules and regulations of the Commission;

c. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

d. The Veterans Administration Hospital is technically and financially qualified to engage in the proposed activities in accordance with the Commission's regulations, and to assume financial responsibility for Commission charges for special nuclear material;

e. The possession and operation of the reactor, and the receipt, possession and use of the special nuclear and byproduct materials, in the manner proposed in the application, will not be inimical to the common defense and security or to the health and safety of the public;

f. The Veterans Administration Hospital is a Federal Agency and need not furnish proof of financial protection as would otherwise be required by subsection 170a of the Act; and

g. Prior public notice of proposed issuance of this license amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Facility License No. R-57, as amended, is hereby amended in its entirety to read as follows:

1. This license applies to the TRIGA type heterogeneous, light water-cooled, zirconium-hydride and water moderated tank type nuclear reactor (herein "the reactor") which is owned and operated by the Veterans Administration Hospital ("the licensee") located at Omaha, Nebr., and is described in the licensee's application for license dated March 24, 1959, and subsequent amendments thereto, including the amendment dated August 16, 1967, and supplement thereto dated March 14, 1968 (herein referred to as "the application").

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses the Veterans Administration Hospital at Omaha, Nebr.:

A. Pursuant to section 104c of the Act and Title 10, Chapter 1, CFR, Part 50, "Licensing of Production and Utilization Facilities", to possess, use, and operate the reactor in accordance with the procedures and limitations described in the application and in this license;

B. Pursuant to the Act and Title 10, Chapter 1, CFR, Part 70, "Special Nuclear Material", to receive, possess, and use up to 2.210 kilograms of contained uranium-235 for use in connection with operation of the reactor; and

C. Pursuant to the Act and Title 10, Chapter 1, CFR, Part 30, "Rules of General Applicability to Licensing of Byproduct Material", to receive, possess, and use up to 8 curies of sealed polonium-beryllium neutron sources (U.S. Nuclear Corporation Type 383) and a 2-curie sealed americium-beryllium neutron source (NUMEC-AM-62 Type I), either of which may be used for reactor startup; and to possess, but not to separate, such byproduct material as may be produced by operation of the reactor.

3. This license shall be deemed to contain and be subject to the conditions specified in 10 CFR Part 20, § 30.34 of Part 30, §§ 50.54 and 50.59 of Part 50 and § 70.32 of Part 70, and is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

A. *Maximum power level.* The licensee may operate the reactor at steady state power levels up to a maximum of 18 kilowatts (thermal).

B. *Technical specifications.* The Technical Specifications contained in Apendix A hereto are hereby incorporated in this license. Except as otherwise permitted by the Act and the rules, regulations and orders of the Commission, the licensee shall operate the reactor in accordance with the Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in § 50.59 of 10 CFR Part 50.

C. *Records.* In addition to those otherwise required under this license and applicable regulations, the licensee shall keep the following records:

(1) Reactor operating records, including power levels and periods of operation at each power level.

(2) Records showing radioactivity released or discharged into the air or water beyond the effective control of the licensee as measured at or prior to the point of such release or discharge.

(3) Records of emergency shutdowns and inadvertent scrams, including reasons therefor.

(4) Records of maintenance operations involving substitution or replacement of reactor equipment or components.

(5) Records of experiments installed including description, reactivity worths, locations, exposure time, total irradiation, and any unusual events involved in their performance and in their handling.

(6) Records of tests and measurements performed pursuant to the Technical Specifications.

D. *Reports.* In addition to reports otherwise required under this license and applicable regulations:

(1) The licensee shall inform the Commission of any incident or condition relating to the operation of the reactor which prevented or could have prevented a nuclear system from performing its safety function as described in the Technical Specifications. For each such occurrence, the licensee shall promptly notify, by telephone or telegraph, the Director of the appropriate Atomic Energy Commission Regional Compliance Office listed in Appendix D of 10 CFR 20 and shall submit within ten (10) days a report in writing to the Director, Division of Reactor Licensing (hereinafter, Director, DRL) with a copy to the Regional Compliance Office.

(2) The licensee shall report to the Director, DRL, in writing within thirty (30) days of its observed occurrence any substantial variance disclosed by operation of the reactor from performance specifications contained in the Hazards Summary Report or the Technical Specifications.

(3) The licensee shall report to the Director, DRL, in writing within thirty (30) days of its occurrence any significant changes in transient or accident analysis as described in the Hazards Summary Report.

4. This amended license is effective as of the date of issuance and shall expire at midnight, June 24, 1969.

Appendix A—Technical Specification [1]

Date of issuance: April 19, 1968.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 68-5050; Filed, Apr. 26, 1968; 8:45 a.m.]

[Docket Nos. 50-280, 50-281]

VIRGINIA ELECTRIC & POWER CO.

Notice of Hearing on Application for Provisional Construction Permits

Pursuant to the Atomic Energy Act of 1954, as amended (the Act) and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities", and Part 2, "Rules of Practice", notice is hereby given that a hearing will be held at 10 a.m., local time, on May 28, 1968, in the Cascades Meeting Center, Motor House, Williamsburg, Va., to consider the application filed under section 104b. of the Act by Virginia Electric & Power Co. (the applicant) for provisional construction permits for two pressurized water reactors, each designed to initially operate at 2,441 megawatts (thermal), to be located at the applicant's Surry County, Va., site on a point of land called Gravel Neck on the James River, located approximately 14 miles northwest of Newport News and 25 miles northwest of Norfolk, Va.

The hearing will be conducted by the Atomic Safety and Licensing Board designated by the Atomic Energy Commission, consisting of Dr. Milton C. Edlund, Oak Ridge, Tenn.; Dr. John C. Geyer, Baltimore, Md.; and Arthur W. Murphy, Esq., Chairman, New York, N.Y. Mr. R. B. Briggs, Oak Ridge, Tenn., has been designated as a technically qualified alternate.

A prehearing conference will be held by the Board at 10 a.m., local time, on May 17, 1968, in Federal Office Building No. 7, 726 Jackson Place NW., Washington, D.C. 20506 (entrance on 17th Street) to consider the matters provided for consideration by § 2.752 of 10 CFR Part 2 and section II of Appendix A to 10 CFR Part 2.

[1] This item was not filed with the Office of the Federal Register but is available for inspection in the public document room of the Atomic Energy Commission.

The Director of Regulation proposes to make affirmative findings on Item Nos. 1–3 and a negative finding on Item 4 specified below as the basis for the issuance of provisional construction permits to the applicant substantially in the form proposed in Appendices A and B hereto.

1. Whether in accordance with the provisions of 10 CFR § 50.35(a):

(a) The applicant has described the proposed design of the facilities including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis reports;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted, a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest dates stated in the application for completion of construction of the proposed facilities, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facilities can be constructed and operated at the proposed location without undue risk to the health and safety of the public;

2. Whether the applicant is technically qualified to design and construct the proposed facilities;

3. Whether the applicant is financially qualified to design and construct the proposed facilities; and

4. Whether the issuance of permits for the construction of the facilities will be inimical to the common defense and security or to the health and safety of the public.

In the event that this proceeding is not a contested proceeding, as defined by § 2.4 of the Commission's "Rules of Practice", 10 CFR Part 2, the Board will, without conducting a de novo evaluation of the application, consider the issues of whether the application and the record of the proceeding contain sufficient information, and the review by the Commission's regulatory staff has been adequate, to support the findings proposed to be made and the provisional construction permits proposed to be issued by the Director of Regulation.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as the issues in this proceeding, Item Nos. 1 through 4 above as the basis for determining whether the provisional construction permits should be issued to the applicant.

As they become available, the application, the report of the Commission's Advisory Committee on Reactor Safeguards (ACRS) and the Safety Evaluation by the Commission's regulatory staff will be placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., where they will be available for inspection by members of the public. Copies of the ACRS report and the regulatory staff's Safety Evaluation may be obtained by request to the Director of the Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issues specified, but who does not wish to file a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of § 2.715 of the Commission's "Rules of Practice". Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, by May 15, 1968.

Any person whose interest may be affected by the proceeding who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding must file a petition for leave to intervene.

Petitions for leave to intervene, pursuant to the provisions of § 2.714 of the Commission's "Rules of Practice", must be received in the Office of the Secretary, U.S. Atomic Energy Commission, Germantown, Md., or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., not later than May 15, 1968, or in the event of a postponement of the prehearing conference, at such time as the Board may specify.

The petition shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by Commission action and the contentions of the petitioner. A petition for leave to intervene which is not timely filed will be denied unless the petitioner shows good cause for failure to file it on time.

A person permitted to intervene becomes a party to the proceeding, and has all the rights of the applicant and the regulatory staff to participate fully in the conduct of the hearing. For example, he may examine and cross-examine witnesses. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of § 2.705 of the Commission's "Rules of Practice", must be filed by the applicant on or before May 15, 1968.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, or may be filed by delivery to the Office of the Secretary, U.S. Atomic Energy Commission, Germantown, Md., or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545.

Pending further order of the Board, parties are required to file, pursuant to the provisions of § 2.708 of the Commission's "Rules of Practice", an original and 20 conformed copies of each such paper with the Commission.

Dated at Washington, D.C., this 24th day of April 1968.

UNITED STATES ATOMIC ENERGY COMMISSION,
W. B. McCOOL,
Secretary.

APPENDIX A

PROVISIONAL CONSTRUCTION PERMIT

Construction Permit No. -------

1. Pursuant to § 104b. of the Atomic Energy Act of 1954, as amended (the Act), and Title 10, Chapter 1, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities", and pursuant to the order of the Atomic Safety and Licensing Board, the Atomic Energy Commission (the Commission) hereby issues a provisional construction permit to Virginia Electric & Power Co. (the applicant), for a utilization facility (the facility), designed to operate at 2,441 megawatts (thermal), described in the application and amendments thereto (the application) filed in this matter by the applicant and as more fully described in the evidence received at the public hearing upon that application. The facility, known as Surry Power Station, Unit No. 1, will be located at the applicant's Surry County, Va., site 14 miles northwest of Newport News, Va.

2. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act, and rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the conditions specified or incorporated below:

A. The earliest date for the completion of the facility is July 1, 1970, and the latest date for completion of the facility is July 1, 1971.

B. The facility shall be constructed and located at the site as described in the application, northwest of Newport News, Va.

C. This construction permit authorizes the applicant to construct the facility described in the application and the hearing record in accordance with the principal architectural and engineering criteria set forth therein.

3. This permit is provisional to the extent that a license authorizing operation of the facility will not be issued by the Commission unless (a) the applicant submits to the Commission, by amendment to the application, the complete final safety analysis report, portions of which may be submitted and evaluated from time to time; (b) the Commission finds that the final design provides reasonable assurance that the health and safety of the public will not be endangered by the operation of the facility in accordance with procedures approved by it in connection with the issuance of said license; and (c) the applicant submits proof of financial

protection and the execution of an indemnity agreement as required by § 170 of the Act.

For the Atomic Energy Commission.

APPENDIX B

PROVISIONAL CONSTRUCTION PERMIT

Construction Permit No. ------

1. Pursuant to § 104b. of the Atomic Energy Act of 1954, as amended (the Act), and Title 10, Chapter 1, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities", and pursuant to the order of the Atomic Safety and Licensing Board, the Atomic Energy Commission (the Commission) hereby issues a provisional construction permit to Virginia Electric & Power Co. (the applicant), for a utilization facility (the facility), designed to operate at 2,441 megawatts (thermal), described in the application and amendments thereto (the application) filed in this matter by the applicant and as more fully described in the evidence received at the public hearing upon that application. The facility, known as Surry Power Station, Unit No. 2, will be located at the applicant's Surry County, Va., site northwest of Newport News, Va.

2. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act, and rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the conditions specified or incorporated below:

A. The earliest date for the completion of the facility is July 1, 1971, and the latest date for completion of the facility is July 1, 1972.

B. The facility shall be constructed and located at the site as described in the application, northwest of Newport News, Va.

C. This construction permit authorizes the applicant to construct the facility described in the application and the hearing record in accordance with the principal architectural and engineering criteria set forth therein.

3. This permit is provisional to the extent that a license authorizing operation of the facility will not be issued by the Commission unless (a) the applicant submits to the Commission, by amendment to the application, the complete final safety analysis report, portions of which may be submitted and evaluated from time to time; (b) the Commission finds that the final design provides reasonable assurance that the health and safety of the public will not be endangered by the operation of the facility in accordance with procedures approved by it in connection with the issuance of said license; and (c) the applicant submits proof of financial protection and the execution of an indemnity agreement as required by § 170 of the Act.

For the Atomic Energy Commission.

[F.R. Doc. 68-5096; Filed, Apr. 26, 1968; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 19023]

MEMPHIS / HUNTSVILLE / BIRMINGHAM-LOS ANGELES SERVICE INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on May 27, 1968, at 10 a.m., e.d.s.t. in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on February 26, 1968, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., April 22, 1968.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 68-5051; Filed, Apr. 26, 1968; 8:45 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF THE INTERIOR

Notice of Revocation of Authority To Make Noncareer Executive Assignment and Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Interior to fill by noncareer executive assignment the position of Assistant to the Secretary and Legislative Counsel, Office of the Secretary.

This position is removed from the excepted service.

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Interior to fill by noncareer executive assignment in the excepted service the position of Legislative Counsel, Office of the Solicitor.

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

[F.R. Doc. 68-5121; Filed, Apr. 26, 1968; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CS68-48 etc.]

BARUCH-FOSTER CORP. ET AL.

Notice of Applications for "Small Producer" Certificates [1]

APRIL 23, 1968.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from the Permian Basin area of Texas and New Mexico, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 13, 1968.

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 all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission Commission on its own motion believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where 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 Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

Docket No.	Date filed	Name of applicant
CS68-48	3-18-68	Baruch-Foster Corp., 421 Meadows Bldg., Dallas, Tex. 75206.
CS68-49	3-26-68	Don O. Chapell, 3900 Republic National Bank Tower, Dallas, Tex. 75201.
CS68-50	4- 8-68	Blanche Lemmons, 104 Petroleum Bldg., Odessa, Tex. 79760.
CS68-51	4-11-68	D. M. Norman (Operator) et al., 310 Central Bldg., Midland, Tex. 79701.

[F.R. Doc. 68-5060; Filed, Apr. 26, 1968; 8:46 a.m.]

[Docket No. CP68-282]

EL PASO NATURAL GAS CO.

Notice of Application

APRIL 22, 1968.

Take notice that on April 15, 1968, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP68-282 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 facilities and the sale and delivery of natural gas to Peoples Natural Gas Division of Northern Natural Gas Co. (Peoples) for resale and distribution in Yoakum County, Tex., 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 and operate a positive displacement-type measuring and regulating station, with necessary appurtenances,

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

to be located at a point adjacent to Applicant's Plains to Dumas pipeline in the SE¼ of sec. 564, Block D, John H. Gibson Survey, Yoachum County, Tex.

Total estimated cost of the proposed facilities is $6,950 to be financed from working funds.

Peoples has requested the service in order to sell and distribute gas for use as fuel to gas engine-driven pumps for approximately 42 irrigation wells in Yoakum County. Peoples is to construct the necessary distribution facilities.

The estimated third-year peak day and annual requirements of Peoples are estimated to be 605 Mcf and 105,840 Mcf, respectively.

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 May 20, 1968.

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. 68-5061; Filed, Apr. 26, 1968; 8:46 a.m.]

[Docket No. E-7407]

ILLINOIS POWER CO.

Notice of Application

APRIL 23, 1968.

Illinois Power Co. (Applicant) filed an application on April 15, 1968, seeking an order pursuant to section 203 of the Federal Power Act authorizing the acquisition of the electric distribution and street lighting facilities of the village of Ogden, Ill.

Applicant is incorporated under the laws of the State of Illinois with its principal business office at Decatur, Ill., and is engaged in the electric utility business in 49 counties in the State of Illinois.

The village is a municipal corporation under the laws of the State of Illinois and is engaged in the distribution of electric energy to approximately 270 customers in the village of Ogden, Champaign County, Ill.

The facilities to be acquired include all of the facilities used by the village in connection with the distribution of electric energy and its street lighting system. Applicant which now provides wholesale service to the village will succeed to and continue the electric distribution and street lighting service previously conducted by the village. The purchase price for the systems and property to be purchased is $225,000 to be paid on the 25th anniversary of the date of the closing of the purchase. The village may after the closing of the purchase require Applicant to prepay the unpaid balance of the purchase price in whole or in part on any anniversary of the closing upon not less than 6 months prior written demand for such prepayment: *Provided,* That partial prepayments must be $1,000 or a multiple thereof. The balance of the purchase price from time to time unpaid shall bear interest from and after date of the closing at the rate of six (6) percent per annum which shall be paid annually, to the extent accrued, on each anniversary of the closing.

Any person desiring to be heard or to make any protest with reference to said application should, on or before May 15, 1968, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-5062; Filed, Apr. 26, 1968; 8:46 a.m.]

[Docket No. CP68-280]

MOUNTAIN FUEL SUPPLY CO.

Notice of Application

APRIL 22, 1968.

Take notice that on April 12, 1968, Mountain Fuel Supply Co. (Applicant), 180 East First South Street, Salt Lake City, Utah 84111, filed in Docket No. CP68-280 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing it to construct, install, and operate facilities for the transportation of natural gas in interstate commerce, 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, install, and operate two 1,100-horsepower turbine driven centrifugal compressor units, complete with all auxiliaries, at its existing Nightingale Compressor Station in Sweetwater County near Green River, Wyo. The units are to be installed in a separate building.

Total estimated cost of the facilities is $346,000 to be financed out of funds on hand and from short-term bank borrowings as may be required.

The Applicant states that a substantial portion of its gas supply is dependent upon individual well performance. The Applicant further states that the proposed facilities will increase the margin of safety in Applicant's gas supply which is jeopardized by frequent occurrences of severe cold temperatures which result in wells freezing off. Under these conditions Applicant proposes a safety margin over zero temperature firm requirements in the amount of 17.45 million cubic feet per day.

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 May 17, 1968.

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. 68-5063; Filed, Apr. 26, 1968; 8:46 a.m.]

[Docket No. CP68-284]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

APRIL 23, 1968.

Take notice that on April 17, 1968, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP68-284 an application pursuant to section 7(b) and 7(c) of the Natural Gas Act for an order of the Commission authorizing the abandonment of certain facilities and for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the transportation of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests authorization to abandon 3.55 miles of 20-inch pipeline on its Joliet to Volo line and approximately 3.55 miles of its 36-inch Joliet to Howard Street line.

The Applicant requests authorization to replace the abandoned facilities by the

construction and operation of approximately 6.2 miles of 22-inch pipe on the Joliet to Volo line and 6.2 miles of 40-inch pipe on the Joliet to Howard Street line.

The Applicant states that the proposed relocation project is required because the site selected by the Atomic Energy Commission for the location of its proposed accelerator near the village of Weston, Du Page County, Ill., encompasses an area within which are located segments of Applicant's existing 20-inch and 36-inch diameter Joliet to Volo and Joliet to Howard Street lines, respectively. Under the proposed project these pipelines will be relocated to or near the boundary of the accelerator site. Applicant further states that the increases in diameter of these pipeline segments are necessary to compensate for the pressure drop which would otherwise result from the additional distance which the gas must flow in the relocated (replaced) pipelines.

The total cost is estimated to be $2,513,000, including allowance for salvage of reclaimed material. Said cost will be financed from funds on hand. However, Applicant states that it expects to receive full reimbursement from the State of Illinois.

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 May 20, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are 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. 68-5064; Filed, Apr. 26, 1968; 8:46 a.m.]

[Docket No. CP68-279]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

APRIL 22, 1968.

Take notice that on April 12, 1968, Texas Gas Transmission Corp. (Applicant), Post Office Box 1160, Owensboro, Ky. 42301, filed in Docket No. CP68-279 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the installation and operation of certain facilities for the sale and delivery of natural gas in Morehouse Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to install and operate one side valve, and metering facilities, in order to establish a new delivery point for Louisiana Gas Service Co. (Louisiana Gas).

The Applicant proposes to sell and deliver to Louisiana Gas up to a maximum daily volume of 1,200 Mcf on an interruptible basis pursuant to a Service Agreement dated February 21, 1968. The estimated annual volume of deliveries is 136,519 Mcf.

Louisiana Gas proposes to resell the gas to Pellets, Inc., a new industrial customer, at the latter's plant adjacent to the town of Mer Rouge, La.

Total estimated cost of the above facilities is $4,675 to be financed from cash 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 May 17, 1968.

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. 68-5065; Filed, Apr. 26, 1968; 8:46 a.m.]

[Docket No. CP68-283]

TRANSWESTERN PIPELINE CO.

Notice of Application

APRIL 22, 1968.

Take notice that on April 16, 1968, Transwestern Pipeline Co. (Applicant), Post Office Box 1502, Houston, Tex. 77001, filed in Docket No. CP68-283 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 facilities and the sale and delivery of natural gas on a limited term basis to Panhandle Eastern Pipe Line Co. (Panhandle) in Sherman and Hansford Counties, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The proposed sale and delivery of natural gas is to be made pursuant to an agreement dated March 30, 1968, providing for the sale and delivery of up to 18 million Mcf of gas during a limited period ending 1 year following the first day of the month following the receipt and acceptance by Applicant and Panhandle of the authorization requested.

By the terms of the agreement, beginning with the first delivery and up to and including December 31, 1968, Panhandle is required to purchase and receive at least 55,000 Mcf per day, provided that until Panhandle completes the installation of certain facilities Applicant shall not deliver, nor shall Panhandle receive more than 35,000 Mcf per day. From January 1, 1969, throughout the term of the agreement, Applicant shall deliver such volumes as Panhandle shall request if, as and when available for delivery. At no time is Applicant required to deliver a total daily volume in excess of 70,000 Mcf.

Applicant further proposes to install and operate a tap and side-valve assembly at Delivery Point B in sec. 15, Block 5-T, T&NO RR Company Survey, Hansford County, Tex.

Total cost of the above facilities is estimated to be $5,000 to be financed from cash generated from company operations.

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 May 20, 1968.

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. 68-5066; Filed, Apr. 26, 1968; 8:46 a.m.]

[Docket No. CP68-285]

UNITED FUEL GAS CO.

Notice of Application

APRIL 22, 1968.

Take notice that on April 17, 1968, United Fuel Gas Co. (Applicant), Post Office Box 1273, Charleston, W. Va. 25325, filed in Docket No. CP68-285 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing increased deliveries of natural gas to certain existing wholesale customers, 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 increase maximum daily firm deliveries to certain of its existing jurisdictional customers during the 1968-69 winter heating season as follows:

	Authorized at Docket No. CP68-105	Requested herein
	(*Mcf*)	(*Mcf*)
Atlantic Seaboard Corp	770,000	840,000
Bluefield Gas Co	6,800	7,000
Columbia Gas of Kentucky, Inc.[1]	47,200	55,100
Gas Transport, Inc	8,000	8,000
Kentucky Gas Transmission Corp	656,100	684,700
The Manufacturers Light & Heat Co	410,000	433,000
The Ohio Fuel Gas Co	560,000	560,000
The Ohio Valley Gas Co	49,700	50,200
		Proposed initial level of deliveries
Consumers Gas Utility Co.	1,300	1,300
Luther Lusher	30	30
Union Oil & Gas, Inc	600	600
Zebulin Gas Association, Inc	125	140

[1] An increase to 51,700 Mcf in Applicant's maximum daily deliveries to Columbia Gas of Kentucky, Inc., was requested and is now pending before the Commission at Docket No. CP68-228.

Applicant states that, in lieu of establishing individual customer limitations, it requests authority to increase the maximum daily delivery of any of such existing customers described above provided the sum of the total daily entitlements under rate schedules providing firm service to all such customers does not exceed 5,000 Mcf per day.

Applicant further states that no new facilities are needed to effectuate the proposed increases in service.

The proposed increased deliveries will be made under rate schedules currently in effect.

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 May 20, 1968.

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. 68-5067; Filed, Apr. 26, 1968; 8:47 a.m.]

RENEGOTIATION BOARD

EXTENSION OF TIME FOR FILING FINANCIAL STATEMENTS UNDER THE RENEGOTIATION ACT OF 1951

Every person who held a prime contract or subcontract for transportation by water as a common carrier at any time during the calendar year 1967 is hereby granted an extension of time until August 1, 1968, for filing a financial statement for such year pursuant to section 105(e)(1) of the Renegotiation Act of 1951, as amended.

Dated: April 24, 1968.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 68-5080; Filed, Apr. 26, 1968; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2304]

MONUMENTAL LIFE INSURANCE CO.

Notice of Filing of Application for Order Exempting Transaction Between Affiliated Persons

APRIL 23, 1968.

Notice is hereby given that Monumental Life Insurance Co. ("applicant"), Charles and Chase Streets, Baltimore, Md. 21202, a Maryland corporation, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of section 17(a) of the Act the proposed purchase by applicant from Insurance Securities Trust Fund ("ISTF"), a registered open-end diversified investment company, of 178,500 shares of applicant's common stock at a price of $26.50 per share or $27.50 per share as described below. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

ISTF owns 178,500 shares, or 5.95 percent, of the outstanding common stock of applicant; therefore, applicant is an affiliated person of ISTF within the meaning of section 2(a)(3) of the Act.

Section 17(a) of the Act, as here pertinent, makes it unlawful for an affiliate of a registered investment company to purchase from such investment company any security or other property unless the Commission, upon application pursuant to section 17(b), grants an exemption from the provisions of section 17(a) after finding that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of such investment company and with the general purposes of the Act.

Applicant's board of directors, on March 15, 1968, authorized the purchase by the applicant of up to 300,000 shares of its common stock (including the 178,500 shares owned by ISTF) through direct purchases from ISTF, through acceptance of offers from stockholders and through purchases on the over-the-counter market, all at prices reasonably related to current market prices. It was the view of its board of directors, set forth in the minutes of the board meeting, that the development and growth of applicant could be enhanced most advantageously by acquisition of another company or companies engaged in insurance or related businesses, that the most favorable method of such acquisition would be through issuance of shares of common stock of applicant, and that recent prices in the over-the-counter market of the shares of the applicant have been at a level at which purchase of such shares for use in business acquisitions would be desirable and prudent.

The proposed purchase by applicant of 178,500 shares of its common stock from ISTF is conditioned upon the issuance by the Commission of an order granting the requested exemption. The proposed purchase price is either $26.50 or $27.50 per share depending upon whether the bid price for the business day preceding the date of entry of the Commission's order is less than $28.50, or is $28.50 or more, per share, respectively. Applicant states that in the calendar year 1968, through March 26, 1968, the range of high bid prices of its common stock has been $24.50 per share to $30.50 per share.

Applicant states that it has discussed with the State Insurance Department of Maryland its plan to purchase shares of its outstanding common stock and that Department has indicated no objection to the plan.

Applicant, by letter dated March 19, 1968, advised its stockholders of the plan adopted by the board of directors to purchase not exceeding 300,000 shares of its common stock and released such information to the press.

ISTF acquired over a period of years the stock proposed to be purchased by applicant, ISTF's most recent acquisition having been made June 27, 1966. Applicant has no director or officer in common with ISTF or its investment adviser, Insurance & Securities Inc. ("ISI"). Applicant states that it is neither controlled by, nor under common control with, ISTF or ISI and applicant owns no shares and has no ownership interest in ISTF or ISI.

Notice is further given that any interested person may, not later than May 8, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0–5 of the rules and regulations 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. 68–5078; Filed, Apr. 26, 1968; 8:48 a.m.]

TARIFF COMMISSION

[AA1921–51]

TITANIUM SPONGE FROM U.S.S.R.

Notice of Investigation and Hearing

Having received advice from the Treasury Department on April 23, 1968, that titanium sponge from the U.S.S.R. is being, or is likely to be, sold in the United States at less than fair value, the U.S. Tariff Commission has instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

HEARING: A public hearing in connection with this investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., beginning at 10 a.m., e.d.s.t., on June 4, 1968. All parties will be given opportunity to be present, to produce evidence, and to be heard at such hearing. Interested parties desiring to appear at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., at least 5 days in advance of the date set for the hearing.

Issued: April 24, 1968.

By order of the Commission.

DONN N. BENT,
Secretary.

[F.R. Doc. 68–5084; Filed, Apr. 26, 1968; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 595]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 24, 1968.

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 specified as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 4405 (Sub-No. 459 TA) (Correction), filed March 29, 1968, published FEDERAL REGISTER, issue of April 16, 1968, and republished as corrected this issue. Applicant: DEALERS TRANSIT, INC., 7701 South Lawndale Avenue, Chicago, Ill. 60652. Applicant's representative: R. O. Homberger (same address as above). The purpose of this correction is to show the correct docket number assigned thereto, No. MC 4405 (Sub-No. 459 TA), inadvertently shown in previous publication as No. MC 4405 (Sub-No. 495 TA).

No. MC 50002 (Sub-No. 62 TA), filed April 19, 1968. Applicant: T. CLARENCE BRIDGE AND HENRY W. BRIDGE, a partnership, doing business as BRIDGE BROTHERS, Bridge and Anderson Streets, Box 929, Lamar, Colo. 81052. Applicant's representative: C. Zimmerman, 503 Schweiter Building, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk in tank vehicles, from Omaha, Nebr., to points in Iowa, Kansas, Minnesota, Missouri, North Dakota, and South Dakota, for 180 days. Supporting shipper: Olin Mathieson Chemical Corp., Agricultural Division Olin, Post Office Box 991, Little Rock, Ark. 72203. Send protests to: District Supervisor, Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 111069 (Sub-No. 55 TA), filed April 19, 1968. Applicant: COLDWAY CARRIERS, INC., State Highway No. 131, 47130, Post Office Box 38, Clarksville, Ind. 47131. Applicant's representative: Ollie L. Merchant, Suite 202, 140 South Fifth Street, Louisville, Ky. 40202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat byproducts*, as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (2) *dairy products*, (3) *canned foods and related and articles*, and (4) *frozen foods*, from Eau Claire, Monroe, and Portage, Wis., and St. Paul, Minn., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, New Hampshire, New York, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Armour and Co., 401 North Wabash Avenue, Chicago, Ill. 60690. Send protests to: James W. Habermehl, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 123329 (Sub-No. 12 TA), filed April 19, 1968. Applicant: H. M. TRIMBLE & SONS, LTD., 1510 40th Avenue SE., Calgary, Alberta, Canada. Applicant's representative: Ray F. Koby, Post Office Box 2567, Great Falls, Mont. 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sulphur*, in bulk, from ports of entry on the international boundary line, between the United States and Canada at or near Blaine, Wash., to Bellingham, Wash.; (2) *Lignin liquor*, in bulk, from Bellingham, Wash., to ports of entry on the international boundary line, between the United States and Canada at or near Blaine, Wash., for 180 days. Supporting shippers: Shell Canada, Ltd., Western Marketing Region, Box 2211, Vancouver 3, British Columbia, Canada; Georgia

Pacific Corp., Post Office Box 898, Bellingham, Wash. 98225. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 123329 (Sub-No. 13 TA), filed April 19, 1968. Applicant: H. M. TRIMBLE & SONS, LTD., 1510 40th Avenue SE., Calgary, Alberta, Canada. Applicant's representative: Ray F. Koby, Post Office Box 2567, Great Falls, Mont. 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent refinery catalyst*, from Laurel, Mont., to the port of entry at or near Treelon, Mont., on the international boundary line between the United States and Canada, for 180 days. Supporting shipper: The British American Oil Co., Ltd., Post Office Box 130, Calgary, Alberta, Canada. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 123329 (Sub-No. 14 TA), filed April 19, 1968. Applicant: H. M. TRIMBLE & SONS, LTD., 1510 40th Avenue SE., Calgary, Alberta, Canada. Applicant's representative: R. F. Koby, Post Office Box 2567, Great Falls, Mont. 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Weed killing compound*, in bulk, from the port of entry at or near Portal, N. Dak., on the international boundary line, between the United States and Canada, to St. Louis, Mo., for 180 days. Supporting shipper: Interprovincial Co-operatives, Ltd., Post Office Box 1586, Saskatoon, Saskatchewan, Canada. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 129301 (Sub-No. 1 TA) (Correction), filed March 28, 1968, published FEDERAL REGISTER, issue of April 16, 1968, and republished as corrected this issue. Applicant: CAL CARTAGE, INC., 1104 Mount Ephraim Avenue, Camden, N.J. 08103. Applicant's representative: V. Baker Smith, 123 South Broad Street, Philadelphia, Pa. 19109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Detergents, cleaning compounds, and toilet articles*, except in bulk, from Camden, N.J., to points in Connecticut, Delaware, Maryland, Massachusetts, Manchester, N.H., New York, Ohio, Pennsylvania, Providence, R.I., Virginia, and the District of Columbia, and (2) *Containers and raw materials* used in the manufacture of detergents, cleaning compounds, and toilet articles, except in bulk, from New Castle, Del., Baltimore, Md., Painesville, Ohio, Manchester, N.H., Lowell and Leominster, Mass., and Solvay, N.Y., to Camden, N.J., for 180 days. NOTE: The operations sought herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Curley Co., Inc. The purpose of this republication is to set forth the origin and destination territory under (1) above, which was inadvertently omitted from previous publication. Supporting Shipper: Curley Co., Inc., Jefferson and Master Streets, Camden, N.J. 08104. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, 410 Post Office Building, 402 East State Street, Trenton, N.J. 08608.

No. MC 129809 (Sub-No. 1 TA), filed April 19, 1968. Applicant: A & H INC., Footville, Wis. 53537. Applicant's representative: David J. MacDougall, One East Milwaukee, Suite 305, Janesville, Wis. 53545. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mozzarella cheese and grating cheese*, from Brodhead, Wis., to Ozone Park, N.Y., for 150 days. Supporting shipper: Goldenrod Creamery Co., Brodhead, Wis. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, 214 North Hamilton Street, Madison, Wis. 53703.

No. MC 129846 TA, filed April 19, 1968. Applicant: FRANK NATALE, INC., 79 Station Road, Somerville, N.J. 08876. Applicant's representatives: Bowes and Millner, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pumice stone*, in bulk, in dump hydraulic vehicles, from Philadelphia, Pa. and Bridgeport, Conn., to Newark, N.J., for 150 days. NOTE: Applicant states that tacking or interlining is intended (not specified). Supporting shipper: Standard Concrete Block and Supply Co., 418–440 Adams Street, Newark, N.J. 07114. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

MOTOR CARRIER OF PASSENGERS

No. MC 85819 (Sub-No. 2 TA), filed April 22, 1968. Applicant: GULF COAST MOTOR LINE, INC., 105 South Myrtle Avenue, Clearwater, Fla. Applicant's representative: John M. Allison, 512 Florida Avenue, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, their baggage, express, and newspapers* in the same vehicle, between Weeki Wachee and Orlando, Fla., over Florida Highway 50 as now located, serving all intermediate points, including but not limited to Brooksville, Ridge Manor, Richloam, Groveland, Clermont, Oakland, and Winter Garden, Fla.; restricted against transportation originating at Orlando and terminating at Oakland, Fla., and intermediate points, and in the reverse direction; also service is restricted against transportation originating at Orlando and terminating at St. Petersburg, Fla., and vice versa, for 180 days. NOTE: Applicant states it will tack this authority with its present authority at Weeki Wachee, Fla., and it will interline at Orlando, Fla. Supported by: Southern Greyhound Lines, Division of Greyhound Lines, Inc., 219 East Short Street, Lexington, Ky. 40507; Tamiami Trail Tours, Inc., 455 East 10th Avenue, Hialeah, Fla. 33011. Send protests to: District Supervisor, Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Room 1226, 51 Southwest First Avenue, Miami, Fla. 33130.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68–5081; Filed, Apr. 26, 1968; 8:48 a.m.]

[Notice 128]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 23, 1968.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132.

No. MC–FC–70401. By application filed April 19, 1968, ANGELO J. & ISMENE PANETTA, A PARTNERSHIP, doing business as MOUNTAIN STATE BUS LINE, 8 Armstrong Street, Keyser, W. Va. 26726, seeks temporary authority to lease the operating rights of RALPH F. CUPP, doing business as MOUNTAIN STATE BUS LINE, 8 Armstrong Street, Keyser, W. Va. 26726, under section 210a (b). The transfer to ANGELO J. & ISMENE PANETTA, A PARTNERSHIP, doing business as MOUNTAIN STATE BUS LINE, of the operating rights of RALPH F. CUPP, doing business as MOUNTAIN STATE BUS LINE, is presently pending.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68–5082; Filed, Apr. 26, 1968; 8:48 a.m.]

[Notice 129]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 24, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), 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–70238. By order of April 19, 1968, the Transfer Board, on reconsideration, approved the transfer to R. P. R. Transport Ltee, Cowansville, Missisquoi County, Quebec, Canada, of that portion of the operating rights in

certificate No. MC–119802 (Sub-No. 4) issued July 31, 1963, to Nadeau Transport, Ltd., Danville, Quebec, Canada, authorizing the transportation of paper, from Groveton and Northumberland, N.H., to ports of entry on the United States-Canada boundary line at Derby Line, Norton, and North Troy, Vt., and raw materials for the manufacture of paper, from the said ports of entry to Groveton, N.H. S. Harrision Kahn, Suite 733 Investment Building, Washington, D.C. 20005, attorney for applicants.

No. MC–FC–70277. By order of April 17, 1968, the Transfer Board approved the transfer to Johnnie Ray Willis, doing business as Atlas Transfer Co., Hinton, W. Va., of the operating rights in certificates Nos. MC–107055 and MC–107055 (Sub-No. 1) issued September 23, 1947, and December 12, 1950, respectively, and permits Nos. MC–107374, MC–107374 (Sub-No. 2), MC–107374 (Sub-No. 3), and MC–107374 (Sub-No. 4) issued October 26, 1949, December 12, 1950, December 12, 1950 and March 21, 1955, respectively, to H. R. Persinger, doing business as Atlas Transfer Co., Hinton, W. Va., the certificates authorizing the transportation of household goods between various points in West Virginia, Virginia, Maryland, Pennsylvania, Ohio, Kentucky, and the District of Columbia and coal from specified points in West Virginia to Covington, Va.; and the permits authorizing the transportation of cheese, foods, in jars or cans, soap and soap products, cleaning compounds, packinghouse products, meats, meat products, meat byproducts, dairy products, articles distributed by meat packinghouses, and articles dealt in by persons who operate chain retail and mail-order department stores from and to, or between, various points in West Virginia and Virginia. Dual operations were authorized. Frederick W. Sawyers, Post Office Box 308, Hinton, W. Va., 25951, attorney for applicants.

No. MC–FC–70348. By order of April 17, 1968, the Transfer Board approved the transfer to New England Van Lines, Inc., Hartford, Conn., of the operating rights in certificate No. MC–127052 issued September 28, 1967, to Trans-World Van & Storage, Inc., North Bergen, N.J., authorizing the transportation of household goods, as defined by the Commission, between points in the New York, N.Y., commercial zone, and specified counties in New Jersey, on the one hand, and, on the other, points in Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Maryland, Delaware, and the District of Columbia. Robert J. Gallagher, 66 Central Street, Wellesley, Mass. 02181, attorney for applicants.

No. MC–FC–70354. By order of April 19, 1968, the Transfer Board approved the transfer to St. Louis-Cape Bus Line, Inc., Cape Girardeau, Mo., of the operating rights set forth in certificate No. MC–3210 issued April 25, 1967, to Robert F. Hemperley, Jr., doing business as St. Louis-Cape Bus Line, 16 North Frederick Street, Post Office Box 544, Cape Girardeau, Mo. 63701, authorizing the transportation of passengers and their baggage, and express and newspapers in the same vehicle with passengers, over named regular routes between St. Louis, Mo., and Cape Girardeau, Mo., serving all intermediate points, and between Cape Girardeau, Mo., and East Prairie, Mo., serving all intermediate points except that no service shall be performed between any two of the following intermediate points: Charleston, Bertrand, and Sikeston, Mo.

No. MC–FC–70395. By order of April 19, 1968, the Transfer Board approved the transfer to Leo E. Schlotfeldt, Tacoma, Wash., of a portion of the operating rights in certificate No. MC–123343, issued November 6, 1967, to Pacific Air Freight, Inc., Seattle, Wash., authorizing the transportation of household goods, as defined by the Commission, between points in Alaska within 25 miles of Anchorage, Alaska, including Anchorage. Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68–5083; Filed, Apr. 26, 1968; 8:48 a.m.]

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