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PART I

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CITIZENSHIP DAY AND CONSTITUTION WEEK, 1968

By the President of the United States of America

A Proclamation

On September 17, 1787, the Founding Fathers signed the United States Constitution—the charter of a government founded upon the will of the governed, and consecrated to the preservation of freedom, equality, and justice.

For 181 years, our constitutional government has remained strong and vigorous in the protection and advancement of our fundamental rights and privileges.

We have received a magnificent heritage: a heritage of law and freedom, of order and liberty. To our generation, as to all others in the nearly two centuries of the American past, falls the task of guarding that heritage for ourselves and those who will follow us.

If we seek to suppress individual rights in the quest for order, we shall betray our democratic heritage.

If we confuse individual rights with license, we shall leave a disordered land to later Americans, a land where the rights of no one can be truly secure.

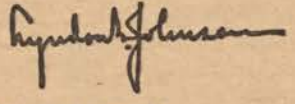
Our Constitution, as it has developed through amendment and interpretation over 181 years, is a powerful star by whose light we chart the course of order and liberty.

The Congress has wisely made provision for an annual rededication to the principles and ideals of the Constitution. By a joint resolution of February 29, 1952 (66 Stat. 9), the Congress designated the seventeenth day of September of each year as Citizenship Day, not only to commemorate the signing of the Constitution on September 17, 1787, but also to honor those citizens who came of age or were naturalized during the year. By a resolution of August 2, 1956 (70 Stat. 932), the Congress requested the President to designate the week beginning September 17 of each year as Constitution Week.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, call upon the appropriate officials of the Government to display the flag of the United States on all Government buildings on Citizenship Day, September 17, 1968. I urge Federal, State, and local officials, as well as all religious, civic, educational, and other interested organizations, to arrange meaningful ceremonies on that day to inspire all our citizens to pledge themselves anew to the service of their country and to the support and defense of the Constitution.

I also designate the period beginning September 17 and ending September 23, 1968, as Constitution Week; and I urge the people of the United States to observe that week with appropriate ceremonies and activities in their schools and churches, and in other suitable places, to the end that they may have a better understanding of the Constitution and of the rights and responsibilities of United States citizenship.

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



[F.R. Doc. 68-6668; Filed, June 3, 1968; 10:24 a.m.]

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[Amdt. 3]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

DRY BEAN ENDORSEMENT

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1969-crop year in the following respects:

The following section is added:

§ 401.127 The dry bean endorsement.

The provisions of the dry bean endorsement for the 1969 and succeeding crop years are as follows:

1. *Insured crop.* The crop insured shall be dry beans and shall consist of (a) dry edible beans of a class shown as insurable on the county actuarial table (hereinafter called "actuarial table") planted for harvest as dry beans, as determined by the Corporation, or (b) bush varieties of garden seed beans planted for harvest as seed and grown under a contract with a seed company executed by the time the acreage to be insured is reported. Where such contract provides that the grower's compensation is to be computed solely on the basis of a rate per unit of production, the grower, and not the seed company, shall be considered to have the insurable interest notwithstanding that the legal title to the crop may be in the seed company. Insurance shall not attach on any acreage of such bush varieties of garden seed beans which is not under such a contract or any acreage excluded from such contract for the crop year pursuant to the terms thereof. Any acreage of the insured crop which is destroyed and replanted to either dry edible beans referred to in item (a) or bush varieties of garden seed beans referred to in item (b) shall, if otherwise insurable hereunder, be regarded as insured acreage and not as acreage put to another use.

2. *Production guarantee and prices at which indemnities shall be computed.* (a) The production guarantee per acre shown on the actuarial table shall be increased by 100 pounds for any acreage on which the amount threshed on a cleaned basis is 100 or more pounds per acre.

(b) Not withstanding the provisions of section 5 of the policy, the price per pound at which indemnities shall be computed for bush varieties of garden seed beans shall be the applicable contract price per pound provided in the contract with a seed company provided in section 1 of this endorsement as a requirement for insurance on bush varieties of garden seed beans.

3. *Insurance period.* Insurance on any insured acreage shall attach at the time the beans are planted and shall cease upon threshing or removal from the field, whichever occurs first, but in no event shall insurance remain in effect later than November 15 of the calendar year in which the bean crop is normally harvested.

4. *Claims for loss.* (a) Any claim for loss on an insurance unit (hereinafter called "unit") shall be submitted to the Corporation, on a form prescribed by the Corporation, within 30 days after the amount of loss has been determined by the Corporation.

(b) It shall be a condition precedent to the payment of any loss that the insured establish the production of the insured crop on the unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each unit. The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage of beans on the unit by the applicable production guarantee per acre, which product shall be the production guarantee for the unit, (2) subtracting therefrom the total production to be counted for the unit, (3) multiplying the remainder by the applicable price for computing indemnities, and (4) multiplying the result obtained in (3) by the insured interest: *Provided, however,* That the amount of loss with respect to any unit on which the crop insured is bush varieties of garden seed beans shall be determined in the following manner: (1) For each insured variety of garden seed beans on the unit multiply the insured acreage by the product of the applicable production guarantee per acre, and the applicable price per pound provided in the contract with the seed company, (2) for each insured variety of garden seed beans on the unit multiply the total production to be counted by the applicable price per pound provided in the contract with the seed company, (3) add the dollar amounts obtained for each of the respective insured varieties in (1) above, (4) add the total amounts obtained for each of the respective insured varieties in (2) above, and subtract this sum from the sum obtained in (3) above, and (5) multiply the result obtained in (4) by the insured interest: *Provided,* That if for the unit the insured fails to report all of his interest or insurable acreage the amount of loss shall be determined with respect to all of his interest and insurable acreage, but in such cases or otherwise, if the premium computed on the basis of the insurable acreage and interest exceeds the premium on the reported acreage and interest, or the acreage and interest when determined by the Corporation under section 3 of the policy, the amount of loss shall be reduced proportionately.

The total production to be counted for a unit shall be determined by the Corporation and, subject to the provisions hereinafter, shall include all threshed production and any appraisals made by the Corporation for unthreshed, or potential production, poor farming practices, uninsured causes of loss, or for acreage abandoned or put to another use without the consent of the Corporation: *Provided,* That the total production to be counted on any acreage of beans (1) which is unthreshed or from which the production threshed is less than 100 pounds per acre on a cleaned basis shall be the appraised production and the threshed production in excess of 100 pounds per acre, except as to the acreage referred to in the following items (2) and (3); (2) which is abandoned or put to another use without prior written consent of the Corporation shall be the production guarantee provided for such acreage; or (3) which is damaged solely by an uninsured cause shall be not less than the production guarantee provided for such acreage.

(d) Notwithstanding the provisions of paragraph (c) of this section for determining production to be counted, the production to be counted of any threshed dry edible beans of the classes pea and medium white with a pick in excess of 4 percent and of any other classes which do not grade No. 2 or better (determined in accordance with the Official U.S. Standards for beans), shall be adjusted by multiplying the number of pounds of such damaged dry edible beans by the conversion factor shown on the actuarial table for the applicable grade or pick: *Provided, however,* That the production to be counted of any such damaged beans which do not meet any U.S. Grade or pick shown on the actuarial table because of poor quality due to insurable causes occurring within the insurance period and would not meet these requirements if properly handled, shall be adjusted by (a) dividing the value of the damaged beans per hundredweight, as determined by the Corporation, by the market price per hundredweight at the local market for beans of the applicable class grading No. 2, at the time the loss is adjusted (except that for the classes pea and medium white the market price per hundredweight at the local market for beans of these classes with a 4 percent pick, at the time the loss is adjusted shall be used), and (b) multiplying the result thus obtained by the number of pounds of such damaged beans.

5. *Meaning of terms.* For the purpose of insurance on dry beans the terms:

(a) "Insurance unit" in lieu of the first sentence of section 19(e) of the policy means respectively the insurable acreage of dry edible beans or bush varieties of garden seed beans in the county at the time of planting (1) in which the insured had 100 percent interest, (2) which is owned by one person and operated by the insured as a tenant, or (3) which is owned by the insured and rented to one tenant.

(b) "Pick" means the defects consisting of splits, damaged beans, contrasting classes and foreign material included in net weight beans, and where used shall be expressed in terms of percent of net weight beans.

6. *Cancellation and termination for indebtedness dates.* For each year of the contract the cancellation date and the termination date for indebtedness are the following applicable dates immediately preceding the beginning of the crop year for which the cancellation or the termination is to become effective:

State	Cancellation date	Termination date for indebtedness
Michigan	Dec. 31	May 31.
All other States	Dec. 31	May 15.

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

Adopted by the Board of Directors on May 27, 1968.

[SEAL] EARLL H. NIKKEL,
Secretary, Federal Crop Insurance Corporation.

Approved: May 28, 1968.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 68-6535; Filed, June 3, 1968; 8:47 a.m.]

[Amdt. 4]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

FLAX ENDORSEMENT

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1969-crop year in the following respects:

The following section is added:

§ 401.128 The flax endorsement.

The provisions of the flax endorsement for the 1969 and succeeding crop years are as follows:

1. *Insured crop.* The crop insured shall be flax seeded for harvest as seed, as determined by the Corporation. Insurance shall not attach on acreage on which it is determined by the Corporation that the flax was seeded with any other crop, except perennial grasses or legumes other than vetch.

2. *Production guarantee.* The production guarantee per acre shown on the county actuarial table (hereinafter called "actuarial table") shall be increased by 0.7 of a bushel for any harvested acreage on which the amount harvested is 0.7 of a bushel or more per acre.

3. *Insurance period.* Insurance on any insured acreage shall attach at the time the flax is seeded and shall cease upon threshing or removal from the field, whichever occurs first, but in no event shall insurance remain in effect later than October 31 of the calendar year in which the flax is normally harvested.

4. *Claims for loss.* (a) Any claim for loss on an insurance unit (hereinafter called "unit") shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss. The Corporation reserves the right to provide additional time if it determines that circumstances beyond the control of either party prevent compliance with this provision.

(b) It shall be a condition precedent to the payment of any loss that the insured establish the production of the insured crop on the unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each unit. The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage of flax on the unit by the applicable production guarantee per acre, which product shall be the production guarantee for the unit, (2) subtracting therefrom the total production to be counted for the unit, (3) multiplying the remainder by the applicable price for computing indemnities, and (4) multiplying the result obtained in (3) by the insured interest: *Provided*, That if for the unit the insured fails to report all of his interest or insurable acreage the amount of loss shall be determined with respect to all of his interest and insurable acreage, but in such cases or otherwise, if the premium computed on the basis of the insurable acreage and interest exceeds the premium on the reported acreage and interest, or the acreage and interest when determined by the Corporation under section 3 of the policy, the amount of loss shall be reduced proportionately.

The total production to be counted for a unit shall be determined by the Corporation and, subject to the provisions hereinafter, shall include all threshed production and any appraisals made by the Corporation for unthreshed, unharvested, or potential production, poor farming practices, uninsured causes of loss, or for acreage abandoned or put to another use without the consent of the Corporation: *Provided*, That the total production to be counted on any acreage of flax (1) which, with the consent of the Corporation, is seeded in the current crop year, before harvest becomes general, to any other crop insurable in the county for the current crop year under the regulations of the Corporation, shall be 50 percent of the production guarantee for such acreage or the appraised production whichever is greater; (2) which is unharvested or from which the production harvested is less than 0.7 of a bushel per acre shall be the appraised production and the harvested production in excess of 0.7 of a bushel per acre, except as to the acreage referred to in the following items (3) and (4); (3) which is abandoned or put to another use without prior written consent of the Corporation shall be the production guarantee provided for such acreage; or (4) which is damaged solely by an uninsured cause shall be not less than the production guarantee provided for such acreage.

(d) Notwithstanding the provisions of paragraph (c) of this section for determining production to be counted, the production to be counted of any threshed flax which does not grade No. 2 or better (determined in accordance with Official Grain Standards of the United States), because of poor quality due to insurable causes occurring within the insurance period and would not meet this grade requirement if properly handled, shall be adjusted by (1) dividing the value per bushel of the damaged flax as determined by the Corporation, by the market price per bushel at the local market for flax grading No. 2 at the time the loss is adjusted, and (2) multiplying the result thus obtained by the number of bushels of such damaged flax.

5. *Meaning of terms.* For the purpose of insurance on flax the term:

(a) "Harvest" means the mechanical severance from the land of matured flax for threshing.

6. *Cancellation and termination for indebtedness dates.* For each year of the contract the cancellation date shall be the December 31 and the termination date for indebtedness shall be the April 15 immediately preceding the beginning of the crop year for which the cancellation or the termination is to become effective.

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

Adopted by the Board of Directors on May 27, 1968.

[SEAL] EARLL H. NIKKEL,
Secretary, Federal Crop Insurance Corporation.

Approved: May 28, 1968.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 68-6537; Filed, June 3, 1968; 8:47 a.m.]

[Amdt. 5]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

GRAIN SORGHUM ENDORSEMENT

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1969-crop year in the following respects:

The following section is added:

§ 401.129 The grain sorghum endorsement.

The provisions of the grain sorghum endorsement for the 1969 and succeeding crop years are as follows:

1. *Insured crop.* Insurance shall attach only on acreage initially planted (1) to a combine type hybrid grain sorghum for harvest as grain, as determined by the Corporation, and (2) in rows far enough apart to permit cultivation if planted on land not insured on an irrigated basis, but if such acreage is destroyed and is replanted, whether in the same manner, or to an open pollinated variety of combine type grain sorghum or by broadcasting, drilling, or in rows too close to permit cultivation, it shall be regarded as insured acreage and not as acreage put to another use. Notwithstanding the foregoing, insurance shall not attach on any acreage (a) on which it is determined by the Corporation that the sorghum is a forage sorghum or thick planted for silage or fodder or planted for the development of hybrid seed, or (b) not insured on an irrigated basis on which it is determined by the Corporation that the sorghum was planted following a small grain crop planted the previous fall.

2. *Production guarantee.* The production guarantee per acre shown on the county actuarial table (hereinafter called "actuarial table") shall be increased by 2 hundredweight for any acreage on which the amount threshed is 2 or more hundredweight per acre.

3. *Insurance period.* Insurance on any insured acreage shall attach at the time the grain sorghum is planted and shall cease upon threshing or removal from the field, whichever occurs first, but in no event shall insurance remain in effect later than the applicable date set forth below immediately following the beginning of the normal harvest period:

Texas:	
Jackson, Victoria, Goliad, Bee, Live Oak, Atascosa, Medina, Uvalde and Kinney Counties and all Texas counties lying south thereof.	September 30
Wichita, Archer, Young, Stephens, Callahan, Runnels, Tom Green, Irion, Crockett, and Terrell Counties and all Texas counties lying north and west thereof.	December 31
All other Texas counties	November 30
All other States	December 31

4. *Claims for loss.* (a) Any claim for loss on an insurance unit (hereinafter called "unit") shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss. The Corporation reserves the right to provide additional time if it determines that circumstances beyond the control of either party prevent compliance with this provision.

(b) It shall be a condition precedent to the payment of any loss that the insured establish the production of the insured crop on the unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each unit. The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage of grain sorghum on the unit by the applicable production guarantee per acre, which product shall be the production guarantee for the unit, (2) subtracting therefrom the total production to be counted for the unit, (3) multiplying the remainder by the applicable price for computing indemnities, and (4) multiplying the result obtained in (3) by the insured interest: *Provided,* That if for the unit the insured fails to report all of his interest or insurable acreage the amount of loss shall be determined with respect to all of his interest and insurable acreage, but in such cases or otherwise, if the premium computed on the basis of the insurable acreage and interest exceeds the premium on the reported acreage and interest, or the acreage and interest when determined by the Corporation under section 3 of the policy, the amount of loss shall be reduced proportionately.

The total production to be counted for a unit shall be determined by the Corporation and, subject to the provisions hereinafter, shall include all threshed production and any appraisals made by the Corporation for unthreshed or potential production, poor farming practices, uninsured causes of loss, or for acreage abandoned or put to another use without the consent of the Corporation: *Provided,* That the total production to be counted on any acreage of grain sorghum (1) which is unthreshed or from which the production threshed is less than 2 hundredweight per acre shall be the appraised production and the threshed production in excess of 2 hundredweight per acre, except as to the acreage referred to in the following items (2) and (3); (2) which is abandoned or put to another use without prior written consent of the Corporation shall be the production guarantee provided for such acreage; or (3) which is damaged solely by an uninsured cause shall be not less than the production guarantee provided for such acreage.

(d) The total production to be counted shall include any threshed production from acreage initially planted for purposes other than for harvest as grain as determined by the Corporation.

(e) Notwithstanding any other provision of this section for determining production to be counted, the production to be counted of any threshed grain sorghum which does not grade No. 4 or better (determined in accordance with Official Grain Standards of the United States), because of poor quality due to insurable causes occurring within the insurance period and would not by drying and proper handling be made to meet these requirements, shall be adjusted by (1) dividing the value per hundredweight of the damaged grain sorghum, as determined by the Corporation, by the market price per hundredweight at the local market for grain sorghum grading No. 4 at the time the loss is adjusted, and (2) multiplying the result thus obtained by the number of hundredweight of such damaged grain sorghum.

5. *Cancellation and termination for indebtedness dates.* For each year of the contract the cancellation date and the termination date for indebtedness are the following applicable dates immediately preceding the beginning of the crop year for which the cancellation or the termination is to become effective:

State	Cancellation date	Termination date for indebtedness
Nebraska	Dec. 31	May 10.
Texas:		
Childress, Cottle, King, Stonewall, Fisher, Scurry, Borden, Dawson, and Gaines Counties, and all Texas counties lying north and west thereof.	Dec. 31	Apr. 30.
Calhoun and Victoria Counties.	Dec. 31	Feb. 28.
Aransas, Refugio, Bee, Live Oak, McMullen, La Salle, and Dimmit Counties, and all Texas counties lying south thereof.	Sept. 30	Jan. 31.
All other Texas counties	Dec. 31	Mar. 31.
All other States	Dec. 31	Apr. 30.

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

Adopted by the Board of Directors on May 27, 1968.

[SEAL] EARLL H. NIKKEL,
Secretary, Federal Crop Insurance Corporation.

Approved: May 28, 1968.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 68-6538; Filed, June 3, 1968; 8:47 a.m.]

[Amdt. 6]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

OAT ENDORSEMENT

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1969-crop year in the following respects:

The following section is added:

§ 401.130 The oat endorsement.

The provisions of the oat endorsement for the 1969 and succeeding crop years are as follows:

1. *Insured crop.* The crop insured shall be oats seeded for harvest as grain, as determined by the Corporation. Insurance shall not attach on acreage on which it is determined by the Corporation that the oats were seeded with flax or other small grains or vetch.

2. *Production guarantee.* The production guarantee per acre shown on the county actuarial table (hereinafter called "actuarial table") shall be increased by 3 bushels for any harvested acreage on which the amount harvested is 3 or more bushels per acre.

3. *Insurance period.* Insurance on any insured acreage shall attach at the time the oats are seeded and shall cease upon threshing or removal from the field, whichever occurs first, but in no event shall insurance remain in effect later than October 31 of the calendar year in which the oats are normally harvested.

4. *Claims for loss.* (a) Any claim for loss on an insurance unit (hereinafter called "unit") shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss. The Corporation reserves the right to provide additional time if it determines that circumstances beyond the control of either party prevent compliance with this provision.

(b) It shall be a condition precedent to the payment of any loss that the insured establish the production of the insured crop on the unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each unit. The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage of oats on the unit by the applicable production guarantee per acre, which product shall be the production guarantee for the unit, (2) subtracting therefrom the total production to be counted for the unit, (3) multiplying the remainder by the applicable price for computing indemnities, and (4) multiplying the result obtained in (3) by the insured interest: *Provided,* That if for the unit the insured fails to report all of his interest or insurable acreage the amount of loss shall be determined with respect to all of his interest and insurable acreage, but in such cases or otherwise, if the premium computed on the basis of the insurable acreage and interest exceeds the premium on the reported acreage and interest, or the acreage and interest when determined by the Corporation under section 3 of the policy, the amount of loss shall be reduced proportionately.

The total production to be counted for a unit shall be determined by the Corporation and, subject to the provisions hereinafter, shall include all threshed production and any appraisals made by the Corporation for unthreshed, unharvested, or potential production, poor farming practices, uninsured causes of loss, or for acreage abandoned or put to another use without the consent of the Corporation: *Provided,* That the total production to be counted on any acreage of oats (1) which, with the consent of the Corporation, is seeded in the current crop year, before harvest becomes general, to any other crop insurable in the county for the current crop year under the regulations of the Corporation, shall be 50 percent of the production guarantee for such acreage or the appraised production whichever is greater;

(2) which is unharvested or from which the production harvested is less than 3 bushels per acre shall be the appraised production and the harvested production in excess of 3 bushels per acre, except as to the acreage referred to in the following items (3) and (4); (3) which is abandoned or put to another use without prior written consent of the Corporation shall be the production guarantee provided for such acreage; or (4) which is damaged solely by an uninsured cause shall be not less than the production guarantee provided for such acreage.

(d) The total production to be counted shall include any harvested production from acreage initially seeded for purposes other than for harvest as grain as determined by the Corporation.

(e) In determining total production, volunteer small grains and volunteer vetch growing with the seeded oat crop, and small grains seeded in the growing oat crop on acreage on which the Corporation has not given its consent to be put to another use shall be counted as oats on a weight basis.

(f) Notwithstanding any other provision of this section for determining production to be counted, the production to be counted of any threshed oats which do not grade No. 3 or better and in addition, do not grade No. 4 or better on the basis of test weight only but otherwise grades No. 3 or better (determined in accordance with Official Grain Standards of the United States), because of poor quality due to insurable causes occurring within the insurance period and would not meet these grade requirements if properly handled, shall be adjusted by (1) dividing the value per bushel of the damaged oats as determined by the Corporation, by the market price per bushel at the local market for oats grading No. 3 at the time the loss is adjusted, and (2) multiplying the result thus obtained by the number of bushels of such damaged oats.

5. *Meaning of terms.* For the purpose of insurance on oats the term:

(a) "Harvest" means the mechanical severance from the land of matured oats for threshing.

6. *Cancellation and termination for indebtedness dates.* For each year of the contract the cancellation date shall be the December 31 and the termination date for indebtedness shall be the April 15 immediately preceding the beginning of the crop year for which the cancellation or the termination is to become effective.

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

Adopted by the Board of Directors on May 27, 1968.

[SEAL] EARLL H. NIKKEL,
Secretary, Federal Crop Insurance Corporation.

Approved: May 28, 1968.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 68-6539; Filed, June 3, 1968; 8:47 a.m.]

[Amdt. 7]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

DRY PEA ENDORSEMENT

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1969-crop year in the following respects:

The following section is added:

§ 401.131 The dry pea endorsement.

The provisions of the dry pea endorsement for the 1969 and succeeding crop years are as follows:

1. *Insured crop.* The crop insured shall be the spring planted varieties of dry peas (including lentils) shown as insurable on the county actuarial table (hereinafter called "actuarial table") which are planted for harvest as dry peas, as determined by the Corporation.

2. *Production guarantee.* The production guarantee per acre shown on the actuarial table shall be increased by 100 pounds for any acreage on which the amount threshed is 100 or more pounds per acre.

3. *Insurance period.* Insurance on any insured acreage shall attach at the time the insured crop is planted and shall cease upon threshing or removal from the field, whichever occurs first, but in no event shall insurance remain in effect later than September 15 of the calendar year in which the insured crop is normally harvested.

4. *Claims for loss.* (a) Any claim for loss on an insurance unit (hereinafter called "unit") shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss. The Corporation reserves the right to provide additional time if it determines that circumstances beyond the control of either party prevent compliance with this provision.

(b) It shall be a condition precedent to the payment of any loss that the insured establish the production of the insured crop on the unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each unit. The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage of the insured crop on the unit by the applicable production guarantee per acre, which product shall be the production guarantee for the unit, (2) subtracting therefrom the total production to be counted for the unit, (3) multiplying the remainder by the applicable price for computing indemnities, and (4) multiplying the result obtained in (3) by the insured interest: *Provided*, That if for the unit the insured fails to report all of his interest or insurable acreage the amount of loss shall be determined with respect to all of his interest and insurable acreage, but in such cases or otherwise, if the premium computed on the basis of the insurable acreage and interest exceeds the premium on the reported acreage and interest, or the acreage and interest when determined by the Corporation under section 3 of the policy, the amount of loss shall be reduced proportionately.

The total production to be counted for a unit shall be determined by the Corporation and, subject to the provisions hereinafter, shall include all threshed production and any appraisals made by the Corporation for unthreshed, or potential production, poor farming practices, uninsured causes of loss, or for acreage abandoned or put to another use without the consent of the Corporation: *Provided*, That the total production to be counted on any acreage of the insured crop (1) which is unthreshed or from which the production threshed is less than 100 pounds per acre shall be the appraised production and the threshed production in excess of 100 pounds per acre, except as to the acreage referred to in the following items (2) and (3); (2) which is abandoned or put to another use without prior written consent of the Corporation shall be the production guarantee provided for such acreage; or (3) which is damaged solely by an uninsured cause shall be not less than the production guarantee provided for such acreage.

(d) Notwithstanding the provisions of paragraph (c) of this section for determining production to be counted, the production to be counted of any threshed peas which do not grade No. 3 or better, or any threshed lentils which do not grade No. 2 or better (determined in accordance with United States Standards for dry peas and lentils), because of poor quality due to insurable causes occurring within the insurance period and would not meet these grade requirements if properly handled, shall be adjusted by (1) dividing the value per cwt. of the damaged commodity as determined by the Corporation, by the market price per cwt. at the local market for the same variety of peas grading No. 3, lentils grading No. 2 at the time the loss is adjusted, and (2) multiplying the result thus obtained by the number of pounds of such damaged commodity.

5. *Meaning of terms.* For the purpose of insurance on dry peas the term:

(a) "Insurance unit" in lieu of the first sentence of section 19(e) of the policy means respectively the insurable acreage of dry peas of the smooth green and yellow varieties, wrinkled varieties, or lentils in the county at the time of planting (1) in which the insured had 100 percent interest, (2) which is owned by one person and operated by the insured as a tenant, or (3) which is owned by the insured and rented to one tenant.

6. *Cancellation and termination for indebtedness dates.* For each year of the contract the cancellation date shall be the December 31 and the termination date for indebtedness shall be the April 15 immediately preceding the beginning of the crop year for which the cancellation or the termination is to become effective.

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

Adopted by the Board of Directors on May 27, 1968.

[SEAL] EARLL H. NIKKEL,
Secretary, Federal Crop Insurance Corporation.

Approved: May 28, 1968.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 68-6536; Filed, June 3, 1968; 8:47 a.m.]

[Amdt. 8]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

RICE ENDORSEMENT

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1969-crop year in the following respects:

The following section is added:

§ 401.132 **The rice endorsement.**

The provisions of the rice endorsement for the 1969 and succeeding crop years are as follows:

1. *Causes of loss not insured against.* Notwithstanding the provisions of section 1 of the policy, the contract shall not cover any loss caused by drought, or the application of saline water.

2. *Insured crop.* The crop insured shall be rice seeded for harvest as grain, as determined by the Corporation. Insurance shall not attach on acreage on which it is determined by the Corporation that the rice was (a) destroyed for the purpose of conforming with any other program administered by the U.S. Department of Agriculture, (b) seeded for the development of hybrid seed, (c) seeded on acreage which was seeded to rice for the 2 preceding crop years, or (d) a second crop following a rice crop harvested in the same calendar year.

3. *Production guarantee.* The production guarantee per acre shown on the county actuarial table (hereinafter called "actuarial table") shall be increased by 2 hundredweight for any acreage on which the amount threshed is 2 or more hundredweight per acre.

4. *Insurance period.* Insurance on any insured acreage shall attach at the time the rice is seeded and shall cease upon threshing or removal from the field, whichever occurs first, but in no event shall insurance remain in effect later than October 31 of the calendar year in which the rice is normally harvested.

5. *Claims for loss.* (a) Any claim for loss on an insurance unit (hereinafter called "unit") shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss. The Corporation reserves the right to provide additional time if it determines that circumstances beyond the control of either party prevent compliance with this provision.

(b) It shall be a condition precedent to the payment of any loss that the insured establish the production of the insured crop on the unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each unit. The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage of rice on the unit by the applicable production guarantee per acre, which product shall be the production guarantee for the unit, (2) subtracting therefrom the total production to be counted for the unit, (3) multiplying the remainder by the applicable price for computing indemnities, and (4) multiplying the result obtained in (3) by the insured interest: *Provided,* That if for the unit the insured fails to report all of his interest or insurable acreage the amount of loss shall be determined with respect to all of his interest and insurable acreage, but in such cases or otherwise, if the premium computed on the basis of the insurable acreage and interest exceeds the premium on the reported acreage and interest, or the acreage and interest when determined by the Corporation under section 3 of the policy, the amount of loss shall be reduced proportionately.

The total production to be counted for a unit shall be determined by the Corporation and, subject to the provisions hereinafter, shall include all threshed production and any appraisals made by the Corporation for unthreshed or potential production, poor farming practices, uninsured causes of loss, or for acreage abandoned or put to another use without the consent of the Corporation: *Provided,* That the total production to be counted on any acreage of rice (1) which is unthreshed or from which the production threshed is less than 2 hundredweight per acre shall be the appraised production and the threshed production in excess of 2 hundredweight per acre, except as to the acreage referred to in the following items (2) and (3); (2) which is abandoned or put to another use without prior written consent of the Corporation shall be the production guarantee provided for such acreage; or (3) which is damaged solely by an uninsured cause shall be not less than the production guarantee provided for such acreage.

(d) The total production to be counted shall include any threshed production from acreage initially seeded for purposes other than for harvest as grain as determined by the Corporation.

(e) In determining total production, volunteer rice growing with the seeded rice crop shall be counted as rice on a weight basis.

(f) Notwithstanding any other provision of this section for determining production to be counted, in any case where the quality of any production of threshed rough rice is reduced solely by insured causes occurring within the insurance period to the extent that the value per pound, as determined by the Corporation, is less than the market price at the nearest mill center, at the time the loss is adjusted, for the same variety of rough rice grading U.S. No. 3 (determined in accordance with Official Grain Standards of the United States) with a milling yield per hundredweight of 55 pounds in the case of Nato and 48 pounds of heads for other varieties (whole kernels) and 68 pounds total milling yield (heads, second heads, screenings and brewers) and such rice, if properly handled, would not have a value equal to or greater than such market price, the number of pounds of such rice to be counted shall be adjusted by (1) dividing the value per pound of the damaged rice, as determined by the Corporation, by the market price per pound at the nearest mill center, at the time the loss is adjusted, for the same variety of rough rice grading U.S. No. 3 with a milling yield per hundredweight of 55 pounds in the case of Nato and 48 pounds of heads for other varieties (whole kernels) and 68 pounds total milling yield (heads, second heads, screenings, and brewers), and (2) multiplying the result thus obtained by the number of pounds of production of such damaged rice.

6. *Meaning of terms.* For the purpose of insurance on rice the term:

(a) "Mill center" means any location in which two or more mills are engaged in milling rough rice.

7. *Cancellation and termination for indebtedness dates.* For each year of the contract the cancellation date shall be the December 31 and the termination date for indebtedness shall be the April 10 immediately preceding the beginning of the crop year for which the cancellation or the termination is to become effective.

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

Adopted by the Board of Directors on May 27, 1968.

[SEAL] EARLL H. NIKKEL,
Secretary, Federal Crop Insurance Corporation.

Approved: May 28, 1968.
JOHN A. SCHNITTKER,
Under Secretary.

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[Amdt. 9]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

RYE ENDORSEMENT

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1969-crop year in the following respects:

The following section is added:

§ 401.133 **The rye endorsement.**

The provisions of the rye endorsement for the 1969 and succeeding crop years are as follows:

1. *Insured crop.* The crop insured shall be rye seeded for harvest as grain, as determined by the Corporation. Insurance shall not attach on acreage on which it is determined by the Corporation that the rye was seeded with vetch or flax or other small grains.

2. *Production guarantee.* The production guarantee per acre shown on the county actuarial table (hereinafter called "actuarial table") shall be increased by 1.5 bushels for any harvested acreage on which the amount harvested is 1.5 or more bushels per acre.

3. *Insurance period.* Insurance on any insured acreage shall attach at the time the rye is seeded and shall cease upon threshing or removal from the field, whichever occurs first, but in no event shall insurance remain in effect later than October 31 of the calendar year in which the rye is normally harvested.

4. *Claims for loss.* (a) Any claim for loss on an insurance unit (hereinafter called "unit") shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss. The Corporation reserves the right to provide additional time if it determines that circumstances beyond the control of either party prevent compliance with this provision.

(b) It shall be a condition precedent to the payment of any loss that the insured establish the production of the insured crop on the unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each unit. The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage of rye on the unit by the applicable production guarantee per acre, which product shall be the production guarantee for the unit, (2) subtracting therefrom the total production to be counted for the unit, (3) multiplying the remainder by the applicable price for computing indemnities, and (4) multiplying the result obtained in (3) by the insured interest: *Provided,* That if for the unit the insured fails to report all of his interest or insurable acreage the amount of loss shall be determined with respect to all of his interest and insurable acreage, but in such cases or otherwise, if the premium computed on the basis of the insurable acreage and interest exceeds the premium on the reported acreage and interest, or the acreage and interest when determined by the Corporation under section 3 of the policy, the amount of loss shall be reduced proportionately.

The total production to be counted for a unit shall be determined by the Corporation

and, subject to the provisions hereinafter, shall include all threshed production and any appraisals made by the Corporation for unthreshed, unharvested, or potential production, poor farming practices, uninsured causes of loss, or for acreage abandoned or put to another use without the consent of the Corporation: *Provided*, That the total production to be counted on any acreage of rye (1) which, with the consent of the Corporation, is seeded in the current crop year, before harvest becomes general, to any other crop insurable in the county for the current crop year under the regulations of the Corporation, shall be 50 percent of the production guarantee for such acreage or the appraised production whichever is greater; (2) which is unharvested or from which the production harvested is less than 1.5 bushels per acre shall be the appraised production and the harvested production in excess of 1.5 bushels per acre, except as to the acreage referred to in the following items (3) and (4); (3) which is abandoned or put to another use without prior written consent of the Corporation shall be the production guarantee provided for such acreage; or (4) which is damaged solely by an uninsured cause shall be not less than the production guarantee provided for such acreage.

(d) The total production to be counted shall include any harvested production from acreage initially seeded for purposes other than as grain as determined by the Corthan for harvest as grain as determined by the Corporation.

(e) In determining total production, volunteer small grains and volunteer vetch growing with the seeded rye crop, and small grains seeded in the growing rye crop on acreage on which the Corporation has not given its consent to be put to another use shall be counted as rye on a weight basis.

(f) Notwithstanding any other provision of this section for determining production to be counted, the production to be counted of any threshed rye which does not grade No. 2 or better and in addition, does not grade No. 3 on the basis of test weight only but otherwise grades No. 2 or better (determined in accordance with Official Grain Standards of the United States), because of poor quality due to insurable causes occurring within the insurance period and would not meet these grade requirements if properly handled, shall be adjusted by (1) dividing the value per bushel of the damaged rye as determined by the Corporation, by the market price per bushel at the local market for rye grading No. 2 at the time the loss is adjusted, and (2) multiplying the result thus obtained by the number of bushels of such damaged rye.

5. *Meaning of terms.* For the purpose of insurance on rye the term:

(a) "Harvest" means the mechanical severance from the land of matured rye for threshing.

6. *Cancellation and termination for indebtedness dates.* For each year of the contract the cancellation date shall be the June 30 and the termination date for indebtedness shall be the August 31 immediately preceding the beginning of the crop year for which the cancellation or the termination is to become effective.

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

Adopted by the Board of Directors on May 27, 1968.

[SEAL] EARLL H. NIKKEL,
Secretary, Federal Crop Insurance Corporation.

Approved: May 28, 1968.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 68-6541; Filed, June 3, 1968; 8:47 a.m.]

[Amdt. 10]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

SOYBEAN ENDORSEMENT

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1969-crop year in the following respects:

The following section is added:

§ 401.134 The soybean endorsement.

The provisions of the soybean endorsement for the 1969 and succeeding crop years are as follows:

1. *Insured crop.* The crop insured shall be soybeans planted for harvest as beans, as determined by the Corporation. Unless otherwise provided on the county actuarial table (hereinafter called "actuarial table"), insurance shall attach only on acreage initially planted in rows far enough apart to permit cultivation, as determined by the Corporation, but, if such insured acreage is destroyed and is replanted, whether in the same manner or by broadcasting, drilling, or in rows too close to permit cultivation, it shall be regarded as insured acreage and not as acreage put to another use. Notwithstanding the foregoing, insurance shall not attach on acreage on which it is determined by the Corporation that soybeans are planted for the development of hybrid seed, or planted in the same row or interplanted in rows with corn. Item (1) of the second sentence of subsection 2(c) of the policy shall not be applicable hereunder in counties in Arkansas, Louisiana, and Mississippi.

2. *Production guarantee.* The production guarantee per acre shown on the actuarial table shall be increased by 1.5 bushels for any harvested acreage on which the amount harvested is 1.5 or more bushels per acre.

3. *Insurance period.* Insurance on any insured acreage shall attach at the time the soybeans are planted and shall cease upon threshing or removal from the field, whichever occurs first, but in no event shall insurance remain in effect later than the December 10 (October 31 in North Dakota) of the calendar year in which the soybeans are normally harvested.

4. *Claims for loss.* (a) Any claim for loss on an insurance unit (hereinafter called "unit") shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss. The Corporation reserves the right to provide additional time if it determines that circumstances beyond the control of either party prevent compliance with this provision.

(b) It shall be a condition precedent to the payment of any loss that the insured establish the production of the insured crop on the unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each unit. The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage of soybeans on the unit by the applicable production guarantee per acre, which product shall be the production guarantee for the unit, (2) subtracting therefrom the total production to be counted for the unit, (3) multiplying the remainder by the applicable price for computing indemnities, and (4) multiplying the result obtained in (3) by the insured interest: *Provided*, That if for the unit the insured fails to report all of his interest or insurable acreage the amount of loss shall be determined with respect to all of his interest and insurable acreage, but in such cases or otherwise, if the premium computed on the basis of the insurable acreage and interest exceeds the premium on the reported acreage and interest, or the acreage and interest when determined by the Corporation under section 3 of the policy, the amount of loss shall be reduced proportionately.

The total production to be counted for a unit shall be determined by the Corporation and, subject to the provisions hereinafter, shall include all threshed production and any appraisals made by the Corporation for unthreshed, unharvested, or potential production, poor farming practices, uninsured causes of loss, or for acreage abandoned or put to another use without the consent of the Corporation: *Provided*, That the total production to be counted on any acreage of soybeans (1) which is unharvested or from which the production harvested is less than 1.5 bushels per acre shall be the appraised production and the harvested production in excess of 1.5 bushels per acre, except as to the acreage referred to in the following items (2) and (3); (2) which is abandoned or put to another use without prior written consent of the Corporation shall be the production guarantee provided for such acreage; or (3) which is damaged solely by an uninsured cause shall be not less than the production guarantee provided for such acreage.

(d) The total production to be counted shall include any harvested production from acreage initially planted for purposes other than for harvest as beans as determined by the Corporation.

(e) Notwithstanding any other provision of this section for determining production to be counted, the production to be counted of any threshed soybeans which do not grade No. 4 or better (determined in accordance with Official Grain Standards of the United States) because of poor quality due to insurable causes occurring within the insurance period and would not meet this grade requirement if properly handled, shall be adjusted by (1) dividing the value per bushel of the damaged soybeans as determined by the Corporation, by the market price per bushel at the local market for soybeans grading No. 4 at the time the loss is adjusted, and (2) multiplying the result thus obtained by the number of bushels of such damaged soybeans.

5. *Meaning of terms:* For purposes of insurance on soybeans the term:

(a) "Harvest" means the mechanical severance from the land of matured soybeans for threshing.

6. *Cancellation and termination for indebtedness dates.* For each year of the contract the cancellation date and termination date for indebtedness are the following applicable dates immediately preceding the beginning of the crop year for which the cancellation or the termination is to become effective:

State	Cancellation date	Termination date for indebtedness
Delaware, Illinois, Indiana, Iowa, Maryland, Michigan, Minnesota, Nebraska, Ohio, and Wisconsin.	Dec. 31	May 10.
North Dakota	Dec. 31	Apr. 15.
All other States	Dec. 31	Apr. 30.

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

Adopted by the Board of Directors on May 27, 1968.

[SEAL] EARLL H. NIKKEL,
Secretary, Federal Crop Insurance Corporation.

Approved: May 28, 1968.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 68-6542; Filed, June 3, 1968; 8:47 a.m.]

[Amdt. 11]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

SUGARCANE ENDORSEMENT

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1969-crop year in the following respects:

The following section is added:

§ 401.135 The sugarcane endorsement.

The provisions of the sugarcane endorsement for the 1969 and succeeding crop years are as follows:

1. *Insured crop.* The insured crop shall be sugarcane grown on insured acreage for processing for sugar as reported by the insured or as determined by the Corporation. Insurance shall not be considered to have attached to any acreage that is destroyed by natural causes other than earthquake, fire, or wildlife, or by the insured, and not considered as bona fide abandoned acreage for proportionate share history purposes under the Sugar Act of 1948, as amended, and under regulations issued by the U.S. Department of Agriculture pursuant thereto, or to any acreage cut for seed.

2. *Production guarantee.* The production guarantees per acre shown on the county actuarial table (hereinafter called "actuarial table") are progressive depending on whether the acreage is unharvested, or harvested. For any insured acreage for a crop year the production guarantee shall be the applicable percent, as shown on the actuarial table, of the normal yield (hundredweight of commercially recoverable sugar) established by the applicable County (or Parish) Agricultural Stabilization and Conservation Committee for the farm which includes such acreage for such crop year in accordance with the regulations issued by the U.S. Department of Agriculture pursuant to the Sugar Act of 1948, as amended.

3. *Insurance period.* Insurance on any insured acreage which is planted shall attach at the time the sugarcane is planted. Insurance on any insured stubble acreage shall attach immediately after the preceding crop is harvested or the time of normal harvest if the acreage is not harvested, provided there is a stand which normally would be left for harvest in the ensuing crop year. Insurance shall cease upon harvesting and removal from the field, but in no event shall insurance remain in effect later than January 31 following the calendar year in which the harvesting of sugarcane is normally commenced in the county.

4. *Responsibility of the insured to report acreage and share.* In lieu of section 3 of the policy, the following shall apply: Subject to the provisions of section 1 hereof, if for any crop year proportionate shares are not established under the Sugar Act of 1948, as amended, the insured acreage for any insurance unit (hereinafter called "unit") shall be all insurable acreage planted for harvest for processing for sugar for such crop year and all stubble acreage on which there is a stand which normally would be left for harvest for processing for sugar in the ensuing crop year, less the acres cut for seed. If for any crop year proportionate shares are established, the insured acreage for any unit shall be the insurable acreage, less any acreage on such unit which is determined to be excess acreage under the regulations for the Sugar Act of 1948, as amended, and any acreage cut for seed.

Not later than June 30 of each crop year, the insured shall submit to the office for the county, on a form prescribed by the Corporation, a report showing all of the acreage of sugarcane in the county in which he has a share and his share therein. Such report shall identify the acreage regarded by the insured as proportionate share acreage, if proportionate shares are established, and the acreage regarded by the insured as in excess of the proportionate share. The report shall also specify the number of acres to be cut for seed. If the insured does not have a share in any insured acreage in the county for any crop year, he shall submit a report so indicating. Any acreage report submitted by the insured shall be binding upon the insured and shall not be subject to change by the insured. The Corporation, however, reserves the right to determine the insured acreage and the insured's share therein. Subject to the provisions of section 1 hereof, the acreage and share insured shall be the acreage and share as reported by the insured—the acreage being that identified as proportionate share acreage, if proportionate shares are established, less the acres cut for seed—or as determined by the Corporation, except that, if damage or loss to the insured crop due to a cause insured against occurs before the submission of such report, the Corporation shall determine the insured acreage and the insured's share therein, and thereafter such determination shall apply for that crop year.

5. *Notice of loss or substantial damage.* In lieu of subsections 8(a) and 8(b) of the policy, the following shall apply: (a) The insured shall promptly give written notice of damage to the Corporation at the office for the county if, during the period before harvest, the insured crop on any unit is substantially damaged or the insured wants the consent of the Corporation to abandon the crop or put the acreage to another use (including harvesting for any purpose other than processing for sugar). No acreage of an insured crop shall be put to another use before the Corporation has made an appraisal of the potential production of such acreage and consents in writing to such other use. Such consent shall not be given until it is too late to replant to the same crop. The insured shall notify the Corporation when such acreage has been put to another use.

(b) If any insured loss occurs on any unit the insured shall give written notice to the Corporation at the office for the county by the January 31 following the calendar year in which the harvesting of sugarcane is normally commenced in the county.

6. *Claims for loss.* (a) Any claim for loss on a unit shall be submitted to the Corporation, on a form prescribed by the Corporation, within 30 days after the amount of loss has been determined by the Corporation.

(b) It shall be a condition precedent to the payment of any loss that the insured establish the production of the insured crop on the unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each unit. The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage of sugarcane on the unit by the applicable production guarantee per acre, which product shall be the production guarantee for the unit, (2) subtracting therefrom the total production to be counted for the unit, (3) multiplying the remainder by the applicable price for computing indemnities, and (4) multiplying the result obtained in (3) by the insured interest: *Provided*, That if for the unit the insured fails to report all of his interest or insurable acreage the amount of loss shall be determined with respect to all of his interest and insurable acreage, but in such cases or otherwise, if the premium computed on the basis of the insurable acreage and interest exceeds the premium on the reported acreage and interest, or the acreage and interest when determined by the Corporation under section 4 of this endorsement, the amount of the loss shall be reduced proportionately.

The Corporation shall determine the hundredweight of commercially recoverable sugar by multiplying the net weight of sugarcane in tons delivered to a processor by the applicable rate of commercially recoverable sugar prescribed for the crop year under regulations issued by the U.S. Department of Agriculture pursuant to the Sugar Act of 1948, as amended. The commercially recoverable sugar to be counted for any appraised production shall be 1.70 hundredweight of commercially recoverable sugar for each ton of sugarcane net weight (excluding green or dried leaves, sugarcane tops, dirt and all other extraneous material) as determined by the Corporation.

The total production to be counted for a unit shall be determined by the Corporation and, subject to the provisions hereinafter, shall include all harvested production and any appraisals made by the Corporation for unharvested, or potential production, poor farming practices, uninsured causes of loss, or for acreage abandoned or put to another use without the consent of the Corporation: *Provided*, That on any acreage of sugarcane (1) which is unharvested and which is considered as bona fide abandoned acreage for proportionate share history purposes under regulations issued by the U.S. Department of Agriculture pursuant to the Sugar Act of 1948, as amended, no production shall be counted; (2) which is unharvested and which is not considered as bona fide abandoned acreage under item (1) above, the total production to be counted shall be the

appraised production in excess of the difference between the harvested production guarantee applicable for such acreage, and the unharvested production guarantee, except as to the acreage referred to in the following items (3) and (4); (3) which is abandoned or put to another use without prior written consent of the Corporation the total production to be counted shall be the production guarantee provided for such acreage, except that consent of the Corporation shall be deemed to have been given if the abandoned acreage is bona fide abandoned acreage under the Sugar Act of 1948, as amended, and under regulations issued pursuant thereto; or (4) which is damaged solely by an uninsured cause the total production to be counted shall be not less than the production guarantee provided for such acreage.

8. *Meaning of terms.* For the purpose of insurance on sugarcane the terms:

(a) "Crop year" notwithstanding section 19(c) of the policy means the period beginning when sugarcane is normally planted and extending through the insurance period and shall be designated by reference to the calendar year in which the sugarcane is normally harvested.

(b) "Harvest" means cutting the cane by manual or mechanical means.

(c) "Insurance unit" in lieu of that portion of the first sentence preceding item (1) of section 19(e) of the policy, the following shall apply: " 'Insurance unit' means all the insurable acreage of sugarcane in the county at the time insurance attaches".

9. *Cancellation and termination for indebtedness dates.* For each crop year of the contract the cancellation date shall be the July 31, and the termination date for indebtedness shall be the August 31, immediately preceding the beginning of the crop year for which the cancellation or the termination is to become effective.

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

Adopted by the Board of Directors on May 27, 1968.

[SEAL] EARLL H. NIKKEL,
Secretary, Federal Crop Insurance Corporation.

Approved: May 28, 1968.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 68-6543; Filed, June 3, 1968; 8:48 a.m.]

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

[Grapefruit Reg. 66, Amdt. 10]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Notice was published in the May 17, 1968, issue of the FEDERAL REGISTER (33 F.R. 7328) that consideration was being given to a proposal by the Growers Administrative Committee, established under the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof, to extend for 1 week the grade and size limitations in Grapefruit Regulation 66 (32 F.R. 12907, 16525, 17925; 33 F.R. 221, 847, 3214, 4561, 5579, 5941, 6094) applicable to all grapefruit handled between the production area and any point outside thereof in the continental United States, Canada, or Mexico.

After consideration of all relevant matter presented, including the proposal set forth in the aforesaid notice, it is hereby found that the amendment hereinafter set forth, extending the period of such grade and size limitations through September 15, 1968, will tend to effectuate the declared policy of the act.

Order. The provisions of § 905.495 (Grapefruit Reg. 66; 32 F.R. 12907, 16525, 17925; 33 F.R. 221, 847, 3214, 4561, 5579, 5941, 6094) are hereby amended in the following respects:

The introductory text of paragraph (a)(1) is revised to read as follows:

§ 905.495 Grapefruit Regulation 66.

(a) * * *

(1) During the period beginning April 22, 1968, through September 15, 1968, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

* * * * *

Dated, May 29, 1968, to become effective 30 days after publication in the FEDERAL REGISTER.

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

[F.R. Doc. 68-6561; Filed, June 3, 1968; 8:49 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 131]

PART 1131—MILK IN CENTRAL ARIZONA MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Central Arizona marketing area (7 CFR Part 1131), it is hereby found and determined that:

(a) The following provisions of the order no longer tend to effectuate the declared policy of the Act:

(1) In § 1131.51(a), in the language preceding subparagraph (1), the words "and shall be increased or decreased by a 'supply-demand adjustment' of not more than 50 cents computed as follows:"; and

(2) In § 1131.51(a) subparagraphs (1) and (2) in their entirety.

(b) Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) The suspension order will eliminate supply-demand adjustments to the Class I price pending a hearing to consider whether a supply-demand adjustor should continue to be provided in the order. The supply-demand adjustor has been affecting prices contraseasonally in that it has reduced Class I prices in the months of short supply rather than in the months of flush production.

(4) Interested parties were afforded opportunity to file written data, views or arguments concerning this suspension (33 F.R. 7087). Although some arguments were filed in opposition to the suspension, these were not persuasive.

The supply-demand adjustor should be suspended pending a hearing to consider the Class I price provisions of the order.

Therefore, good cause exists for making this order effective June 1, 1968.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the period after May 31, 1968.

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

Effective date: June 1, 1968.

Signed at Washington, D.C., on May 28, 1968.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 68-6534; Filed, June 3, 1968; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER I—AIRPORTS

[Docket No. 8916; Amdt. 151-22]

PART 151—FEDERAL AID TO AIRPORTS

Miscellaneous Amendments

The purpose of this amendment to Part 151 of the Federal Aviation Regulations is to update certain references in §§ 151.11 (b) and (d), 151.87(b), 151.91 (a), and 151.111(c) that are incomplete, or superseded and obsolete.

The runway clear zone requirements in § 151.11 for new and existing airports apply both to runways and to landing strips at those airports. However, paragraph (b) and the last sentence of paragraph (d) of § 151.11 do not contain a

reference to "landing strips". Accordingly, the FAA is amending those paragraphs of § 151.11 to add the omitted reference to "landing strips".

Sections 151.87(b) and 151.91(a) now refer to obsolete Technical Standard Order N18 (Criteria for Determining Obstructions to Air Navigation). TSO–N18 was superseded with the adoption of Federal Aviation Regulations Part 77, "Objects Affecting Navigable Airspace", and other references to TSO–N18 were deleted by Amendment 151–7, effective June 8, 1965 (30 F.R. 7484). The FAA is amending §§ 151.87(b) and 151.91(a) to eliminate the remaining references to TSO–N18 in Part 151. As amended, § 151.87(b) refers to the standards for removal of obstructions in § 151.91(a), and § 151.91(a) refers to the appropriate provisions of Part 77.

The National Airport Plan no longer identifies large or medium hubs that are served by scheduled air carrier service. However, they are identified in another publication, "Airport Activity Statistics of Certificated Route Air Carriers", that is prepared and published jointly by the FAA and the Civil Aeronautics Board. This publication is available for inspection at each FAA Regional and Area Office, and it may be purchased from the Superintendent of Documents. The FAA is amending § 151.111(c)(2) to refer to this publication.

Since this amendment relates to public grants and benefits, notice and public procedure thereon are not required under section 553 of Title 5, United States Code.

In consideration of the foregoing, effective July 4, 1968, Part 151 of the Federal Aviation Regulations is amended as follows:

1. Paragraph (b), and the last sentence of paragraph (d), of § 151.11 are amended to read as follows:

§ 151.11 Runway clear zones: requirements.

* * * * *

(b) On new airports, the sponsor must own, acquire, or agree to acquire adequate property interests in runway clear zone areas (in connection with initial land acquisition) for all eligible runways or landing strips, without substantial deviation from standard configuration and length.

* * * * *

(d) * * * Any development that improves a specific runway or landing strip is considered to be a runway improvement, including runway lighting and the developing or lighting of taxiways serving a runway.

* * * * *

2. The last sentence of § 151.87(b) is amended to read as follows:

§ 151.87 Lighting and electrical work.

* * * * *

(b) * * * Program participation in airport lighting is limited to those projects that, upon completion, will meet the requirements for a true light certificate, and will include the removal, relocation, or adequate lighting of obstructions, as provided in § 151.91(a).

* * * * *

3. The last sentence of § 151.91(a) is amended to read as follows:

§ 151.91 Removal of obstructions.

(a) * * * The removal of structures that are not obstructions under § 77.23 of this chapter as applied to § 77.27 of this chapter are eligible when they are located within a runway clear zone.

* * * * *

4. Subparagraph (2) of § 151.111(c) is amended to read as follows:

§ 151.111 Advance planning proposals: general.

* * * * *

(c) * * *

(2) Is not in a large or medium hub served by scheduled air carrier service, as identified in the current edition of "Airport Activity Statistics of Certificated Route Air Carriers" (published jointly by FAA and the Civil Aeronautics Board), that is available for inspection at any FAA Area or Regional Office, or for sale by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

* * * * *

(Federal Airport Act, as amended (49 U.S.C. 1101–1120))

Issued in Washington, D.C., on May 28, 1968.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 68–6527; Filed, June 3, 1968; 8:46 a.m.]

SUBCHAPTER O—AIRCRAFT LOAN GUARANTEE PROGRAM

[Docket No. 8915]

PART 199—AIRCRAFT LOAN GUARANTEE PROGRAM

Part 91 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 91) was adopted on September 18, 1967, and published in the FEDERAL REGISTER on September 22, 1967 (32 F.R. 13384). Part 91 superseded regulations issued, under a delegation of authority from the Secretary of Commerce, by the Under Secretary of Commerce for Transportation to implement the Act of September 7, 1957, as amended (49 U.S.C. 1324 note) relating to the Government guarantee of private loans to air carriers for the purchase of equipment.

Section 6(a)(3)(A) of the Department of Transportation Act (49 U.S.C. 1655(a)(3)(A)) transfers to and vests in the Secretary of Transportation all functions, powers, and duties of the Secretary of Commerce under the Act of September 7, 1957, as amended. Under the terms of section 8 of that Act, the authority to guarantee loans under the Act expired on September 7, 1967. As adopted, Part 91 contains the only provision that has continuing applicability, relating to deviation from the terms of guarantees previously granted. Under that provision, requests for deviations must be filed with and approved by the Assistant Secretary for Policy Development.

Since the function is one largely involving aviation activities, the Secretary of Transportation has revoked the delegation of this function to the Assistant Secretary for Policy Development and has delegated it to the Federal Aviation Administrator. As a consequence, Part 91 is being revoked.

Under the authority conferred by the delegation, a new Part 199 is adopted by the Federal Aviation Administration to replace Part 91 of the regulations of Office of the Secretary of Transportation. Part 199 retains the substance of Part 91, and reflects the facts that the General Counsel of the FAA is the officer responsible for approving deviations, and that the Director of Information Services of the FAA determines when disclosure of information is in the public interest.

Since this amendment relates to Departmental management, procedures, and practices, notice and public procedure thereon are not required and it may be made effective in less than 30 days.

In consideration of the foregoing, effective June 13, 1968, Chapter I of Title 14 of the Code of Federal Regulations is amended by amending the title of Subchapter O, and by adding a new Part 199, as hereinafter set forth.

Issued in Washington, D.C., on May 28, 1968.

WILLIAM F. MCKEE,
Administrator.

§ 199.1 Deviations from the terms of agreements.

No deviations from the terms of any guarantee and loan agreements made before September 8, 1967, may be made without prior approval from the General Counsel of the Federal Aviation Administration. An original and four copies of requests for such approval and three copies of any supporting documents must be filed with the General Counsel, Federal Aviation Administration, Department of Transportation, 800 Independence Avenue SW., Washington, D.C. 20590. Information contained in such requests and supporting documents shall be withheld from public disclosure during the life of the loan guarantee involved unless the Director of Information Services of the Federal Aviation Administration finds that disclosure of such information is required in the public interest.

(Act of Sept. 7, 1957, as amended (49 U.S.C. 1324 note); secs. 3(a)(3)(A), 9, Department of Transportation Act (49 U.S.C. 1655 (a)(3)(A), 1657); § 1.4(b)(4), Regulations of the Office of the Secretary of Transportation (49 CFR 1.4(b)(4))

[F.R. Doc. 68–6528; Filed, June 3, 1968; 8:46 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 15—REPORTS—GENERAL PROVISIONS

PART 18—REPORTS BY TRADERS

Miscellaneous Amendments

On April 23, 1968, there was published in the FEDERAL REGISTER (33 F.R. 6164) a notice of proposed amendment of §§ 15.00, 15.02, 15.03, 18.00, 18.01, and 18.03 of the reporting regulations under the Commodity Exchange Act (17 CFR 15.00, 15.02, 15.03, 18.00, 18.01, 18.03). After due consideration of all relevant matters and pursuant to the authority vested in the Secretary of Agriculture by section 8a(5) of the Commodity Exchange Act (7 U.S.C. 12a(5)), §§ 15.00, 15.02, 15.03, 18.00, 18.01, and 18.03 of the regulations under said Act, are amended as follows:

(1) Section 15.00, *Definitions*, is amended by adding thereto a new paragraph (e) reading as follows:

§ 15.00 Definitions.

* * * * *

(e) "Trader": This term means a person who, for his own account or for an account which he controls, makes transactions in commodity futures or has such transactions made.

(2) Section 15.02 is amended to read as follows:

§ 15.02 Reporting forms.

Forms on which to report may be obtained from any office of the Commodity Exchange Authority. Reporting forms are identified by number as to the commodity and class of person reporting. The initial digit or digits of the form number identify the commodity, and the two final digits or series identify the class of person reporting. All reports shall be prepared in accord with instructions appearing on the applicable form. Forms to be used for the filing of reports are as follows:

Commodity	Clearing members (series 00 forms)	Futures commission merchants and foreign brokers (series 01 forms)	Traders who hold or control reportable positions (series 03 forms)	Merchants, processors, and dealers (series 04 forms)
Wheat, Corn, Oats, Rye, Barley, Flaxseed, Soybeans, Grain sorghums	200	201	203	204
Cotton	300	301	303	304
Butter	400	401	403	None
Eggs	500	501	503	504
Potatoes	600	601	603	604
Millfeeds	700	701	703	None
Wool, Wool tops	800	801	803	None
Lard, Tallow	900	901	903	None
Cottonseed oil, Soybean oil	1,000	1,001	1,003	None
Cottonseed meal, Soybean meal	1,100	1,101	1,103	None
Live cattle	1,200	1,201	1,203	None
Cattle products	1,300	1,301	1,303	None
Live hogs, Frozen pork bellies, Frozen skinned hams	1,400	1,401	1,403	None
Hides	1,500	1,501	1,503	None

(3) Section 15.03 is amended to read as follows:

§ 15.03 Quantities fixed for reporting.

The quantities fixed for the purpose of reports filed under Parts 17, 18, and 19 of this chapter are as follows:

Commodity	*Quantity*
Wheat	200,000 bushels.
Corn	200,000 bushels.
Oats	200,000 bushels.
Rye	200,000 bushels.
Barley	200,000 bushels.
Flaxseed	200,000 bushels.
Soybeans	200,000 bushels.
Grain sorghums	11,200,000 pounds.
Cotton	5,000 bales.
Wool	150,000 pounds.[1]
Wool tops	125,000 pounds.
Butter	25 carlots.
Eggs—shell	25 carlots.
Frozen whole	25 contract units.
Frozen plain whites	25 contract units.
Frozen plain yolks	25 contract units.
Potatoes	25 carlots.
Lard	1,000,000 pounds.
Tallow	1,000,000 pounds.
Cottonseed oil	1,500,000 pounds.
Soybean oil	1,500,000 pounds.
Cottonseed meal	2,500 tons.
Soybean meal	2,500 tons.
Millfeeds	1,000 tons.
Live cattle	25 contract units.
Cattle products	25 contract units.
Live hogs	25 contract units.
Frozen pork bellies	25 contract units.
Frozen skinned hams	25 contract units.
Hides	25 contract units.

[1] Clean content.

(4) Section 18.00, *Information to be furnished by traders*, is amended by adding thereto a new paragraph (g) reading as follows:

§ 18.00 Information to be furnished by traders.

* * * * *

(g) *Live cattle futures.* Any trader who holds or controls a reportable position in any one future of any one type of live cattle contract shall include all transactions and positions in all futures of all types of live cattle contracts on all contract markets.

(5) Section 18.01, *Interest in or control of several accounts*, is amended by adding thereto a new paragraph (d) reading as follows:

§ 18.01 Interest in or control of several accounts.

* * * * *

(d) *Reporting of controlled accounts.* The trader shall show, at the bottom of the appropriate series 03 report or on a continuation sheet a breakdown or listing of the names of all such accounts, including joint accounts, and their respective positions on his first report after acquiring a reportable position, and once a month thereafter, as of the last business day of the month, unless the Act Administrator approves a different date for such reporting. On this report, regardless of whether he has any transactions for that day, the trader shall show a complete listing of all such accounts and their individual positions on that day. During the month, the trader shall show at the bottom of each report he files, any new such account and any such account that is no longer participating, at the time any change occurs in his group of such participating or controlled accounts.

(6) Paragraphs (a) and (b) of § 18.03, *Time and place of filing reports*, are amended to read as follows:

§ 18.03 Time and place of filing reports.

* * * * *

(a) Reports with respect to transactions in wheat, corn, oats, rye, barley, flaxseed, soybeans, grain sorghums, butter, eggs, lard, tallow, soybean oil, cottonseed meal, soybean meal, millfeeds, live cattle, cattle products, live hogs, frozen pork bellies, and frozen skinned hams—to the Commodity Exchange Authority office in Chicago, Ill., unless otherwise specifically instructed by the Commodity Exchange Authority.

(b) Reports with respect to transactions in cotton, wool, wool tops, potatoes, cottonseed oil, and hides—to the Commodity Exchange Authority office in New York, N.Y., unless otherwise specifically instructed by the Commodity Exchange Authority.

This amendment is the same as was proposed in the above-mentioned notice. The purposes of this amendment are to define the word "trader" as used in the reporting regulations, to tell where reporting forms may be obtained, to provide for reports for the commodities which were brought under regulation by Public Law 90–258, to clarify the reporting instructions relating to controlled accounts, and to inform traders where reports should be filed. The portion of the amendment providing for reports for the new commodities should be made effective on June 18, 1968, the effective date of Public Law 90–258, which brings those

commodities under regulation. The other portions of the amendment merely clarify or make minor changes in existing provisions, hence impose no new requirements on the industry affected by the amendment. This is found to be good cause for making this amendment effective less than 30 days after the date of publication of this amendment in the FEDERAL REGISTER.

The reporting requirements contained herein have been approved by the Bureau of the Budget in accord with the Federal Reports Act of 1942 (44 U.S.C., Ch. 12).

This amendment shall become effective on June 18, 1968, the date of effectiveness of Public Law 90–258, the recent amendment to the Commodity Exchange Act.

Done at Washington, D.C., this 29th day of May 1968.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 68–6533; Filed, June 3, 1968; 8:47 a.m.]

Chapter II—Securities and Exchange Commission

[Release No. 34—6321]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Tendering Securities Not Owned

The Securities and Exchange Commission today announced the adoption of Rule 10b–4 (17 CFR 240.10b–4) under the Securities Exchange Act of 1934 ("the Act") to prohibit "short tendering" in connection with a tender offer for or a request or invitation for tenders of any security. The rule applies to cash for stock as well as stock for stock offers, the latter being generally referred to as exchange offers.

On Securities Exchange Act Release No. 8224, the Commission on January 3, 1968 published its proposal to adopt Rule 10b–4 (17 CFR 240.10b–4).[1] It has considered the comments and suggestions submitted with respect to that proposal and now adopts the rule in the form set forth below.

In connection with a tender offer or a request or invitation for tenders of a particular security, it is customarily provided that the security tendered need not be deposited if a bank or a member firm of a national securities exchange guarantees delivery on demand or at a specified time if the tender is accepted. This practice has arisen to permit acceptance by a bank or such member firm on behalf of security holders who may be out of town or otherwise may be unable to deposit the securities at the time of tender. However, the practice has been the subject of abuses in situations in which tenders are accepted on a pro rata basis. In that context, some brokers have tendered a greater number of units than have been owned by them or by the customers on whose behalf the tender has been made, resulting in a disproportionately large number of their securities being accepted in relation to the number tendered by other persons. When the Banking and Currency Committee of the Senate had under consideration S. 510, the bill to provide full disclosure of equity ownership of securities in connection with "take over" bids, the Committee adverted to this abuse, with the comment that the Commission has adequate power to deal with the problem under the antifraud provisions of the Act.[2]

The purpose of Rule 10b–4 (17 CFR 240.10b–4) is to eliminate such abuse. Thus, the rule provides that short tendering by any person shall constitute a manipulative or deceptive device or contrivance as used in section 10(b) of the Act. It prohibits a person from tendering any security for his own account unless he owns the security, or a security convertible into or exchangeable for, or an option, warrant, or right which entitles him to purchase the tendered security, provided he intends to and does convert, exchange, or exercise such right, warrant, or option to the extent necessary to deliver the tendered security. Moreover, it prohibits a person from tendering or giving a guarantee of a tender of a security on behalf of another person unless the security is in the possession of the person making the tender or giving the guarantee, or unless that person, acting in good faith, has reason to believe that the other person owns the tendered security or a security convertible into or exchangeable for, or an option, warrant, or right which entitles him to purchase the tendered security, and that such other person intends to convert, exchange, or exercise such right, warrant, or option to the extent necessary to deliver the tendered security. Although the rule prohibits short tendering, it would still be possible for a broker or a bank to guarantee delivery for customers who own the tendered securities and, in this way, to accommodate customers who are unable to deposit their securities before the termination of the tender offer.

The rule also sets forth criteria for determining when a person owns a security which is being tendered. He is deemed to own the security if he or his agent has title to it, or if he has entered into an unconditional, binding contract for the purchase of it even though he has not received it, or if he owns a security convertible into or exchangeable for the tendered security and has transmitted such security for conversion or exchange, or if he has an option to purchase or acquire the security and has exercised the option, or if he has rights or warrants to subscribe for the security and has exercised such rights or warrants. The rule makes it clear, however, that a person is deemed to own a security only to the extent that he has a net long position in it, and that the holder of an option who tenders the security which is the subject of the option must have reason to believe that the maker or writer of the option has title to and possession of such security and will promptly deliver it upon exercise of the option.

Commission action. The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, and particularly sections 10(b) and 23(a) thereof, and deeming it necessary and appropriate in the public interest and for the protection of investors, hereby amends Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by adopting Rule 10b–4 (17 CFR 240.10b–4) as set forth below, effective July 1, 1968.

§ 240.10b–4 Short tendering of securities.

(a) It shall constitute a "manipulative or deceptive device or contrivance" as used in section 10(b) of the Act for any person, in response to an offer for, or to a request or invitation for tenders of, any security,

(1) To tender any security for his own account unless (i) he owns the security or, (ii) he owns a security convertible into or exchangeable for, or owns an option, warrant or right to purchase the tendered security, intends to acquire the tendered security, by conversion, exchange, or exercise of such option, warrant, or right to the extent necessary to deliver the tendered security, and, upon the acceptance of his tender, he does convert, exchange, or excercise such option, warrant, or right to the extent necessary to deliver the tendered security: *Provided, however,* That if he tenders a security on the basis of his ownership of an option to purchase such security, he shall have reason to believe that the maker or writer of the option has title to and possession of such security and will promptly deliver it upon exercise of the option; or,

(2) To tender or guarantee the tender of any security on behalf of another person, unless (i) such security is in the possession of the person making the tender or giving the guarantee, or (ii) the person making the tender or giving the guarantee, upon information furnished by the person on whose behalf the tender or guarantee is made, has reason to believe that such person owns the security tendered and, as soon as possible, without undue inconvenience or expense, will deliver the security for the purpose of the tender to the person making the tender or giving the guarantee, or (iii) the person on whose behalf the tender or guarantee is made owns a security convertible into, or exchangeable for, or owns an option, warrant, or right to purchase the tendered security and the person making the tender has reason to believe that such other person intends to acquire the tendered security, by the conversion, exchange, or exercise of such option, warrant or right to the extent necessary to deliver the tendered security: *Provided, however,* That if the tender or guarantee of the tender of a security is made on the basis of the ownership of an option to purchase such security, the person making the tender

[1] 33 F.R. 514, published in the FEDERAL REGISTER of Jan. 13, 1968.

[2] S. Rept. 500, 90th Cong. 1st sess. (1967) p. 5.

or guarantee shall have reason to believe that the maker or writer of the option has title to and possession of such security and will promptly deliver it upon exercise of the option.

(b) For the purposes of this section, a person shall be deemed to own a security if (1) he or his agent has title to it; or (2) he has purchased, or has entered into an unconditional contract, binding on both parties thereto, to purchase it but has not yet received it; or (3) he owns a security convertible into or exchangeable for it and has tendered such security for conversion or exchange; or (4) he has an option to purchase or acquire it and has exercised such option; or (5) he has rights or warrants to subscribe to it and has exercised such rights or warrants: *Provided, however,* That a person shall be deemed to own securities only to the extent that he has a net long position in such securities.

(Secs. 10(b), 23(a), 48 Stat. 891, 901, as amended; sec. 8, 49 Stat. 1379; 15 U.S.C. 78j, 78w)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

MAY 28, 1968.

[F.R. Doc. 68-6522; Filed, June 3, 1968; 8:46 a.m.]

Title 25—INDIANS

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

PART 74—GOVERNMENT OF INDIAN VILLAGES, OSAGE RESERVATION, OKLA.

Miscellaneous Amendments

Basis and purpose. This notice is published in the exercise of rule making authority (hereinafter referred to) delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2. Pursuant to the authority vested in the Secretary of the Interior by sections 161, 463, and 465 of the Revised Statutes (5 U.S.C. 301; 25 U.S.C. 2 and 9), and the act of June 28, 1906 (34 Stat. 539), as amended by the act of June 24, 1938 (52 Stat. 1034), sections 74.3, 74.4, 74.5, 74.7, 74.11, and 74.14 of Part 74, Chapter I, Title 25, of the Code of Federal Regulations are amended as set forth below. The purpose of these amendments is to designate new plats of survey as controlling the assignment and use of the lands within the three Indian villages, correct a typographical error appearing in the description of the lands within Grayhorse Indian Village, and provide better control over livestock in the villages. Since these amendments were initiated at the request of the Osage Tribal Council and relate only to the three Indian villages on tribal land, advance notice and public procedure thereon have been deemed unnecessary and are dispensed with under the exception provided in subsection (d)(3) of 5 U.S.C. 553 (Supp. II, 1965-66). Accordingly, the revised rules will become effective upon publication in the FEDERAL REGISTER.

1. Section 74.3 is revised to correct an error in the description of Grayhorse Indian Village. As revised, § 74.3 reads as follows:

§ 74.3 Description of village reserves.

The act of June 28, 1906 (34 Stat. 539), as amended by the act of June 24, 1938 (52 Stat. 1034), set aside certain tribal lands exclusively as dwelling sites for the use and benefit of the Osage Indians until January 1, 1984, unless otherwise provided by Act of Congress. These lands are described as follows:

(a) *Grayhorse Indian Village.* The southeast quarter (SE¼) of the southeast quarter (SE¼), and the west half (W½) of the southwest quarter (SW¼) of the southeast quarter (SE¼), and the south half (S½) of the northeast quarter (NE¼) of the southeast quarter (SE¼) of the southwest quarter (SW¼), and the south half (S½) of the north half (N½) of the northeast quarter (NE¼) of the southeast quarter (SE¼) of the southwest quarter (SW¼), and the southeast quarter (SE¼) of the southeast quarter (SE ¼) of the southwest quarter (SW¼) of sec. fifteen (15); and the north half (N½) of the northeast quarter (NE¼), and the northeast quarter (NE¼) of the northwest quarter (NW¼) of sec. twenty-two (22), all in township twenty-four (24) north, range six (6) east of the Indian meridian, and containing 197.5 acres, more or less.

* * * * *

2. Section 74.4 is amended to revise the certification date of the official plats and to provide for their filing with the appropriate county clerk. As revised, § 74.4 reads as follows:

§ 74.4 Plats of village reserves.

Plats of the Grayhorse Indian Village, the Pawhuska Indian Village, and the Hominy Indian Village, certified by Ralph M. Tolson, Registered Engineer, on July 5, 1966, are the official plats of dedication of said villages and shall be filed of record with the county clerk of Osage County, State of Oklahoma.

3. Section 74.5 is revised to redefine the tracts which are reserved from selection by individuals, and to provide for the retention by individuals having summer homes or dance arbors located on the Public Square of the Hominy Indian Village, of those homes or dance arbors during their lifetimes. As revised, § 74.5 reads as follows:

§ 74.5 Tracts reserved from selection by individuals.

The following described tracts, as shown on the plats of the three villages, are reserved from selection by individuals and are set aside for sepultural use or for public use by tribal members:

(a) Grayhorse Indian Village:
(1) Public squares,
(2) Parks, and
(3) Cemetery.
(b) Hominy Indian Village:
(1) Public squares,
(2) Cemetery, and
(3) Lot 1 in block 1 set aside for religious and educational purposes to the Society of Friends, its Associate Executive Committee of Friends on Indian Affairs and its or their representative at Hominy, Okla., by Resolution of the Osage Tribal Council dated June 6, 1956, and approved by the Assistant Secretary of the Interior September 7, 1956.
(c) Pawhuska Indian Village:
(1) Wakon Iron Square.
(d) Those individuals who have summer homes or dance arbors located on the Public Square of the Hominy Indian Village shall be permitted to retain said summer homes or dance arbors during their lifetimes if they are maintained in a condition satisfactory to the Hominy Indian Village Committee. Following the owner's death, the improvements shall be removed within ninety (90) days or become the property of the Hominy Indian Village.

4. Section 74.7 is revised to include a provision with respect to the number of lots allowable under any one permit for dwelling purposes. As revised, § 74.7 reads as follows:

§ 74.7 Permits to occupy land for dwelling purposes.

The issuance of permits for the use of land for dwelling purposes within any village reserve described in § 74.3 except tracts reserved for specific purposes by § 74.5 will be under the jurisdiction of the Superintendent. Permits may be issued only to tribal members upon application to the Superintendent: *Provided,* That only one permit shall be issued to any one individual and that erection of a dwelling house shall be started on such land within six (6) months from date of approval of the permit or such permit shall be automatically terminated except that upon written application the Superintendent may extend such permit for an additional six (6) months: *Provided, further,* That only one dwelling shall be constructed under any one permit. Permits shall be issued for the use of one to three contiguous lots, depending upon the quality and permanency of the improvements to be placed thereon. Permits issued under this Section shall be made in duplicate in a manner to be prescribed by the Superintendent. The original copy shall be filed in the Branch of Realty, Osage Agency, and the duplicate copy shall be mailed to the permittee.

5. Section 74.11 is revised to provide penalty action in the case of trespassing livestock. As revised, § 74.11 reads as follows:

§ 74.11 Domestic animals in village reserves.

(a) No livestock shall be permitted to trespass in any village reserve except that unassigned lots or unplatted areas enclosed by adequate fences may be leased by the village committee with the approval of the Superintendent and the proceeds therefrom credited to the account of the village committee. Trespassing livestock may be impounded by

the village committee. The village committee shall give notice of impoundment to the owner of the animal, if known, by certified mail or by posting in the village square. The notice shall advise the owner that a $10 charge shall be assessed per day for each animal impounded and a reasonable charge for forage consumed and that the animal or animals shall be sold at the expiration of twenty (20) days from the date of mailing or posting the notice. In the event an animal is sold, the balance after deducting $10 per day for impoundment and a reasonable forage charge, shall be deposited at the Osage Agency and the owner may claim said funds if satisfactory proof of ownership is presented to the Superintendent of the Osage Agency within six (6) months of the date of sale. After six (6) months, any funds remaining on deposit will become the property of the village in which the animal was trespassing.

(b) No horses, mules, bovine, hogs, sheep, or goats shall be penned on assigned lots.

6. Section 74.14 is revised to establish a new certified list of permittees and procedures for its confirmation. As revised, § 74.14 reads as follows:

§ 74.14 Confirmation of permits.

The Superintendent shall prepare a certified list of all current permittees with a description of lots held, which descriptions shall conform to the plats certified July 5, 1966. Said list shall be served by certified mail on the individual permittees and the village committee chairman and shall be posted at the Osage Agency and each of the three village squares. Unless a protest is filed with the Superintendent within ninety (90) days of the mailing and posting, said certified list of assigned lots and the individual permittees shall be final and conclusive. Protests may be filed by tribal members claiming an interest in an assigned lot and such protest shall be determined by the Superintendent after notice and hearing.

T. W. TAYLOR,
Acting Commissioner.

MAY 20, 1968.

[F.R. Doc. 68-6508; Filed, June 3, 1968; 8:45 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 6957]

DEPOSIT OF CERTAIN TAXES

On April 16, 1968, notice of proposed rule making with respect to the rules for the deposit of certain income, employment, and excise taxes was published in the FEDERAL REGISTER (33 F.R. 5804). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the following regulations are amended as follows:

SUBCHAPTER A—INCOME TAX

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

PARAGRAPH 1. Paragraph (a) of § 1.6302–2 is amended by revising subparagraphs (1) and (2), by redesignating subparagraphs (3) and (4) as subparagraphs (5) and (6), and by inserting immediately after subparagraph (2) new subparagraphs (3) and (4). These amended and added provisions read as follows:

§ 1.6302–2 Use of Government depositaries for payment of tax withheld on nonresident aliens and foreign corporations.

(a) *Time for making deposits*—(1) *Monthly deposits.* Except as provided in subparagraph (2) of this paragraph, every withholding agent who, pursuant to Chapter 3 of the Code, withholds during any calendar month other than the last month of a calendar quarter more than $100 in the aggregate shall deposit such aggregate amount with a Federal Reserve bank or authorized commercial bank within 15 days after the close of such calendar month, and who so withholds during March 1968, more than $100 in the aggregate shall so deposit such aggregate amount on or before April 30, 1968.

(2) *Semimonthly deposits.* Every withholding agent, who, pursuant to Chapter 3 of the Code, withholds during any calendar month of a calendar quarter more than $2,500 in the aggregate shall deposit any tax, which is required to be withheld under such chapter during any semimonthly period of the next succeeding calendar quarter, with a Federal Reserve bank or authorized commercial bank within 3 banking days after the close of the semimonthly period during which the amounts to which such withholding relates are paid. For purposes of this subparagraph, the term "semimonthly period" means the first 15 days of a calendar month or the part of a calendar month following the 15th day of such month. A withholding agent will be considered to have complied with the deposit requirements of this subparagraph in respect of any semimonthly period if (i) his deposit for such semimonthly period is made within the time otherwise prescribed, (ii) is not less than 90 percent of the aggregate amount of the tax required to be withheld under Chapter 3 of the Code during such semimonthly period, and (iii) if such semimonthly period occurs in a calendar month other than the last month in a calendar quarter, he deposits, within 3 banking days after the 15th day of the month following such calendar month, the balance of any amount withheld during such calendar month and not previously deposited, or if such semimonthly period occurs in March 1968, he deposits, on or before the last day of April 1968, the balance of any amount withheld during such calendar month and not previously deposited. In a case where an adjustment in the amount of a deposit for a semimonthly period is allowed pursuant to paragraph (b) of § 1.1461–4, the 90-percent requirement of subdivision (ii) of this subparagraph will be considered met if the deposit for such period is not less than 90 percent of the aggregate amount of tax required to be withheld during such semimonthly period (determined without regard to such adjustment), reduced by the amount of such adjustment. See paragraph (b) of § 1.1461–4 and example (2) thereunder. For determining the amount of tax required to be withheld under Chapter 3 of the Code where there has been a reimbursement of overwithheld tax, see paragraph (a) (2) of § 1.1461–4.

(3) *Quarterly deposits.* Every withholding agent who, pursuant to Chapter 3 of the Code, withholds during any calendar quarter beginning after March 31, 1968, tax in an amount which exceeds by more than $100 the total amount deposited by him pursuant to subparagraph (1) or (2) of this paragraph for such calendar quarter, shall, on or before the last day of the first calendar month following the close of the calendar quarter, deposit with a Federal Reserve bank or authorized commercial bank an amount equal to the amount by which the total tax withheld during the calendar quarter exceeds the total deposits (if any) made pursuant to subparagraph (1) or (2) of this paragraph.

(4) *Annual deposits.* If for any reason the total amount of tax required to be returned for a calendar year beginning after December 31, 1967, pursuant to paragraph (b) of § 1.1461–2 (relating to return of tax withheld) exceeds by more than $100 the sum of—

(i) Amounts deposited pursuant to subparagraphs (1), (2), and (3) of this paragraph (including any voluntary deposits made pursuant to paragraph (b) (3) of this section), and

(ii) Amounts paid pursuant to paragraph (a) (1) of § 1.1461–3,

for such calendar year, the withholding agent shall deposit the balance of tax due for such year with a Federal Reserve bank or authorized commercial bank on or before the 15th day of the third month following the close of the calendar year.

* * * * *

SUBCHAPTER C—EMPLOYMENT TAXES

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

PAR. 2. Paragraph (a) of § 31.6302(c)–1 is amended by revising subdivision (iii) of subparagraph (1) and by adding a new subdivision (iv) to subparagraph (1) and a new subdivision (iii) to subparagraph (2). These revised and added provisions read as follows:

§ 31.6302(c)–1 Use of Government depositaries in connection with taxes under Federal Insurance Contributions Act and income tax withheld.

(a) *Requirement*—(1) *In general.* * * *

(iii) As used in subdivisions (i) and (ii) of this subparagraph, the term "taxes" means—

(*a*) The employee tax withheld under section 3102,

(*b*) The employer tax under section 3111, and

(*c*) The income tax withheld under section 3402,

exclusive of taxes with respect to wages for agricultural labor or for domestic service in a private home of the employer.

(iv) If the aggregate amount of taxes reportable on a return (other than a return on Form 942) for a calendar quarter beginning after March 31, 1968, exceeds by more than $100 the total amount deposited by the employer pursuant to subdivision (i) or (ii) of this subparagraph for such calendar quarter, the employer shall, on or before the last day of the first calendar month following the period for which the return is required to be filed, deposit with a Federal Reserve bank or authorized commercial bank an amount equal to the amount by which the taxes reportable on the return exceed the total deposits (if any) made pursuant to subdivision (i) or (ii) of this subparagraph for such calendar quarter. As used in this subdivision, the term "taxes" shall have the meaning assigned to such term in subdivision (iii) of this subparagraph, except that the term shall include the employee tax and employer tax referred to in (*a*) and (*b*) of such subdivision (iii) of this subparagraph with respect to any wages for domestic service in a private home of the employer which the employer elects to report on a quarterly return other than a quarterly return made on Form 942.

(2) *Employers of agricultural workers.* * * *

(iii) *Additional requirement for 1968 and subsequent years.* If the aggregate amount of taxes reportable on a return on Form 943 for a calendar year beginning after December 31, 1967, exceeds by more than $100 the total amount deposited by the employer pursuant to subdivision (ii) of this subparagraph for such calendar year, the employer shall, on or before the last day of the first calendar month following the period for which the return is required to be filed, deposit with a Federal Reserve bank or authorized commercial bank an amount equal to the amount by which the taxes reportable on the return exceed the total deposits (if any) made pursuant to subdivision (ii) of this subparagraph for such calendar year.

* * * * *

PAR. 3. Paragraph (a) of § 31.6302(c)–2 is amended to read as follows:

§ 31.6302(c)–2 Use of Government depositaries in connection with employee and employer taxes under Railroad Retirement Tax Act.

(a) *Requirement*—(1) *In general.* If during any calendar month the aggregate amount of—

(i) The employee tax withheld under section 3202 or under corresponding provisions of prior law, and

(ii) The employer tax for such month under section 3221 or under corresponding provisions of prior law,

exceeds $100 in the case of an employer, such employer shall deposit such aggregate amount within 15 days after the close of such calendar month with a Federal Reserve bank or authorized commercial bank, except that the deposit for the last month of a return period shall be made on or before the last day of the first month following such period. If a portion of the taxes for a calendar month is reportable under § 31.6011(a)–2 on the return on Form CT–1 for the return period immediately preceding such month, the employer is required to deposit such portion in the same manner as if it were for the last calendar month in such return period.

(2) *Special requirement.* If an employer files a return on Form CT–1 for a calendar quarter beginning after March 31, 1968, and the taxes shown thereon exceed by more than $100 the total amount deposited by him pursuant to subparagraph (1) of this paragraph for such calendar quarter, the employer shall, on or before the last day of the second calendar month following the period for which the return is filed, deposit with a Federal Reserve bank or authorized commercial bank an amount equal to the amount by which the taxes shown on the return exceed the total deposits (if any) made pursuant to subparagraph (1) of this paragraph for such calendar quarter.

* * * * *

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

PART 46—REGULATIONS RELATING TO MISCELLANEOUS EXCISE TAXES PAYABLE BY RETURN

PAR. 4. Paragraph (a) of § 46.6302(c)–1 is amended by adding a new subparagraph (2) to read as follows:

§ 46.6302(c)–1 Use of Government depositaries.

(a) *Requirement.* * * *

(2) *Special requirement.* The provisions of this subparagraph shall apply to every person (whether or not required by subparagraph (1) of this paragraph to make a deposit of taxes) required to file a quarterly excise tax return on Form 720 for a calendar quarter which begins after March 31, 1968, who has a total liability for all excise taxes (to which this part and Part 48 of this chapter relate) reportable on such form which exceeds by more than $100 the total amount of taxes deposited by him pursuant to subparagraph (1) of this paragraph for such quarter. Such person shall, on or before the last day of the month following the calendar quarter for which the return is required to be filed, deposit with a Federal Reserve bank or authorized commercial bank the full amount by which his liability for all excise taxes reportable on such form for that calendar quarter exceeds the amount of excise taxes previously deposited by him for that calendar quarter.

* * * * *

PART 48—MANUFACTURERS AND RETAILERS EXCISE TAXES

PAR. 5. Paragraph (a) of § 48.6302(c)–1 is amended by adding a new subparagraph (2) to read as follows:

§ 48.6302(c)–1 Use of Government depositaries.

(a) *Requirement.* * * *

(2) *Special requirement.* The provisions of this subparagraph shall apply to every person (whether or not required by subparagraph (1) of this paragraph to make a deposit of taxes) required to file a quarterly excise tax return on Form 720 for a calendar quarter which begins after March 31, 1968, who has a total liability for all excise taxes (to which this part and Part 46 of this chapter relate) reportable on such form which exceeds by more than $100 the total amount of taxes deposited by him pursuant to subparagraph (1) of this paragraph for such quarter. Such person shall, on or before the last day of the month following the calendar quarter for which the return is required to be filed, deposit with a Federal Reserve bank or authorized commercial bank the full amount by which his liability for all excise taxes reportable on such form for that calendar quarter exceeds the amount of excise taxes previously deposited by him for that calendar quarter.

* * * * *

PART 49—FACILITIES AND SERVICES EXCISE TAXES

PAR. 6. Paragraph (a) of § 49.6302(c)–1 is amended by adding a new subparagraph (2) to read as follows:

§ 49.6302(c)–1 Use of Government depositaries.

(a) *Requirement.* * * *

(2) *Special requirement.* The provisions of this subparagraph shall apply to every person (whether or not required by subparagraph (1) of this paragraph to make a deposit of taxes) required to file a quarterly excise tax return on Form 720 for a calendar quarter which begins after March 31, 1968, who has a total liability for all excise taxes (to which this part relates) reportable on such form which exceeds by more than $100 the total amount of taxes deposited by him pursuant to subparagraph (1) of this paragraph for such quarter. Such person shall, on or before the last day of the second month following the calendar quarter for which the return is required to be filed, deposit with a Federal Reserve bank or authorized commercial bank the full amount by which his liability for all excise taxes reportable on such form for that calendar quarter exceeds the amount of excise taxes previously deposited by him for that calendar quarter.

* * * * *

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

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

Approved: May 28, 1968.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 68–6558; Filed, June 3, 1968; 8:49 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER D—NAVIGATION REQUIREMENTS FOR CERTAIN INLAND WATERS

[CGFR 68-64]

PART 82—BOUNDARY LINES OF INLAND WATERS

Atlantic Coast; New York Harbor

1. The purpose of the amendment to 33 CFR 82.20 in this document is to move the northern end of the demarcation line from the Rockaway Point Coast Guard Station to East Rockaway Inlet Breakwater Light and to change the terminology of reference points to conform with what is presently used. Pursuant to the notice of proposed rule making published in the FEDERAL REGISTER of February 29, 1968 (33 F.R. 3564–3570), and the Merchant Marine Council Public Hearing Agenda dated March 25, 1968 (CG-249), the Merchant Marine Council held a public hearing on March 25, 1968, for the purpose of receiving comments, views, and data. The proposed changes included the change in the boundary line for New York Harbor, which was identified as Item PH 5-68 (CG-249, page 209). One favorable comment was received concerning this proposal. As recommended by the Merchant Marine Council, this proposal is approved.

2. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 632 of Title 14, United States Code, and the delegation of authority of the Secretary of Transportation in 49 CFR 1.4(a)(2) to promulgate regulations and amendments in accordance with the laws cited with the regulations below, the following amendments in this document are prescribed and shall be effective on the 31st day after the date of publication of this document in the FEDERAL REGISTER.

3. The authority note for Part 82 is amended to read as follows:

AUTHORITY: The provisions of this Part 82 issued under sec. 2, 28 Stat. 672, as amended, sec. 6(b)(1), 80 Stat. 938; 33 U.S.C. 151, 49 U.S.C. 1655(b); 49 CFR 1.4(a)(2).

4. Section 82.20 is amended to read as follows:

ATLANTIC COAST

§ 82.20 New York Harbor.

A line drawn from East Rockaway Inlet Breakwater Light to Ambrose Light; thence to Highlands Light (north tower).

Dated: May 28, 1968.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 68-6557; Filed, June 3, 1968; 8:49 a.m.]

Chapter II—Corps of Engineers, Department of the Army

PART 205—DUMPING GROUNDS REGULATIONS

Chesapeake Bay, Md.

Pursuant to the provisions of section 4 of the River and Harbor Act of March 3, 1905 (33 Stat. 1147; 33 U.S.C. 419), § 205.20 is hereby amended with respect to paragraph (a), deleting a portion at the north end of the dumping ground in Chesapeake Bay off Kent Island, Md., effective upon publication in the FEDERAL REGISTER, since that portion is about filled to capacity, as follows:

§ 205.20 Chesapeake Bay off Kent Island, Md.

(a) *The dumping grounds.* The waters of Chesapeake Bay within an area west of the north end of Kent Island bounded as follows: Beginning at latitude 38°59'43", longitude 76°21'58"; thence to latitude 39°00'44", longitude 76°-21'34"; thence to latitude 39°00'42", longitude 76°21'23"; thence to latitude 39°03'03", longitude 76°20'27"; thence to latitude 39°03'05", longitude 76°-19'46"; thence to latitude 38°59'32", longitude 76°21'12"; and thence to the point of beginning.

* * * * *

[Regs., May 15, 1968, 1507-32 (Chesapeake Bay, Md.)-ENGCW-ON] (Sec. 4, 33 Stat. 1147; 33 U.S.C. 419)

For the Adjutant General.

J. W. HURD,
Colonel, AGC, Comptroller, TAGO.

[F.R. Doc. 68-6506; Filed, June 3, 1968; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XVII—Office of Emergency Planning

PART 1703—EMPLOYEE RESPONSIBILITY AND CONDUCT

Outside Employment and Other Activity

Section 1703.735-202 of Chapter 32 of the Code of Federal Regulations is amended by revising paragraph (c) and by deleting paragraph (d), as follows:

§ 1703.735-202 Outside employment and other activity.

* * * * *

(c) Employees are encouraged to engage in teaching, lecturing, and writing that is not prohibited by law, the Executive order or this part. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, or writing, including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Civil Service Commission or Board of Examiners for the Foreign Service, that is dependent on information obtained as a result of his Government employment, except when the information has been made available to the general public or will be made available on request, or when the Director, Office of Emergency Planning gives written authorization for the use of nonpublic information on the basis that the use is in the public interest. In addition, an employee who is a Presidential appointee covered by section 401(a) of the Executive order shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the Office of Emergency Planning, or which draws substantially on official data or ideas which have not become part of the body of public information.

(d) [Deleted]

* * * * *

(E.O. 11222, 30 F.R. 6469, 3 CFR 1965, Supp.; 5 CFR Part 735)

This amendment was approved by the Civil Service Commission on May 10, 1968.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

Dated: May 27, 1968.

PRICE DANIEL,
Director,
Office of Emergency Planning.

[F.R. Doc. 68-6521; Filed, June 3, 1968; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4418]

[Wyoming 0324690]

WYOMING

Partial Revocation of Reclamation Project Withdrawals

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

1. The order of the Bureau of Reclamation dated April 19, 1951, concurred in by the Bureau of Land Management on July 9, 1951, and the departmental order of October 15, 1943, withdrawing lands for the Paintrock Unit, Missouri River Basin Project, are hereby revoked so far as they affect the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 49 N., R. 91 W.,
Sec. 2, lots 9 to 11, inclusive, NE¼SW¼;
Sec. 3, lots 5, 6, 12, and 13 and S½NE¼;
Sec. 5, lots 5 to 8, inclusive, NW¼SW¼, and S½SW¼;
Sec. 9, lots 1 to 4, inclusive, SW¼NW¼, SW¼, W½SE¼, and SE¼SE¼;
Sec. 11, lots 1, 2, 3, and N½NE¼;
Sec. 12, lots 1 to 6, inclusive, NW¼ and E½SW¼;
Sec. 13, lots 1 to 9, inclusive;
Sec. 24, lots 1 and 2;
Trs. 46–A to D, inclusive (patented);
Tr. 78–E (patented);
Trs. 79–O, P, and Q (formerly described in T. 50 N., R. 91 W.);
Trs. 80–Q to S, inclusive;
Tr. 80–T (formerly described in T. 50 N., R. 91 W.).
T. 50 N., R. 91 W.,
Sec. 28, SW¼;
Secs. 29 and 30;
Sec. 31, lot 4;
Trs. 74–A to D, inclusive (patented);
Trs. 75–B to D, inclusive;
Trs. 77–A to F, inclusive;
Trs. 79–A to N, inclusive;
Trs. 80–A to P, inclusive.
T. 50 N., R. 92 W.,
Sec. 25, N½, N½SW¼, and SE¼;
Sec. 33, S½S½, and NW¼SW¼;
Sec. 34, SW¼SW¼, and SE¼SE¼.

The areas described aggregate 5,850.19 acres of public lands and 331.83 acres of patented lands in Big Horn County.

The lands are rolling foothills in the Big Horn and Nowood River valleys near Manderson.

2. At 10 a.m. on July 3, 1968, Tracts 77–D and 77–E, T. 50 N., R. 91 W., described in paragraph 1 of this order, shall be open to operation of the public land laws generally, including the mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on July 3, 1968, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. Until 10 a.m. on November 26, 1968, the State of Wyoming shall have a preferred right of application to select the public lands described in paragraph 1 of this order except those described in paragraph 2, as provided by R.S. 2276, as amended (43 U.S.C. 852). After that time the lands shall be open to operation of the public land laws generally, including the mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on November 26, 1968, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The public lands described in this order have been open to applications and offers under the mineral leasing laws.

The State of Wyoming has waived the preference right of application granted to certain States by R.S. 2276, as amended (43 U.S.C. 852), as to the tracts described in paragraph 2, above.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyo.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

MAY 28, 1968.

[F.R. Doc. 68–6509; Filed, June 3, 1968; 8:45 a.m.]

[Public Land Order 4419]

[Fairbanks 034648]

ALASKA

Partial Revocation of Public Land Order No. 386

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 386 of July 31, 1947, withdrawing public lands for use of the War Department for right-of-way purposes for a telephone line and an oil pipe line, is hereby revoked so far as it affects the following described lands:

(a) *Pumping Station "I"*

A tract of land containing 65 acres, situated on the north side of the Alaska Highway, more particularly described as follows:

Beginning at a point on the centerline of the Alaska Highway, opposite the pumphouse at mile station 1,249.7 (old highway), thence by metes and bounds: Southeasterly along centerline of Alaska Highway approximately 15 chains; N. 48° E., 24 chains; N. 42° W., 30 chains; S. 48° W., 22 chains to centerline of highway; southeasterly along centerline of Alaska Highway approximately 15 chains to point of beginning.

(b) *Pumping Station "J"*

A tract of land containing 60 acres, situated on the north side of the Alaska Highway, more particularly described as follows:

Beginning at a point on the centerline of the Alaska Highway opposite the pumphouse at mile station 1,288.6 (old highway), thence by metes and bounds: S. 40°32′ E., 15 chains; N. 49°28′ E., 20 chains; N. 40°32′ W., 30 chains; S. 49°28′ W., 20 chains to centerline of highway; S. 40°32′ E. along centerline of Alaska Highway approximately 15 chains to point of beginning.

(c) *Pumping Station "M"*

A tract of land containing 60 acres, situated along the north side of the Alaska Highway, more particularly described as follows:

Beginning at a point on the centerline of the Alaska Highway opposite the pumphouse at mile station 1,409.5 (old highway), thence by metes and bounds: S. 58°29′ E., 15 chains; N. 31°31′ E., 20 chains; N. 58°29′ W., 30 chains; S. 31°31′ W., 20 chains; S. 58°29′ E., 15 chains to the point of beginning.

The area described aggregate 185 acres.

2. Until 10 a.m. on August 27, 1968, the State of Alaska shall have a preferred right to select the lands released from withdrawal as provided for by section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR 2222.9. After that time the lands shall be open to operation of the public land laws generally, including the mining and mineral leasing laws, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on August 27, 1968, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

MAY 28, 1968.

[F.R. Doc. 68–6510; Filed, June 3, 1968; 8:45 a.m.]

[Public Land Order 4420]

[Sacramento 238]

CALIFORNIA

Powersite Cancellation No. 265; Partial Cancellation of Powersite Classification No. 425

By virtue of the authority contained in the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 1950 Reorganization Plan No. 3 (64 Stat. 1262; 5 U.S.C. 133z–15, note), and in section 24 of the act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the determination of the Federal Power Commission, in DA–1081–California, it is ordered as follows:

1. The departmental order of June 24, 1952, creating Powersite Classification No. 425, is hereby canceled so far as it affects the following described lands:

MOUNT DIABLO MERIDIAN

T. 27 N., R. 12 E.,
Sec. 22, S½SW¼NE¼NE¼SE¼, S½SE¼NW¼NE¼SE¼, N½NE¼SW¼NE¼SE¼, N½SE¼NE¼SE¼, N½SW¼SE¼NE¼SE¼, SE¼SE¼NE¼SE¼, and NE¼NE¼SE¼SE¼;
Sec. 23, W½NW¼NW¼SE¼SW¼.
T. 23 N., R. 13 E.,
Sec. 1, W½SW¼NW¼SW¼, and NW¼NW¼SW¼SW¼;
Sec. 2, E½SE¼NE¼SE¼, and NE¼NE¼SE¼SE¼.

The areas described aggregate 31.25 acres in the Plumas National Forest in Plumas County.

In DA–1081–California, the Federal Power Commission vacated the withdrawals created pursuant to the filing of applications for Project Nos. 249, 2134, 2136, and 2279, so far as they affect the lands described in paragraph 1 of this order.

2. At 10 a.m. on July 3, 1968, the lands shall be open to such forms of disposition as may by law be made of national forest lands, subject to the provisions of the withdrawal made by Public Land Order No. 3391 of May 11, 1964, for the Antelope and Grizzley Valleys Recreation Areas.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

MAY 28, 1968.

[F.R. Doc. 68–6511; Filed, June 3, 1968; 8:45 a.m.]

[Public Land Order 4421]

[Nevada 051739]

NEVADA

Partial Revocation of Public Land Order No. 4371 of February 26, 1968; Withdrawal for Railroad Valley Wildlife Management Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described lands which are under the jurisdiction of the Secretary of the Interior are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C. ch. 2), but not from leasing under the mineral leasing laws, and reserved for management in cooperation with the State of Nevada as a part of the Railroad Valley Wildlife Management Area established by Public Land Order No. 4371 of February 26, 1968:

MOUNT DIABLO MERIDIAN

T. 8 N., R. 56 E.,
Sec. 19, NW¼.

The tract described contains approximately 160 acres in Nye County.

2. Public Land Order No. 4371 of February 26, 1968, establishing the Railroad Valley Wildlife Management Area, is hereby revoked so far as it affects the following described lands:

MOUNT DIABLO MERIDIAN

T. 8 N., R. 56 E.,
Sec. 19, SE¼.

The tract described contains 160 acres in Nye County.

3. At 10 a.m. on July 3, 1968, the lands described in paragraph 2 shall be open to the operation of the public land laws generally, including the mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, rules, and regulations. All valid applications received at or prior to 10 a.m. on July 3, 1968, shall be considered as simultaneously filed at that time. Those filed thereafter shall be considered in the order of filing. The lands have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nev.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

MAY 28, 1968.

[F.R. Doc. 68-6512; Filed, June 3, 1968; 8:45 a.m.]

[Public Land Order 4422]

[Oregon 1551 (Wash.)]

WASHINGTON

Partial Revocation of Executive Order of July 15, 1875

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

The Executive order of July 15, 1875, reserving lands for lighthouse purposes is hereby revoked so far as it affects the following described lands:

WILLAMETTE MERIDIAN

"No. 5, Sisters Island" consisting of a group of four islands located in unsurveyed secs. 13 and 24, T. 37 N., R. 1 W.

The areas described aggregate 4 acres in San Juan County, which are under lease as authorized by the act of June 14, 1926 (44 Stat. 741; 43 U.S.C. 869), as amended.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

MAY 28, 1968.

[F.R. Doc. 68-6513; Filed, June 3, 1968; 8:45 a.m.]

[Public Land Order 4423]

[Montana 8049 (S.D.)]

SOUTH DAKOTA

Restoration of Lands to Ownership of Cheyenne River Sioux Tribe of Indians

By virtue of the authority contained in section 3 of the act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 463(a)), the following described land is hereby restored to tribal ownership of the Cheyenne River Sioux Tribe of Indians, and is added to and made a part of the existing reservation, subject to any valid existing rights:

BLACK HILLS MERIDIAN

T. 7 N., R. 21 E.,
Sec. 16, SE¼.

Containing 160 acres in Haakon County.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

MAY 28, 1968.

[F.R. Doc. 68-6514; Filed, June 3, 1938; 8:45 a.m.]

[Public Land Order 4424]

[New Mexico 1411]

NEW MEXICO

Withdrawal for National Forest Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

NEW MEXICO PRINCIPAL MERIDIAN

LINCOLN NATIONAL FOREST

Sleepygrass Picnic Ground

T. 16 S., R. 12 E.,
Sec. 4, lot 7, W½ lot 10, SE¼ lot 14, W½ lot 15, NW¼ lot 18, lot 19, SE¼ lot 20, lot 21, and NW¼ lot 22;
Sec. 5, S½ lot 22, S½ lot 23, S½ lot 24, N½NE¼SW¼, N½NE¼SE¼, and N½NW¼SE¼.

The area described contains 320 acres in Otero County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

MAY 28, 1968.

[F.R. Doc. 68-6515; Filed, June 3, 1968; 8:45 a.m.]

[Public Land Order 4425]

[Idaho 013743]

IDAHO

Addition to Deer Flat National Wildlife Refuge

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public lands laws, including the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, and reserved as an addition to the Deer Flat National Wildlife Refuge:

BOISE MERIDIAN

T. 5 N., R. 6 W.,
Sec. 14, lot 5;
Sec. 23, lot 5.

The areas described aggregate 16.9 acres in Canyon County.

2. Grazing of domestic livestock on the lands shall be in accordance with provisions of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315), as amended, and the regulations in 43 CFR, but shall be subordinate to the use of the lands for wildlife purposes.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

MAY 28, 1968.

[F.R. Doc. 68-6516; Filed, June 3, 1968; 8:45 a.m.]

[Public Land Order 4426]

[ES-2252]

ARKANSAS

Withdrawal for Millwood Dam and Reservoir Project

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for use of the Corps of Engineers, Department of the Army, in connection with the Millwood Dam and Reservoir Project:

FIFTH PRINCIPAL MERIDIAN

T. 11 S., R. 29 W.,
Sec. 20, fractional SW¼SW¼, south of River.
T. 10 S., R. 31 W.,
Sec. 29, fractional S½SE¼, south of river;
Sec. 32, fractional SE¼NE¼, south of river.

The areas described aggregate 4.52 acres in Little River County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the land under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

MAY 28, 1968.

[F.R. Doc. 68-6517; Filed, June 3, 1968; 8:45 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER A—GENERAL PROVISIONS

[Commission Order 53 (Amended), Amdt. 2]

PART 500—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Outside Employment

Pursuant to section 601 of Executive Order 11222 of May 8, 1965 (30 F.R. 6469), Executive Order 11408 of April 25, 1968 (33 F.R. 6459), and Title 5, Chapter I, Part 735 of the Code of Federal Regulations, § 500.735–12 of Part 500 of Title 46 of the Code of Federal Regulations is amended as follows:

1. Paragraph (c) of § 500.735–12 is amended to indicate that teaching or instructing for the special preparation of persons for a Civil Service or Foreign Service examination will be judged by the same criteria as other teaching or instructing, that is, an employee is encouraged to teach or instruct but shall not do so if it is dependent on information obtained as a result of his Government employment that is not available to the public. In brief, an employee may teach or instruct persons to prepare them for Civil Service and Foreign Service examinations so long as he does not use "inside" information that would give an unfair advantage to those whom he is teaching. In this regard, attention is also directed to 18 U.S.C. 1917 which, among other things, makes it a criminal offense for an employee to furnish a person with "special or secret information" for the purpose of improving the person's prospects of appointment.

2. Paragraph (d) of § 500.735–12 is revoked inasmuch as outside employment with a State or local government will now be judged by the same criteria as other outside employment; that is, an employee shall not engage in outside employment that is not compatible with his Government employment (§ 500.735–2(a)).

As amended, paragraph (c) reads as follows:

§ 500.735–12 Outside employment.

* * * * *

(c) Employees are encouraged to engage in teaching, lecturing, and writing that is not prohibited by law, the Executive order, or the regulations in this part. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, or writing, including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Commission or Board of Examiners for the Foreign Service, that is dependent on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when the Chairman gives written authorization for the use of nonpublic information on the basis that the use is in the public interest. In addition, an employee who is a Presidential appointee covered by section 401(a) of the Executive order shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the Commission, or which draws substantially on official data or ideas which have not become part of the body of public information.

(d) [Revoked]

* * * * *

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

JOHN HARLLEE,
Rear Admiral, U.S. Navy (Retired), Chairman.

[F.R. Doc. 68-6507; Filed, June 3, 1968; 8:45 a.m.]

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 1; Amdt. 1–14]

PART 1—FUNCTIONS, POWERS, AND DUTIES IN THE DEPARTMENT OF TRANSPORTATION

Removal of Reservation of Authority; Federal Highway Administrator

The purpose of this amendment is to remove the reservation imposed in § 1.5(j)(2) of Part 1, on the authority delegated in § 1.4(c) of Part 1 to the Federal Highway Administrator to perform the functions of the Secretary of Transportation contained in the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381–1425). This reservation of authority extended to all of the authority provided by that Act to issue rules or regulations relating to the sale of regrooved tires. The effect of this amendment is to delegate that authority to the Federal Highway Administrator including the authority to issue notices, final rules, and amendments, as authorized under section 204(a) (15 U.S.C. 1424) of the National Traffic and Motor Vehicle Safety Act of 1966.

This action is taken under the authority of sections 6(a)(6)(A) and 9 of the Department of Transportation Act (Public Law 89–670, 80 Stat. 931). Since this amendment involves a delegation of authority and relates to the internal management of the Department, notice and public procedure thereon are not required and the amendment may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, effective May 24, 1968, § 1.5(j) of Part 1 of the regulations of the Office of the Secretary of Transportation is amended by deleting subparagraph (2) thereof.

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

ALAN S. BOYD,
Secretary of Transportation.

[F.R. Doc. 68-6530; Filed, June 3, 1968; 8:47 a.m.]

[OST Docket No. 1; Amdt. 1–15]

PART 1—FUNCTIONS, POWERS, AND DUTIES IN THE DEPARTMENT OF TRANSPORTATION

Removal of Reservation of Authority; Commandant of the Coast Guard

The purpose of this amendment is to remove the reservation imposed in § 1.5(q)(19) and (20) of Part 1 on the authority delegated in § 1.4(a)(2) to the Commandant of the Coast Guard to perform the functions of the Secretary of Transportation relating to the Coast Guard contained in section 2304 of title 10, United States Code, as amended. The original reservations of authority extended to the authority provided by that section relating to the negotiation of certain purchases and contracts.

The effect of this amendment is to delegate authority to the Commandant to make the determinations and findings concerning the negotiation of contracts provided for in 10 U.S.C. 2304(a)(11) through (16).

This action is taken under the authority of sections 6(b)(1) and 9 of the Department of Transportation Act (49 U.S.C. 1655(b)(1) and 1657). Since this amendment involves a delegation of authority and relates to the internal management of the Department, notice and public procedure thereon are not required and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, effective May 28, 1968, § 1.5(q) of Part 1 of the regulations of the Office of the Secretary of Transportation is amended by deleting subparagraphs (19) and (20) thereof.

Issued in Washington, D.C., on May 28, 1968.

ALAN S. BOYD,
Secretary of Transportation.

[F.R. Doc. 68-6503; Filed, June 3, 1968; 8:45 a.m.]

PART 91—AIRCRAFT LOAN GUARANTEE PROGRAM

CROSS REFERENCE: For a document revoking Part 91 of Subtitle A of Title 49, see F.R. Doc. 68–6528, 14 CFR Part 199, *supra*.

Chapter I—Department of Transportation

[Docket No. HM–1]

PART 170—RULE-MAKING PROCEDURES OF THE HAZARDOUS MATERIALS REGULATIONS BOARD

The purpose of this amendment is to add a new Part 170 "Rule-making Procedures of the Hazardous Materials Regulations Board" to Title 49 of the Code of Federal Regulations.

A notice of proposed rule making (Notice 67–1) regarding this action was published in the FEDERAL REGISTER on November 30, 1967 (32 F.R. 16437). A supplemental notice (Notice 68–3) was published on February 28, 1968 (33 F.R. 3439), and a public hearing on the entire proposal was held on March 19, 1968.

Interested persons were then afforded an opportunity to participate in the rule making through the submission of oral and written comments. Due consideration has been given to all relevant matter presented.

Historical background. The shipment and carriage of hazardous materials by carriers subject to the Interstate Commerce Act (rail, motor carrier, pipeline, inland waterway) is governed by sections 831–835 of Title 18, United States Code. Before April 1, 1967, this authority was exercised by the Interstate Commerce Commission. Since that date, the authority has been exercised by the Department of Transportation, pursuant to the Department of Transportation Act. The shipment and carriage of hazardous materials by air has since 1958 been governed by section 902(h) of the Federal Aviation Act of 1958, which authorizes the Federal Aviation Administrator to issue his own regulations or to adopt, in whole or in part, the regulations issued under Title 18 U.S.C. by the Interstate Commerce Commission (ICC). The FAA has, in the past, for the most part adopted the regulations issued by the ICC. The shipment and carriage of hazardous materials by vessel is governed by section 4472 of the Revised Statutes (46 U.S.C. 170) which authorizes the Commandant of the Coast Guard to define, describe, name, and classify hazardous materials and establish regulations for their carriage. It also requires him to "accept and adopt" for these purposes, the ICC regulations so far as they apply to shippers by common carriers by water.

Thus, the vast majority of the regulations applicable to hazardous materials were those adopted by the ICC in Title 49 of the CFR's.

(1) In adopting those regulations the ICC followed the normal requirements of the Administrative Procedure Act for notice to the public of proposed rules, time for public comment, evaluation of comments and issuance of final rules. These procedures were not, however, completely set forth in the published procedural rules.

(2) While public hearings were specifically authorized in § 171.7 of Title 49, in the Administrative Procedure Act, and in the basic statutory authority, such hearings were not mandatory and, in fact, were rarely held.

(3) Within the ICC the rule-making authority with respect to hazardous materials was delegated to an employee board of the Commission called the Explosives and Other Dangerous Articles Board. This Board issued the notices, evaluated the comments and adopted final amendments for the Commission. Actions of this Board could be appealed to Division 3 of the Commission which consisted of three commissioners who reviewed the appeals. A second level of appeal could, in the discretion of the Commission, be made to the entire Commission after which the only recourse was to the courts.

(4) In the course of the rule-making procedure the ICC's section of Explosives and Other Dangerous Articles held frequent informal meetings and discussions with representatives of affected industry groups.

(5) Section 17(8) of the Interstate Commerce Act provided that the effective date of an amendment would, in the case of an employee Board regulation or Division regulation, be suspended upon the request by any interested person for reconsideration until further action by the Commission. This section of the Interstate Commerce Act was not, however, made applicable to the Department of Transportation by the Department of Transportation Act. Only those rules and regulations of the Interstate Commerce Commission that were effective before the Department's effective date were continued in effect. Thus, the procedural rules issued by the ICC but not the statutory rules were continued in effect by section 12 of the Department of Transportation Act, until changed and superseded by the rules adopted by the Department.

Upon establishment of the Department, effective April 1, 1967, the above described powers and duties of the ICC, FAA, and Coast Guard with respect to the transportation of hazardous materials were transferred to the Department of Transportation. As was stated in the original notice announcing the establishment of the Hazardous Materials Regulations Board (32 F.R. 14569), the Department considers it to be essential that shippers and carriers be able to refer to a cohesive set of authoritative regulations upon which they may rely in preparing, shipping, and transporting materials regardless of the mode of transportation. To this end the Secretary, by Departmental Order 1100.11 dated July 27, 1967, established a Hazardous Materials Regulations Board. One of the first acts of this Board was to issue Notice 67–1, proposed rules of procedure, on November 30, 1967 (32 F.R. 16437), for public comment.

Analysis of comments. In general, the bulk of comments received on the notices and at the hearing dealt with four major areas—(1) Special permit requirements; (2) the treatment of confidential and proprietary information received by the Board; (3) procedures for administrative appeal and automatic stay of rules; and (4) mandatory hearings.

(1) *Special permits.* Many of the comments received on Notice 67–1 were, so far as they related to special permits, reflected in the restatements of proposed §§ 170.13 and 170.15 contained in supplemental Notice 68–3 and were fully discussed in that notice. Other comments on this subject related to the providing of notice to the public, the Bureau of Explosives, and certain carriers of the granting of special permits. The Board has determined, as an administrative matter, that it will periodically publish, in the FEDERAL REGISTER, a listing of permits issued. The Board will also continue its policy of close cooperation with the Bureau of Explosives in this regard. The Board has determined, however, that it cannot accept a requirement that it furnish copies of special permits to carriers. In many cases special permits are issued without knowledge of the specific carrier or carriers to be used. Therefore, even if it adopted such a role, the Board could not comply with it. It is the duty of the holder of the permit to notify the carriers concerned of the provisions of the special permit, and no carrier is authorized or required to operate in ignorance of the terms of a special permit. As a result, under the prevailing situation the Board has elected to continue the practice that has been followed in the past in this regard, both by it and the ICC.

Several comments suggested deletion of the phrase "why the public interest would be served by the proposal" in § 170.13(b)(2). It should be made clear that the proposed language does not state that the granting of a permit depends upon a showing of a public interest. It merely requires that the petitioner submit information on this point. If there is no information that can be submitted, the petitioner may so state. It is the Board's position that the required information, or the absence of it, is pertinent to its considerations and will be of use to it in making its determinations, particularly in cases where there is some question as to the other justifications for the permit.

Finally, several comments stated that § 170.13(b)(4) should be narrowed to delete the requirement that the "composition and percentage (specified by volume or weight) of each chemical, if a solution or mixture" be submitted with each applicable petition for a permit. The Board considers this information to be relevant to its consideration in the applicable cases. So far as this requirement relates to confidential information, the Board will accord it the desired protection (see discussion below).

(2) *Confidential and proprietary information.* In the written comments and at the public hearing, several persons questioned the protection to be afforded

confidential or proprietary information submitted with petitions for rule making or special permits. Under the "Freedom of Information Act" (section 552 of Title 5, United States Code), all records of each Government agency are open to public inspection except certain records that the statute specifically authorizes to be exempted. The regulations of the Department of Transportation relating to the public availability of information are set forth in Part 7 of Title 49 CFR. The general policy of the Department as stated in § 7.51 is that it will release a record that is otherwise authorized to be withheld under the statutory exemption "unless it determines that the release of that record would be inconsistent with a purpose of the section concerned."

In Notice 68–3 the restatement of § 170.15 stated that "The treatment of confidential or proprietary material furnished by any petitioner is governed by § 7.59 of this title". Section 7.59(a) states that the types of information that are within the statutory exemption include "Information furnished by any person, to the extent that the person furnishing the information would not customarily release it to the public" and "Information furnished and accepted in confidence". Section 7.59(b) states "The purpose of this section is to authorize the protection of records that are customarily privileged or are appropriately given to the Department in confidence * * *. In any case in which the Department has obligated itself not to disclose information it receives, this section authorizes the Department to honor that obligation".

Section 7.59 therefore provides persons submitting confidential or proprietary information to the Hazardous Materials Regulations Board the same protection that is provided to all persons submitting these types of information to the Department. This protection is considered adequate and where applicable the affected materials will not be placed in the public docket.

(3) *Procedures for administrative appeal and automatic stay of rules.* As indicated previously, under the ICC, actions of the employee board that issued the notices and adopted the final amendments could automatically be appealed to a designated division of the Commission and the Commission could in its discretion grant a second level of appeal. Under section 17(8) of the Interstate Commerce Act, whenever, under certain circumstances, a final rule was appealed before its effective date, that effective date was stayed until final disposition of the appeal. Several comments indicated that the Board's procedural rules should provide both an administrative appeal procedure within the Department of Transportation and an automatic stay provision.

As the Hazardous Materials Regulations Board is presently constituted within the Department of Transportation an administrative appeal procedure is impractical and would appear to be unnecessary. It should be kept in mind that since the Board is made up for the most part of the Administrators of the various operating administrations within the Department, the initial issuance of regulations will be from a higher source, and after more consideration, than was the case of employee board issued regulations of the ICC. To provide for a formal appeal procedure to the same Board (Administrators) that issued the rule in question would not appear to satisfy the desires of those persons who requested a "second chance" within the Department. In this connection, § 170.35 as proposed, provided for petitions for rehearing or reconsideration of rules. In cases where facts are submitted before the effective date of a rule that warrants postponement of the effective date, the Board will not hesitate to provide for a postponement. Furthermore, even where there is no postponement, if after evaluation of the comments, the Board determines that a revision of the rule is warranted, it will not hesitate to make or propose changes to the adopted rule.

With respect to "staying" the effect of adopted rules, proposed § 170.35 specifically provided that "Unless the Board otherwise provides, the filing of a petition under this section does not stay the effectiveness of a rule". In the absence of a procedure providing an appeal to a separate body within the Department, automatic stay would appear to serve no practical purpose except delay. Nor is the Board convinced that an automatic stay is an appropriate procedure for safety regulations even where a formal appeal is provided.

(4) *Hearings.* The proposed rules of procedure did not provide in every case for a public hearing. Proposed § 170.31 did provide that, whenever the Board should elect to hold a hearing, the hearing would be a nonadversary, factfinding type of hearing. Several of the comments were addressed to the lack of provision for a mandatory hearing, upon request, and to the lack of provision for a formal evidentiary type of hearing. As is stated in § 170.31, sections 556 and 557 of Title 5, United States Code (relating to the conduct of hearings required to be on the record) have no application to hearings held for the purposes of proposed rule-making action under the pertinent statutes. The purpose of any hearing held by the Board would be to provide the Board with information, views, and arguments relative to proposed rule-making action. The Board is not and should not be required to act solely on the narrowly developed information that would be produced at a formal hearing. It is only in the area of economic rule making such as the ICC, CAB, FTC, and FCC that evidentiary hearings are generally used. Seldom, if ever, are evidentiary hearings held in safety matters. The FAA, for example, and the Coast Guard have traditionally used the legislative type of hearing in safety rule making. Therefore, it would be inappropriate and unduly burdensome for the Board to attempt to provide formal evidentiary hearings.

Nor does the Board consider it necessary or appropriate that a hearing be required in every case where there is a request for one. In appropriate cases the Board will not hesitate to hold an informal public hearing of the type prescribed in these rules. However, to require the Board to hold such a hearing whenever one interested party requests, would be to unnecessarily burden the Board and tie its hands administratively. In every proposed rule-making action of a substantive nature adequate time for public comment will be provided and the Board will consider all comments received. It is not necessary or appropriate in every case that interested parties be permitted to state their comments orally. However, if in any case, it would be helpful, the Board will not hesitate to call a hearing on any matter before it.

Miscellaneous comments. In addition to the above major areas of comment, comments were received on the following matters.

Several comments objected to the statement in proposed § 170.21(b) that "Unless the Board determines that notice and public rule-making proceedings are desirable, interpretive rules, general statements of policy, and rules relating to organizations, procedure, or practice are prescribed as final without notice or other public rule-making procedures". It must be noted that this authority is strictly limited to non-substantive rules, and not those affecting the rights, privileges, and duties of the regulated public and is therefore completely consistent with specific provisions of the Administrative Procedure Act (see 5 U.S.C. 553). Furthermore, the Board intends, wherever time permits, to provide for public participation in the adoption of rules, even these nonsubstantive rules, regardless of the fact that it is not required to do so.

Several comments suggested the addition of language to provide that the effective date for all regulations be at least 30 days after issue. In view of the fact that section 835(d) of Title 18, United States Code, specifies that all regulations take effect 90 days after issue "unless a shorter time is specified" and in view of section 553(d) of Title 5 United States Code which requires (except in certain enumerated cases) at least 30 days between issue and effective date, the Board does not consider it necessary to add this provision.

It was suggested that the rules provide for specific service of notices of proposed rule making on all parties. This comment must be rejected on practical grounds as it would be impossible for the Board to ascertain all interested parties in each case. However, the Board will furnish copies of notices to any person who requests to have his name placed on a mailing list for this purpose. Interested persons are invited to take advantage of this opportunity.

Notice 68–3 stated that the FAA was considering inclusion in Part 170 of the authority to grant deviations now in § 103.5 of the Federal Aviation Regulations. On the basis of comments received, the FAA has decided not to make the transfer at this time.

Miscellaneous changes based on comments. It was suggested that § 170.11(b)(4) be amended to delete the requirement

that persons petitioning the Board for the issue, amendment, or repeal of a rule be required to submit "arguments" to support the petition. The Board accepts this comment on the basis that "information" to support the request will suffice for the purpose.

Several comments suggested that § 170.21(a) be amended to provide, under normal circumstances, a minimum of 30 days for public comment on notices of proposed rule making issued by the Board. It has been the Board's policy, in all except emergency situations, to allow more than 30 days for comment on each notice. Therefore, the Board has accepted this comment and § 170.21(a) is amended accordingly.

Several comments requested that § 170.21(a) be amended to require the Board to incorporate a brief statement of findings as to why notice and public procedure are dispensed with in any case involving a substantive rule. Since this practice would be followed in any event, the Board has no objection to its incorporation in the regulation. The section has therefore been amended accordingly.

Several comments indicated a misunderstanding that § 170.29, which relates to additional rule-making procedures, would be used to initiate rule making without notice or other public procedure. Since § 170.21 provides for notice in all appropriate cases, this was not the intended meaning. To obviate any question in this regard, however, § 170.29 is amended by inserting the words "After issuing a notice of proposed rule making in any particular case," at the beginning of the section.

Several comments called attention to the fact that proposed § 170.35 would have required all petitions for reconsideration to be filed more than 10 days before the effective date of the rule. This would effectively prohibit the filing of such a petition in the case of any rule issued within 10 or less days before the effective date. In order to allow petitions for reconsideration of these rules of an emergency nature, a sentence has been added to allow petitions to be filed at any time before the effective date, if the effective date is less than 15 days after the date of issuance.

A comment requested information as to the meaning of proposed § 170.35(c) which stated that the Board will not consider repetitious petitions. It was the Board's intention that after it had denied a petition it would not consider repetitious petitions on the same subject for the same purpose. However, on reconsideration this would not appear to be a problem of great magnitude and the language could possibly be misconstrued to prevent multiple filings by different persons or groups. For these reasons the provision has been deleted.

All other comments suggesting changes, additions, or deletions were carefully considered. In the opinion of the Board, all comments that merited acceptance have been accepted.

This part applies to all rule-making activities of the Board in existence on or after its effective date.

In consideration of the foregoing, Title 49 of the Code of Federal Regulations is amended by inserting a new Part 170, as hereinafter set forth, effective July 1, 1968.

Subpart A—General

Sec.
170.1 Applicability.
170.3 Initiation of rule making.
170.5 Participation in rule-making proceedings.
170.7 Regulatory docket.

Subpart B—Petitions for Rule Making

170.11 Filing of petitions for rule making.
170.13 Filing of petitions for special permits for waivers or exemptions.
170.15 Processing of petitions for rule making and special permits.

Subpart C—Procedures

170.21 General.
170.23 Contents of notices.
170.25 Petitions for extension of time to comment.
170.27 Consideration of comments received.
170.29 Additional rule-making proceedings.
170.31 Hearings.
170.33 Adoption of final rules.
170.35 Petition for rehearing or reconsideration of rule.

AUTHORITY: The provisions of this Part 170 issued under Title 18, U.S.C., secs. 831–835; sec. 9, Department of Transportation Act (49 U.S.C. 1657); Title VI and sec. 902(h), Federal Aviation Act of 1958 (49 U.S.C. 1421–1430, 1472(h)).

Subpart A—General

§ 170.1 Applicability.

(a) This part prescribes general rule-making procedures that apply to the issue, amendment, and repeal of hazardous materials regulations under title 18, U.S.C. 831–835 and title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430 and 1472(h)). The regulations issued under those authorities are designated as the "Hazardous Materials Regulations" of the Department of Transportation.

(b) The Hazardous Materials Regulations Board, established by Department of Transportation Order 1100.11, dated July 27, 1967 (hereinafter referred to as the "Board") is composed of the Assistant Secretary for Research and Technology as Chairman; and the Commandant, U.S. Coast Guard, Federal Aviation Administrator, Federal Highway Administrator, and Federal Railroad Administrator, or their designees, as members. The General Counsel of the Department is the legal adviser to the Board and the Director of the Office of Hazardous Materials is the Secretary to the Board.

(c) The signature of the Board member issuing a notice or adopting a regulation for a mode of transportation determines the applicability of that notice or rule to that mode of transportation. Where more than one mode is involved, the requisite number of authorized signatures is included.

(d) Records of the Board relating to rule-making proceedings, including the regulatory docket maintained under § 170.7, are available for inspection as provided in Part 7 of the regulations of the Secretary of Transportation (Part 7 of this title).

§ 170.3 Initiation of rule making.

The Board initiates rule making on the motion of any of its members. The Board also considers the recommendations of other agencies of the U.S. Government and of interested persons.

§ 170.5 Participation in rule-making proceedings.

Any person may participate in rule-making proceedings by submitting written information or views. The Board may also allow any person to participate in additional rule-making proceedings, such as informal meetings or hearings, held with respect to any rule.

§ 170.7 Regulatory docket.

Records of the Board concerning rule-making actions, including notices of proposed rule making, comments received in response to those notices, petitions for rule making (including special permits for waiver or exemption), petitions for rehearing or reconsideration, grants and denials of special permits, denials of petitions for rule making, records of additional rule-making proceedings under § 170.29 and final rules are maintained in current docket form in the Department.

Subpart B—Petitions for Rule Making

§ 170.11 Filing of petitions for rule making.

(a) Any person may petition the Board to issue, amend, or repeal a rule.

(b) Each petition filed under this section must—

(1) Be submitted, in duplicate, to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590.

(2) Set forth the text or substance of the rule or amendment proposed, or specify the rule that the petitioner seeks to have repealed, as the case may be.

(3) Explain the interest of the petitioner in the action requested.

(4) Contain information to support the action sought.

§ 170.13 Filing of petitions for special permits for waivers or exemptions.

(a) Any person may petition the Board for a special permit for a waiver or exemption from any provision of Parts 171–190 of this chapter or Part 103 of Title 14 (14 CFR Part 103).

(b) Each petition must be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590, and contain the following information:

(1) The regulatory provisions involved.

(2) The justification for the permit, including any reasons why the regulations are not appropriate, why the public interest would be served by the proposal, and the basis upon which the proposal would provide an adequate and reasonable degree of safety.

(3) A detailed description of the proposal, including when appropriate, drawings, plans, calculations, procedures, test results, previous approvals or permits, a list of specification containers, if any, to be used, a list of modified specification containers, if any, to be used, and a description of the modifications, and any other supporting information.

(4) The chemical name, common name, hazard classification, form, quantity, properties, and characteristics of the material covered by the proposal, including composition and percentage (specified by volume or weight) of each chemical, if a solution or mixture.

(5) Any relevant shipping or accident experience with the container proposed.

(6) The proposed mode of transportation, and any special transportation controls needed.

(7) The name, address, and telephone number of the petitioner, and that of the motor carrier if a tank motor vehicle is to be used.

(8) A statement or recommendation regarding any changes to the regulations which would be desirable to obviate the need for similar special permits.

(c) Unless there is good reason for priority treatment, each petition is considered in the order in which it is received. To permit timely consideration, petitions should be submitted at least 45 days before the requested effective date.

§ 170.15 Processing of petitions for rule making and special permits.

(a) General: The Board considers the information submitted by the petitioner and any other available pertinent information. Unless otherwise directed by the Board, no public hearing, argument, or other proceeding is held directly on a petition before its disposition.

(b) Grants: If the Board finds that the petitioner's proposal would provide adequate safety and is otherwise justified, the Board issues the special permit under this subpart or initiates rule-making action under Subpart C of this part.

(c) Denials: If the Board finds the petitioner's proposal would not provide adequate safety or is not otherwise justified, the Board denies the petition. The Board will inform the petitioner of the basis for the denial.

(d) The treatment of confidential or proprietary material submitted by any petitioner is governed by § 7.59 of this title.

Subpart C—Procedures

§ 170.21 General.

(a) Unless the Board finds, for good cause, that notice is impracticable, unnecessary, or contrary to the public interest (and incorporates the finding and a brief statement of the reasons therefor in the preamble to the rule), a notice of proposed rule making is issued and interested persons are invited to participate in the rule-making proceedings with respect to each substantive rule. Normally, the Board will provide a minimum of 30 days for comment on each notice.

(b) Unless the Board determines that notice and public rule-making proceedings are desirable, interpretive rules, general statements of policy, and rules relating to organization, procedure, or practice are prescribed as final without notice or other public rule-making proceedings.

(c) In its discretion, the Board may invite interested persons to participate in the rule-making proceedings described in § 170.29.

§ 170.23 Contents of notices.

(a) Each notice of proposed rule making is published in the FEDERAL REGISTER, unless all persons subject to it are named therein and are served with a copy.

(b) Each notice, whether published in the FEDERAL REGISTER or served, includes—

(1) A statement of the time, place, and nature of the proposed rule-making proceeding;

(2) A reference to the authority under which it is issued;

(3) A description of the subjects and issues involved or the substance or terms of the proposed rule;

(4) A statement of the time for the submission of written comments and the number of copies required; and

(5) A statement of how and to what extent interested persons may participate in the proceeding.

§ 170.25 Petitions for extension of time to comment.

(a) Any person may petition the Board for an extension of time to submit comments in response to a notice of proposed rule making. The petition must be submitted in duplicate not later than 7 days before expiration of the time stated in the notice. The filing of the petition does not automatically extend the time for petitioner's comments.

(b) The Board grants the extension only if it is in the public interest and the petitioner shows good cause for the extension. If an extension is granted, it is granted to all persons by publication in the FEDERAL REGISTER.

§ 170.27 Consideration of comments received.

All timely comments are considered before final action is taken on a rule-making proposal. Late filed comments may be considered so far as practicable.

§ 170.29 Additional rule-making proceedings.

After issuing a notice of proposed rule making in any particular case, the Board may initiate any further rule-making proceedings that it finds necessary or desirable. For example, it may invite interested persons to present oral arguments, participate in conferences, appear at informal hearings, or participate in any other proceeding.

§ 170.31 Hearings.

(a) Sections 556 and 557 of title 5, United States Code (relating to the conduct of hearings required to be on the record) do not apply to hearings held under this part. As a factfinding proceeding, each hearing is nonadversary and there are no formal pleadings or adverse parties. Any rule issued in a case in which a hearing is held is not necessarily based exclusively on the record of the hearing.

(b) The Board designates one or more of its members or a representative to conduct any hearing held under this part. The General Counsel or a member of his staff serves as legal officer at the hearing.

§ 170.33 Adoption of final rules.

If the Board adopts a rule, it is published in the FEDERAL REGISTER, unless all persons subject to it are named and are served with a copy.

§ 170.35 Petition for rehearing or reconsideration of rule.

(a) Any interested person may petition the Board for reconsideration of any rule issued under this part. Such a petition must be transmitted, in duplicate, to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590, at least 10 days before the effective date of the rule. However, in any case in which a rule becomes effective in less than 15 days after issuance, the petition may be filed at any time before the effective date. Petitions that are not timely filed will be considered as petitions for rule making filed under § 170.11. The petition must contain a brief statement of the complaint and an explanation as to why compliance with the rule is not possible, is not practicable, is unreasonable, or is not in the public interest.

(b) If the petitioner requests the consideration of additional facts, he must state the reason they were not presented to the Board within the allotted time.

(c) Unless the Board otherwise provides, the filing of a petition under this section does not stay the effectiveness of a rule.

Issued: May 22, 1968.

W. J. SMITH,
Commandant,
U.S. Coast Guard.

A. SCHEFFER LANG,
Administrator,
Federal Railroad Administration.

LOWELL K. BRIDWELL,
Administrator,
Federal Highway Administration.

SAM SCHNEIDER,
Board Member,
Federal Aviation Administration.

[F.R. Doc. 68-6562; Filed, June 3, 1968; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 8445]

AIRWORTHINESS DIRECTIVES

Godfrey Cabin Superchargers Type 15 Marks 6, 9, and 14

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) applicable to Viscount airplanes with Godfrey Cabin Superchargers installed was published in the FEDERAL REGISTER (32 F.R. 14110). The AD proposed to require repetitive inspection of the oil metering unit and bearing cover plate for looseness, the securing of loose units and plates, and a modification within 1,500 hours' time in service.

Since the issuance of that proposal the FAA has learned that there are other airplanes that have the same problem with the specified Godfrey Cabin Superchargers. Accordingly, the referenced proposed AD is withdrawn and a new AD is proposed applying to all airplanes with these Godfrey Cabin Superchargers installed.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before July 5, 1968, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

GODFREY. Applies to Godfrey Cabin Superchargers Type 15 Marks 6, 9, and 14, installed on, but not necessarily limited to, British Aircraft Corp. Viscount Models 744, 745D, and 810, Armstrong Whitworth Argosy AW-650, Fokker F-27 Marks 100 and 300, Fairchild Hiller Models F27 and FH227 all series, Nihon Model YS-11, and Grumman Model G159 airplanes.

Compliance required as indicated.

To prevent the loss of oil from the Godfrey Cabin Compressor due to the oil metering unit or bearing covering plate becoming loose, accomplish the following unless already accomplished.

(a) Within the next 50 hours' time in service after the effective date of this AD and thereafter at intervals whenever the gear-box oil contents are checked, inspect the oil metering unit and bearing cover plate for security, i.e., nuts are tight and spring washers fully compressed. Secure as necessary.

(b) At the next overhaul of the Supercharger or within the next 1,500 hours' time in service, whichever occurs earlier, after the effective date of this AD, replace and lockwire the oil metering unit and bearing cover retaining nuts, in accordance with Godfrey Precision Products, Ltd., Service Bulletin No. 21-116-1195, Revision 2, dated February 1, 1968, or later ARB-approved revision or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region.

(c) The repetitive inspections required by paragraph (a) may be discontinued following the incorporation of the modification required by paragraph (b).

Issued in Washington, D.C., on May 21, 1968.

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

[F.R. Doc. 68-6529; Filed, June 3, 1968; 8:46 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 authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), the Commissioner proposes that § 138.2 be amended by alphabetically inserting the following items as official names for drugs:

Official name	Chemical name or description	Molecular formula
Allopurinol	1*H*-Pyrazolo[3,4-*d*] pyrimidin-4-ol; 4-hydroxypyrazolo (3,4-*d*) pyrimidine.	$C_5H_4N_4O$
Amquinolate	Methyl 7-(diethylamino)-4-hydroxy-6-propyl-3-quinolinecarboxylate; methyl 4-hydroxy-7-diethylamino-6-*n*-propyl-3-quinoline carboxylate.	$C_{18}H_{24}N_2O_3$
Azathioprine	6-[(1-Methyl-4-nitroimidazol-5-yl)thio]purine	$C_9H_7N_7O_2S$
Betahistine	2-[2-(Methylamino)ethyl]pyridine	$C_8H_{12}N_2$
Betamethasone	9-Fluoro-11β,17,21-trihydroxy-16β-methylpregna-1,4-diene-3,20-dione.	$C_{22}H_{29}FO_5$
Boldenone	17β-Hydroxyandrosta-1,4-dien-3-one	$C_{19}H_{26}O_2$
Buclizine	1-(*p-tert*-Butylbenzyl)-4-(*p*-chloro-α-phenylbenzyl)-piperazine	$C_{28}H_{33}ClN_2$
Butalbital	5-Allyl-5-isobutylbarbituric acid	$C_{11}H_{16}N_2O_3$
Candicidin	An antibiotic substance derived from *Streptomyces griseus* Waksman and Henrici.	
Capreomycin	An antibiotic substance derived from *Streptomyces capreolus*	
Carphenazine	1-[10-(3-[4-(2-Hydroxyethyl)-1-piperazinyl]propyl)phenothiazin-2-yl]-1-propanone.	$C_{24}H_{31}N_3O_2S$
Chlormadinone	6-Chloro-17-hydroxypregna-4,6-diene-3,20-dione; 6-chloro-6-dehydro-17α-hydroxyprogesterone.	$C_{21}H_{27}ClO_3$
Danazol	17α-Pregna-2,4-dien-20-yno[2,3-*d*]isoxazol-17-ol; 1-ethynyl-2,3,3a,3b,4,5,10,10a,10b,11,12,12a-dodecahydro-10a,12a-dimethyl-1*H*-cyclopenta[7,8]-phenanthro[3,2-*d*]pyrazol-1-ol.	$C_{22}H_{27}NO_2$
Dapsone	4,4'-Sulfonyldianiline; 4,4'-diaminodiphenyl sulphone	$C_{12}H_{12}N_2O_2S$
Desipramine	10,11-Dihydro-5-[3-(methylamino)propyl]-5*H*-dibenz[*b*,*f*]azepine	$C_{18}H_{22}N_2$
Dexivacaine	(+)-1-Methyl-2',6'-pipecoloxylidide; (+)-1-*N*-methylpipecolic acid 2,6-dimethylanilide.	$C_{16}H_{22}N_2O$
Ethacrynic acid	[2,3-Dichloro-4-(2-methylenebutyryl)phenoxy]acetic acid	$C_{13}H_{12}Cl_2O_4$
Ethambutol	(+)-2,2'-(Ethylenediimino)-di(1-butanol)	$C_{10}H_{24}N_2O_2$
Ethamivan	*N,N*-Diethylvanillamide	$C_{12}H_{17}NO_3$
Fentanyl	*N*-(1-Phenethyl-4-piperidyl)propionanilide	$C_{22}H_{28}N_2O$
Flumethasone	6α,9-Difluoro-11β,17,21-trihydroxy-16α-methylpregna-1,4-diene-3,20-dione.	$C_{22}H_{28}F_2O_5$
Fluocinolone	6α,9-Difluoro-11β,16α,17,21-tetrahydroxypregna-1,4-diene-3,20-dione; 6α,9α-difluoro-16α-hydroxyprednisolone.	$C_{21}H_{24}F_2O_6$
Gentamicin	An antibiotic substance derived from *Micromonospora purpurea*, nonspecific.	
Gloxazone	3-Ethoxy-2-oxobutyraldehyde-bis(thiosemicarbazone); α-ethoxyethylglyoxal dithiosemicarbazone.	$C_8H_{16}N_6OS_2$
Haloperidol	4-[4-(*p*-Chlorophenyl)-4-hydroxypiperidino]-4'-fluorobutyrophenone.	$C_{21}H_{23}ClFNO_2$
Hydroxyurea	Hydroxyurea	$CH_4N_2O_2$

Official name	Chemical name or description	Molecular formula
Ictasol	The sodium salt of a sulfonated derivative of bituminous slate	
Idoxuridine	2'-Deoxy-5-iodouridine	$C_9H_{11}IN_2O_5$
Lincomycin	An antibiotic substance derived from *Streptomyces lincolnensis;* methyl 6,8-dideoxy-6-(1-methyl-*trans*-4-propyl-L-2-pyrrolidinecarboxamido)-1-thio-D-erythro-α-D-galacto-octopyranoside.	$C_{18}H_{34}N_2O_6S$
Lomofungin	An antibiotic substance derived from *Streptomyces lomondensis* var. *lomondensis.*	
Methaqualone	2-Methyl-3-o-tolyl-4(3*H*)-quinazolinone	$C_{16}H_{14}N_2O$
Metyrapone	2-Methyl-1,2-di-3-pyridyl-1-propanone	$C_{14}H_{14}N_2O$
Nafcillin	6-(2-Ethoxy-1-naphthamido)-3,3-dimethyl-7-oxo-4-thia-1-azabicyclo [3.2.0]-heptane-2-carboxylate; 6-(2-ethoxy-1-naphthamido) penicillanate.	$C_{21}H_{22}N_2O_5S$
Norethynodrel	17-Hydroxy-19-nor-17α-pregn-5(10)-en-20-yn-3-one; 17α-ethynyl-17-hydroxy-5(10)-estren-3-one.	$C_{20}H_{26}O_2$
Ormetein	A pure, water-soluble, highly compact protein of fairly low molecular weight (ca. 32,000) with a predominantly α-helical configuration; the molecule is chelated with from two (2) to four (4) atoms of divalent metals (e.g., Mg, Fe, Cu), and it is presently produced from bovine liver in a multistep process.	
Oxacillin	3,3-Dimethyl-6-(5-methyl-3-phenyl-4-isoxazolecarboxamido)-7-oxo-4-thia-1-azabicyclo[3.2.0]-heptane-2-carboxylic acid.	$C_{19}H_{19}N_3O_5S$
Oxprenolol	1-[o-(Allyloxy)phenoxy]-3-(isopropylamino)-2-propanol	$C_{15}H_{23}NO_3$
Pyrrolnitrin	3-Chloro-4-(3-chloro-2-nitrophenyl)pyrrole	$C_{10}H_5Cl_2N_2O_2$
Ranimycin	An antibiotic substance derived from *Streptomyces lincolnensis*	$C_{12}H_{18}O_6$
Salethamide	*N*-[2-(Diethylamino)ethyl]salicylamide	$C_{13}H_{20}N_2O_2$
Seperidol	1-[3-(4-(Fluoro-benzoyl)-propyl]-4-hydroxy-4-(3-trifluoromethyl-4-chlorophenyl)-piperidine.	$C_{22}H_{22}ClF_4NO_2$
Tetrydamine	4,5,6,7-Tetrahydro-2-methyl-3-(methylamino)-2*H*-indazole; 2-methyl-3-methylamino-4,5,6,7-tetrahydroindazole.	$C_9H_{13}N_3$

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: May 23, 1968.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 68-6489; Filed, June 3, 1968; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 68-143]

ARTIFICIAL FLOWERS OF PLASTIC

Classification

MAY 28, 1968.

Decisions in C.D. 3278 and C.D. 3279, classifying certain artificial flowers of plastic assembled by the "snap-on" or "slip-on" method under the provision for articles not specially provided for, of rubber or plastics: * * * Other, in item 774.60, Tariff Schedules of the United States, limited.

In Armbee Corporation, W. J. Byrnes & Co., Inc. v. United States, C.D. 3278 and Zunold Trading Corporation, Leading Forwarders, Inc. v. United States, C.D. 3279 (decided Feb. 6, 1968), the U.S. Customs Court held that certain artificial flowers of plastic assembled by the "snap-on" or "slip-on" method were excluded from classification under item 748.20, Tariff Schedules of the United States, by Headnote 1(iii) of Subpart B, Part 7, of Schedule 7, because they were articles consisting of parts assembled otherwise than by binding with flexible materials such as wire, paper, textile material, or foil, or by gluing, or by similar methods.

Inasmuch as evidence which was not presented to the court in those cases appears to be available in support of the Government's position, it is intended to seek a retrial of the issues. Accordingly, pending a new ruling by the court, the decisions in C.D. 3278 and C.D. 3279 shall be limited to the merchandise which was the subject of those cases.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[F.R. Doc. 68-6555; Filed, June 3, 1968; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[C-2904]

COLORADO

Notice of Proposed Classification of Public Lands

MAY 23, 1968.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18), and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify public lands described below for disposal through public sale under section 2455 of the Revised Statutes (43 U.S.C. 1171); the Public Land Sale Act of September 19, 1964 (43 U.S.C. 1421-27); and the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869; 869-1 to 869-4). As used herein "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269) as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. Publication of this notice has the effect of segregating all the lands described below from all forms of appropriation except from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171); the Public Land Sale Act of September 19, 1964 (43 U.S.C. 1421-27); and operation of the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869; 869-1 to 869-4).

3. This proposal has been discussed with the local governmental officials; State Game, Fish and Parks; National Forest Service; Izaak Walton League; State Land Board; the District Advisory Board; and other interested parties. Information obtained from field data, discussions with the public and other sources indicate that these lands meet the criterion of 43 CFR 2410.1-3(a), which authorizes classification of lands for disposal under appropriate authority where such lands are found to be chiefly valuable for disposal, for grazing use and other values and which lands are not needed for the support of a Federal program.

4. The public lands proposed for classification are located within the following described area and are shown on maps on file in the Glenwood Springs District Office, Bureau of Land Management, Glenwood Springs, Colo., and at the Land Office, Bureau of Land Management, Room 15019, Federal Building, 1961 Stout Street, Denver, Colo. 80202. For a period of 60 days from date of this publication, interested parties may submit comments to the State Director, Bureau of Land Management, Federal Building, 1961 Stout Street, Denver, Colo. 80202.

SIXTH PRINCIPAL MERIDIAN, COLORADO

LARIMER COUNTY

T. 6 N., R. 69 W.,
Sec. 17, SW¼SW¼.
T. 8 N., R. 69 W.,
Sec. 6, lots 6, 7, E½SW¼;
Sec. 19, lot 4.
T. 9 N., R. 69 W.,
Sec. 30, SE¼NW¼, NE¼SW¼.
T. 10 N., R. 69 W.,
Sec. 8, W½SW¼, E½SE¼.
T. 11 N., R. 69 W.,
Sec. 10, N½NE¼, SW¼SW¼, SE¼SE¼;
Sec. 30, E½E½.
T. 12 N., R. 69 W.,
Sec. 20, lots 1, 2, 3.
T. 6 N., R. 70 W.,
Sec. 2, NE¼SE¼;
Sec. 3, lot 4;
Sec. 4, NE¼SE¼, SW¼SE¼;
Sec. 5, lot 4, SW¼NW¼;
Sec. 9, NW¼SE¼;
Sec. 12, E½W½.
T. 10 N., R. 70 W.,
Sec. 4, SE¼SE¼;
Sec. 10, W½NW¼, SW¼, W½SE¼;
Sec. 12, NE¼NE¼, SW¼NE¼, S½NW¼, N½SW¼, NW¼SE¼;
Sec. 33, NE¼SW¼, NW¼SE¼.
T. 11 N., R. 70 W.,
Sec. 24, SE¼;
Sec. 34, E½NE¼, NE¼SE¼.
T. 12 N., R. 70 W.,
Sec. 22, lots 1, 2;
Sec. 34, NW¼NE¼.
T. 9 N., R. 71 W.,
Sec. 15, NW¼SE¼;
Sec. 23, E½E½.
T. 10 N., R. 71 W.,
Sec. 30, NE¼NW¼;
Sec. 33, NW¼SW¼;
Sec. 34, NE¼NW¼.
T. 11 N., R. 71 W.,
Sec. 30, lots 1, 2, 3, NE¼NW¼.
T. 4 N., R. 72 W.,
Sec. 7, lot 4.

The total area involved aggregates approximately 2,740.10 acres of public land.

E. I. ROWLAND,
State Director.

[F.R. Doc. 68-6518; Filed, June 3, 1968; 8:46 a.m.]

[New Mexico 6286]

NEW MEXICO

Notice of Proposed Classification of Public Lands for Disposal

MAY 27, 1968.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for disposal under the public land laws, the public lands within the areas described below. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269) as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. Except as otherwise provided in this order, priority in disposals will be given to applications for (a) State grants and indemnity selections (43 U.S.C. 851, 852); (b) exchanges for consolidation of Federal areas (43 U.S.C. 315g); and (c) public sales under section 2455 of Revised Statutes (43 U.S.C. 1171).

3. Publication of this notice segregates the lands described herein from appropriation under the agricultural land laws (43 U.S.C., Parts 7 and 9; 25 U.S.C. 334).

4. The public lands within the following described areas are shown on maps designated 30–02–71, 30–02–72, 30–02–73, and 30–02–74, on file in the Socorro District Office, Bureau of Land Management, 200 Neel Avenue, Socorro, N. Mex. 87801 and Land Office, Bureau of Land Management, U.S. Post Office and Federal Building, Santa Fe, N. Mex. 87501.

The overall description of the areas is as follows:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

UNIT 30–02–71

T. 1 N., R. 11 W.,
Sec. 6, lot 7, SE¼SW¼, and SW¼SE¼.
T. 3 N., R. 11 W.,
Sec. 12.
T. 1 N., R. 12 W.,
Sec. 11, E½;
Sec. 15, NE¼, and NW¼SE¼;
Sec. 19, lots 20, 21, 26 to 34 inclusive, 36, 37, 39 to 44 inclusive;
Sec. 20, NE¼, N½NW¼, SE¼NW¼, N½SW¼NW¼, SE¼SW¼NW¼, and N½S½.
T. 2 N., R. 12 W.,
Sec. 18, lots 2, 3, 4, SE¼NW¼, and NE¼SW¼.
T. 1 N., R. 13 W.,
Sec. 5, SE¼NW¼;
Sec. 7, lots 1, 2, NE¼, and E½NW¼;
Sec. 9;
Sec. 10, NE¼NW¼;
Sec. 11, SE¼SE¼;
Sec. 12, NE¼, NE¼NW¼, S½NW¼, and S½;
Sec. 13, SE¼SW¼, and S½SE¼;
Sec. 14, S½N½, and N½S½;
Sec. 15, S½N½, SW¼, and N½SE¼;
Sec. 17, S½;
Sec. 18, E½;
Sec. 20, NE¼NE¼;
Sec. 21, N½N½;
Sec. 22, N½NW¼.
T. 2 N., R. 13 W.,
Sec. 24, N½NE¼, SW¼NE¼, SE¼NW¼, E½SW¼, and W½SE¼.
T. 1 N., R. 14 W.,
Sec. 7, lot 4, SE¼SW¼, and SW¼SE¼;
Sec. 13, N½S½.
T. 2 N., R. 14 W.,
Sec. 3, SE¼;
Sec. 4, lot 4, SW¼NW¼, and W½SW¼;
Sec. 9, NW¼, and S½;
Sec. 10, NE¼, and S½;
Sec. 14;
Sec. 15, N½, and SE¼.
T. 3 N., R. 14 W.,
Sec. 33, W½W½.
T. 4 N., R. 14 W.,
Sec. 12, SW¼.
T. 6 N., R. 14 W.,
Sec. 30.
T. 1 N., R. 15 W.,
Sec. 7, lot 3;
Sec. 9, SE¼;
Sec. 10, NE¼SW¼, SW¼SW¼, and N½SE¼;
Sec. 11, N½SW¼, NE¼NE¼SE¼, S½NE¼SE¼, E½NW¼NE¼SE¼, and NW¼NW¼NE¼SE¼;
Sec. 12, N½SW¼, and S½SE¼.
T. 2 N., R. 15 W.,
Sec. 1, lots 1, 2, 3, 4, S½N½, SW¼, and W½SE¼;
Sec. 3, S½;
Sec. 9, S½;
Sec. 18, W½E½, and E½W½;
Sec. 20, S½;
Sec. 29, N½.
T. 3 N., R. 15 W.,
Sec. 15, W½SW¼.
T. 6 N., R. 15 W.,
Sec. 24.
T. 1 N., R. 16 W.,
Sec. 1, NE¼SE¼;
Sec. 10, S½NW¼, SW¼, and SW¼SE¼;
Sec. 12, NE¼SE¼, and S½S½;
Sec. 13, NW¼;
Sec. 14, NE¼NE¼, and S½SW¼;
Sec. 15, W½E½, W½, and SE¼SE¼;
Sec. 22, N½NW¼, and SW¼NW¼;
Sec. 23, W½SE¼, and SE¼SE¼;
Sec. 26, W½E½, and W½;
Sec. 29, SE¼NW¼;
Sec. 34, E½SE¼.
T. 2 N., R. 16 W.,
Sec. 29, NE¼NW¼, and NW¼SW¼;
Sec. 30, E½SE¼.
T. 5 N., R. 16 W.,
Sec. 35.
T. 3 N., R. 19 W.,
Sec. 21, N½;
Sec. 22, NE¼;
Sec. 23, NW¼NW¼, S½SW¼, and SW¼SE¼;
Sec. 26;
Sec. 33, E½, and E½W½;
Sec. 34, SE¼SW¼;
Sec. 35, SE¼NE¼, N½NW¼, SW¼NW¼, and N½SE¼.
T. 1 N., R. 20 W.,
Sec. 7, lots 1, 2, 3, 4, and E½W½;
Sec. 18, lots 1, 2, 3, 4, and E½W½;
Sec. 19, lots 2, 3, S½NE¼, SE¼NW¼, NE¼SW¼, and N½SE¼;
Sec. 20, SW¼NE¼, S½NW¼, NE¼SW¼, and W½SE¼;
Sec. 29, SW¼NE¼, E½W½, and W½SE¼;
Sec. 30, lots 1, 2, 3, 4, and E½;
Sec. 31, lots 1, 2, 3, NE¼, E½NW¼, NE¼SW¼, and N½SE¼.
T. 3 N., R. 20 W.,
Sec. 4, lot 4;
Sec. 5, lot 1;
Sec. 13, N½SW¼;
Sec. 14, S½SE¼;
Sec. 19, lot 3, E½SW¼, NE¼SE¼, and W½SE¼;
Sec. 20, SW¼NE¼, and S½NW¼;
Sec. 21, SE¼SE¼;
Sec. 22, S½NE¼, N½SW¼, SW¼SW¼, and NW¼SE¼;
Sec. 23, N½NW¼, and SW¼NW¼.
T. 6 N., R. 20 W.,
Sec. 4, lot 1.
T. 1 N., R. 21 W.,
Sec. 1, lots 3, 4, S½NW¼, and SW¼;
Sec. 3, lot 4, and SW¼NW¼;
Sec. 9, lots 1, 2, 3, 4, and W½E½;
Sec. 10, SE¼;
Sec. 11;
Sec. 12, lots 1, 2, 3, 4, W½E½, and E½W½;
Sec. 13, lots 1, 2, 3, 4, W½E½, and E½W½;
Sec. 14;
Sec. 15, E½;
Sec. 23, S½N½, SW¼, and S½SE¼;
Sec. 24, SW¼NE¼, S½NW¼, N½SW¼, and W½SE¼;
Sec. 25, W½E½, NW¼, and S½SW¼;
Sec. 26, S½NE¼, and SE¼;
Sec. 28, lots 1, 4, and N½NE¼;
Sec. 33, lots 1, 2, 3, 4, SW¼NE¼, and W½SE¼;
Sec. 34, E½, and E½W½;
Sec. 35.
T. 2 N., R. 21 W.,
Sec. 34, SW¼;
Sec. 35, E½W½.
T. 3 N., R. 21 W.,
Sec. 24, NE¼SE¼, and S½S½.
T. 3 S., R. 13 W.,
Sec. 21, SE¼SE¼;
Sec. 29, N½NE¼, and NE¼NW¼.
T. 1 S., R. 21 W.,
Sec. 1, lots 1 to 8, inclusive;
Sec. 3, lots 1, 2, 3, 6, 7, 8, 9, 10, 11, 14, 15, 16, and E½SW¼;
Sec. 4, lots 3, 4, 5, 6, 11, 12, 13, 14, 17, 18, and E½SW¼;
Sec. 9, lots 1, 2, SE¼NE¼, NE¼NW¼, and E½SE¼;
Sec. 10, W½;
Secs. 13, 14, and 15;
Sec. 21, lots 1, 2, 3, 4, E½, and E½W½;
Sec. 22, W½;
Sec. 23, E½;
Sec. 24.

The areas described above aggregate 33,372.22 acres.

UNIT 30–02–72

T. 6 N., R. 1 W.,
Sec. 6, lots 4 and 5;
Sec. 18, NE¼.
T. 5 N., R. 3 W.,
Secs. 4, 6, 8, 10, 12, 14, and 22;
Sec. 28, NE¼, and SW¼.
T. 2 N., R. 4 W.,
Sec. 5, lots 3 to 12, inclusive, S½NW¼, and SW¼;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, and E½SE¼;
Sec. 7, lots 5 to 12, inclusive, and E½.
T. 2 N., R. 5 W.,
Sec. 1;
Sec. 12, N½N½.
T. 3 N., R. 5 W.,
Sec. 4, lots 1, 2, 3, 4, S½NW¼, and S½SE¼;
Secs. 7 and 9;
Sec. 10, S½;
Sec. 11;
Sec. 14, E½;
Secs. 15, 17, and 19;
Sec. 20, NE¼NE¼, S½NE¼, and S½;
Secs. 21, 22, 23, and 25;
Sec. 27, N½NE¼;
Secs. 29, 31, and 33;
Sec. 34, S½N½ and S½.
T. 4 N., R. 5 W.,
Sec. 14, W½;
Sec. 20, E½ and S½SW¼;
Sec. 24, S½;
Sec. 26;
Sec. 28, W½;
Sec. 30, lots 3 to 8, inclusive, E½, and E½SW¼;
Sec. 34, lots 1, 2, 3, 4, and S½.
T. 2 N., R. 7 W.,
Sec. 4, S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼.
T. 3 N., R. 7 W.,
Sec. 28, SE¼;
Sec. 30, W½SE¼;
Sec. 34, NE¼.
T. 3 N., R. 8 W.,
Sec. 18;
Sec. 20, N½ and SW¼;
Sec. 22, N½NW¼ and SE¼SW¼;
Sec. 30, lots 1, 2, 3, 4, NE¼, E½W½, and N½SE¼.
T. 2 S., R. 10 W.,
Sec. 13, NW¼SW¼ and S½SW¼;
Sec. 14, E½, NE¼NW¼, NE¼SE¼NW¼, S½SE¼NW¼, and NE¼SW¼;
Sec. 23, NE¼NE¼;
Sec. 24, E½NW¼ and NW¼NW¼.
T. 3 S., R. 11 W.,
Sec. 21;
Sec. 22, W½.
T. 3 S., R. 12 W.,
Sec. 34, SW¼NW¼;
Sec. 35, E½SE¼.

The areas described aggregate 25,879.51 acres.

UNIT 30-02-73

T. 4 S., R. 5 W.,
Sec. 5, lot 1, S½NW¼, N½SW¼, SE¼SW¼, and SW¼SE¼;
Sec. 8, N½NE¼ and SE¼NE¼.
T. 4 S., R. 6 W.,
Sec. 5, lot 3, E½NW¼, SW¼NW¼, and SW¼;
Sec. 6, lots 1, 2, S½NE¼, and SE¼.
T. 3 S., R. 7 W.,
Sec. 27, E½E½, SW¼NE¼, NE¼SW¼, S½SW¼, and W½SE¼;
Sec. 33, NE¼NE¼;
Sec. 34, E½ and N½NW¼.
T. 4 S., R. 7 W.,
Sec. 3, lots 1, 2, S½NE¼, and SE¼.
T. 4 S., R. 8 W.,
Secs. 13, 15, 17, 18, 19, and 20;
Sec. 28, E½NW¼, NW¼NW¼, W½SW¼, and SE¼SE¼;
Sec. 29;
Sec. 30, lots 1, 3, 4, E½, and E½W½;
Secs. 31 and 33.
T. 5 S., R. 8 W.,
Secs. 4, 5, 6, 7, and 8;
Sec. 9, lots 1, 2, 3, N½, N½SW¼, SW¼SW¼, and NE¼SE¼;
Sec. 16, lots 1 to 7, inclusive;
Sec. 17, lots 1, 2, NW¼NE¼, and N½NW¼;
Sec. 18, lot 5, N½NE¼, and NE¼NW¼;
Sec. 31, lots 10 and 11.
T. 6 S., R. 8 W.,
Sec. 4, lots 11, 12, 13, 14, 19, 20, 21, and 22;
Secs. 6 and 7;
Sec. 9, lots 3, 4, 5, 6, 11, 12, 13, and 14;
Sec. 21, W½;
Sec. 28, lots 3, 4, 5, 6, 11, 12, 13, and 14;
Sec. 33, lots 1 to 8, inclusive.
T. 7 S., R. 8 W.,
Sec. 4, lots 3, 4, S½NW¼, N½SW¼, and SW¼SW¼;
Sec. 5;
Sec. 6, lots 2 to 7, inclusive, SW¼NE¼, SE¼NW¼, E½SW¼, and W½SE¼;
Sec. 7, lots 1, 2, 3, 4, W½E½, and E½W½;
Sec. 8;
Sec. 9, E½ and N½NW¼;
Secs. 17, 20, and 27;
Sec. 30, lot 4, SE¼SW¼, and S½SE¼;
Sec. 33, W½W½;
Sec. 34, E½W½;
Sec. 35, S½NW¼ and S½.
T. 8 S., R. 8 W.,
Sec. 1, lots 2, 3, 4, S½NW¼, NW¼SW¼, and E½SE¼;
Sec. 5, SW¼ and E½SE¼;
Sec. 7, N½SE¼;
Sec. 8, SW¼, NW¼SE¼, and S½SE¼;
Sec. 17, E½E½, NW¼NE¼, NE¼NW¼, and SW¼SE¼;
Sec. 20;
Sec. 27, SW¼NE¼, NW¼, and S½;
Secs. 28, 29, 30, 33, and 34;
Sec. 35, lots 1 to 8, inclusive.
T. 9 S., R. 8 W.,
Secs. 3, 4, 5, 8, and 9;
Sec. 10, lots 1 to 13, inclusive;
Sec. 11, lots 4, 5, 12, and 13;
Sec. 14, NW¼NW¼;
Sec. 15, lots 1, 2, 3, 6, 7, 8, and 9;
Sec. 17, lots 1 and 10 to 16, inclusive;
Sec. 18, lots 3, 4, E½SW¼, and SE¼;
Sec. 20, N½N½;
Sec. 21, lots 1 to 6, inclusive;
Sec. 22, lots 2 to 6, inclusive;
Sec. 26, E½SW¼ and SE¼;
Sec. 35.
T. 10 S., R. 8 W.,
Sec. 2, lots 3 and 5.
T. 4 S., R. 9 W.,
Sec. 24, E½;
Sec. 25, NW¼NE¼, S½NE¼, and SE¼.
T. 5 S., R. 9 W.,
Sec. 11, N½;
Sec. 12, N½;
Sec. 14, NE¼;
Sec. 15, N½NE¼ and S½SW¼;
Sec. 22;
Sec. 26, N½ and N½S½;
Sec. 27, N½ and SW¼.
T. 6 S., R. 9 W.,
Sec. 1, lots 5 to 16, inclusive;
Secs. 10, 11, 12, and 15;
Sec. 22, W½E½ and W½;
Sec. 26, SW¼.
T. 7 S., R. 9 W.,
Sec. 1;
Sec. 3, lots 1, 2, 3, 4, S½N½, and NW¼SW¼;
Sec. 4, lot 1, S½NE¼, SE¼NW¼, and S½;
Sec. 5, S½SE¼;
Sec. 8, N¼ and N½SW¼;
Sec. 9, N½NW¼;
Sec. 10, NW¼NW¼;
Sec. 12, N½, N½SE¼, and SW¼SE¼;
Sec. 15, N½N½;
Sec. 17, S½;
Sec. 24, W½SW¼ and SE¼SW¼;
Sec. 25, N½N½, N½S½, SE¼SW¼, and S½SE¼.
T. 8 S., R. 9 W.,
Sec. 1, lot 4, SW¼NW¼, and SW¼;
Sec. 24, NE¼ and N½SE¼;
Sec. 25, NE¼, S½NW¼, and S½.
T. 9 S., R. 9 W.,
Sec. 12, lots 1, 2, 3, and 4;
Sec. 13, lots 4, 5, and Tract 40;
Sec. 24, lot 1.
T. 8 S., R. 10 W.,
Sec. 1, lots 1, 2, 3, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 12, S½.
T. 9 S., R. 10 W.,
Sec. 4, N½, W½SW¼, and SE¼SW¼.
T. 4 S., R. 11 W.,
Sec. 31, lots 1, 2, 8, 9, 10, 15, and 16.
T. 5 S., R 11 W.,
Sec. 6, lots 6, 7, 14, and 15.
T. 6 S., R. 11 W.,
Sec. 5, lots 5 to 10, inclusive;
Sec. 8, lots 1 to 8, inclusive;
Sec. 22, NE¼;
Sec. 35, lots 1 to 16, inclusive.
T. 6 S., R. 12 W.,
Sec. 18, lots 5, 6, 7, and 8.
T. 5 S., R. 13 W.,
Sec. 31, lots 2, 3, 4, S½NE¼, SE¼NW¼, E½SW¼, and SE¼.
T. 6 S., R. 13 W.,
Sec. 6.
T. 8 S., R. 13 W.,
Sec 31, SE¼.
T. 5 S., R. 14 W.,
Sec. 1, lots 3, 4, S½NW¼, and SW¼;
Sec. 8, N½SE¼;
Sec. 9, SE¼NE¼;
Sec. 17, E½NE¼ and NE¼SE¼;
Sec. 23;
Sec. 24, E½, S½NW¼, and SW¼;
Sec. 25;
Sec. 26, E½, NW¼, E½SW¼, and NW¼SW¼;
Sec. 27, SW¼NE¼, E½W½, SW¼SW¼, and W½SE¼;
Sec. 34, W½E½, W½, and E½SE¼;
Sec. 35, E½, E½NW¼, and SW¼.
T. 6 S., R. 14 W.,
Sec. 1.
T. 7 S., R. 14 W.,
Sec. 5, lots 3, 4, S½NW¼, and SW¼;
Sec. 6;
Sec. 7, lots 1, 2, 3, 4, NE¼, E½W½, W½SE¼, and SE¼SE¼;
Sec. 8, N½NW¼, E½SW¼, and SW¼SW¼;
Sec. 17, NW¼.
T. 5 S., R. 15 W.,
Secs. 3 and 4;
Sec. 5, lot 1, SE¼NE¼, and E½SE¼;
Sec. 6, lots 2, 3, 4, 5, 6, 7, SW¼NE¼, SE¼NW¼, E½SW¼, and W½SE¼;
Sec. 7, lots 1, 2, NE¼, and E½NW¼;
Sec. 8, N½;
Sec. 10, N½;
Sec. 11, N½.
T. 6 S., R. 15 W.,
Sec. 25.

The areas described aggregate 60,4208.08 acres.

UNIT 30-02-74

T. 1 N., R. 2 W.,
Sec. 29, lots 1, 2, 3, 4, W½NW¼, and SW¼;
Sec. 31.
T. 1 S., R. 2 W.,
Sec. 8, S½SW¼;
Sec. 16, lot 1;
Sec. 17, lots 1 to 5, inclusive, and S½SW¼;
Sec. 19, lots 1 to 5, inclusive, NE¼NE¼, W½NE¼, NW¼, N½SW¼, and SW¼SW¼;
Secs. 25, 27, 29, 31, 33, and 35.
T. 2 S., R. 2 W.,
Sec. 1;
Sec. 12, E½E½;
Secs. 13, 14, 22, and 24;
Sec. 27, N½.
T. 3 S., R. 2 W.,
Sec. 7, lots 1, 2, NE¼, and E½NW¼;
Sec. 8, N½;
Sec. 18, E½E½;
Sec. 20, SW¼;
Sec. 29, W½.
T. 7 S., R. 2 W.,
Sec. 6, lot 1;
Sec. 7, lots 1, 2, and 3.
T. 1 S., R. 3 W.,
Sec. 13, lots 1, 2, 3, 4, and S½S½;
Sec. 15, lots 1, 2, 3, 4, and S½S½;
Sec. 17, lots 1, 2, 3, 4, and S½S½;
Sec. 35, lots 7, 8, 9, NE¼SE¼, and S½SE¼.
T. 2 S., R. 3 W.,
Sec. 3 lots 10 to 14, inclusive, SE¼SW¼, and SE¼;
Sec. 4, lot 6;
Sec. 5, lots 3, 4, and S½NW¼;
Sec. 9, S½NE¼, SE¼NW¼, and S½;
Sec. 35.
T. 5 S., R. 3 W.,
Secs. 8, 9, 10, and 11;
Sec. 12, lot 4;
Sec. 13, lots 2 and 3;
Sec. 14, lots 6, 7, 8, N½, N½SW¼, and NW¼SE¼;
Secs. 15, lots 5, 6, 7, 8, N½, and N½S½;
Sec. 17, lots 9 to 15, inclusive, NE¼, E½NW¼, NE¼SW¼, and N½SE¼;
Sec. 18, E½;
Sec. 19, E½ and E½SW¼;
Sec. 20;
Sec. 30, lots 3, 4, E½, and E½W½;
Sec. 31.
T. 6 S., R. 3 W.,
Sec. 5, lots 5 to 16, inclusive;
Secs. 6, 7, 8, 17, 18, 19, 20, and 21;
Sec. 22, SW¼NW¼, and W½SW¼;
Secs. 31 and 33;
Sec. 34, NE¼NE¼, W½NE¼, NW¼, N½SW¼, SW¼SW¼, and SE¼SE¼;
Sec. 35, E½, SE¼NW¼, and SW¼.
T. 7 S., R. 3 W.,
Sec. 3, lots 3, 4, and SW¼NW¼;
Sec. 4, SE¼NE¼, S½SW¼, NE¼SE¼, and W½SE¼;
Sec. 5, SE¼SE¼;
Sec. 6, lot 5;
Sec. 7, lots 3 and 4;
Sec. 8, lots 1 and 2;
Sec. 9, E½, NW¼, and NE¼SW¼;
Secs. 10, 11, and 12;
Sec. 15, N½N½ and SW¼NW¼;
Sec. 17, NE¼, N½S½, SW¼SW¼, and SE¼SE¼;
Secs. 19 and 20;
Sec. 21, NE¼NW¼ and W½W½;
Sec. 28, N½S½ and SW¼SW¼;
Sec. 30;
Sec. 31, lot 3, NE¼SW¼, and N½SE¼.

T. 8 S., R. 3 W.,
Sec. 30.
T. 2 S., R. 4 W.,
Sec. 21, lots 3, 4, and W½NW¼.
T. 5 S., R. 4 W.,
Sec. 4, lots 1, 2, 3, 4, S½N½, SW¼, and N½SE¼;
Sec. 5, lot 1, SE¼NE¼, NE¼SE¼, and S½S½;
Sec. 8, W½NE¼ and W½;
Sec. 13, N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 14;
Sec. 17, N½NW¼;
Sec. 22, E½, NE¼NW¼, S½NW¼, and SW¼;
Sec. 30, lots 2, 3, 4, and S½SE¼;
Sec. 31, lots 1, 2, NE¼, and SE¼NW¼.
T. 6 S., R. 4 W.,
Sec. 1, lots 5, 6, 7, 8, and S½;
Sec. 2, lots 5, 6, and 7;
Sec. 4, lots 5, 6, and 7;
Sec. 9, lot 6;
Sec. 10, lots 1 and 8, inclusive;
Sec. 12;
Sec. 14, lots 1 to 7, inclusive;
Sec. 15, lots 1, 5, and 6;
Sec. 16, lots 1, 2, 3, and 4;
Sec. 17, lot 1;
Sec. 22, lots 1 to 5, SW¼NE¼ and W½SE¼;
Sec. 23, lots 1 and 2;
Sec. 25, lots 1 and 2;
Sec. 26, lot 1;
Sec. 36, lots 1 and 2.
T. 7 S., R. 4 W.,
Sec. 9, lot 1;
Sec. 13;
Sec. 23, NE¼;
Sec. 24, lots 1, 2, W½NE¼, and NW¼;
Sec. 34, lots 1, 2, 3, NW¼NE¼, S½NE¼, and E½NW¼;
Sec. 35, lot 1, N½NE¼, and NE¼NW¼;
Sec. 36, lots 1, 2, 3, and 4.
T. 8 S., R. 4 W.,
Sec. 9, NE¼SE¼;
Sec. 24, S½SW¼;
Sec. 25, NE¼, W½, and N½SE¼;
Sec. 26, SE¼;
Sec. 35, E½.
T. 5 S., R. 5 W.,
Sec. 25, SE¼NE¼ and E½SE¼.

The areas described aggregate 43,098.14 acres.

5. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Socorro District Manager, Bureau of Land Management, 200 Neel Avenue, Socorro, N. Mex. 87801.

6. A public hearing on the proposed classification will be held on June 18, 1968, at 1 p.m. in the Community Building, Datil, N. Mex.

W. J. ANDERSON,
State Director.

[F.R. Doc. 68-6519; Filed, June 3, 1968; 8:46 a.m.]

NEW MEXICO

Notice of Filing of Plat of Survey; Correction

MAY 27, 1968.

The notice of filing of plat of survey as published in the FEDERAL REGISTER, F.R. Doc. 68-5930 at page 7460 of the issue for May 18, 1968, is corrected to read "Sec. 36, T. 25 N., R. 1 W., N. Mex. Prin. Mer., New Mexico."

MICHAEL T. SOLAN,
Chief, Division of Lands and Minerals, Program Management and Land Office.

[F.R. Doc. 68-6520; Filed, June 3, 1968; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 19877]

AIR AFRIQUE

Notice of Postponement of Prehearing Conference and Notice of Hearing

The Prehearing Conference in the above-entitled proceeding, now scheduled to be held on June 11, 1968, is hereby rescheduled for June 27, 1968, at 10 a.m., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

The hearing in the proceeding is to be held on the same day in the same room at 2:30 p.m.

Dated at Washington, D.C., May 28, 1968.

[SEAL] ARTHUR S. PRESENT,
Hearing Examiner.

[F.R. Doc. 68-6551; Filed, June 3, 1968; 8:48 a.m.]

[Docket No. 19893]

AUSTRIAN AIRLINES

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on June 14, 1968, at 10 a.m., e.d.s.t., in Room 211, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., May 28, 1968.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 68-6552; Filed, June 3, 1968; 8:48 a.m.]

[Docket No. 19078; Order E-26853]

NORTHEAST CORRIDOR VTOL INVESTIGATION

Order Regarding Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of May 1968.

1. *The scope of the issues.* The Board instituted this investigation on October 4, 1967, by Order E-25779 to determine the need for and the feasibility of the establishment of an intercity air route using VTOL aircraft and, if possible, other equipment usable on small landing sites to serve certain named metropolitan areas in the Northeast Corridor at new sites to be established at locations best suited for such a service. The Board also seeks to determine whether the certificates of air carriers presently serving these areas at existing airports should be modified so as to restrict the authorization of these carriers to the use of those airports.

The said air carriers were made parties to this proceeding and some of them have filed motions to modify, clarify, or to reconsider the order instituting the investigation on the ground that the investigation of the question of the feasibility of a VTOL route between central-city points in these metropolitan areas will be confused and frustrated if it is held simultaneously with an investigation of the question as to what carrier or carriers should be selected to serve the route. They allege that the certification issue will pit one carrier against the other in an adversary proceeding that will becloud the primary question as to the technological, economic, and operational feasibility of the aircraft and the development of landing facilities. The answer of the Department of Transportation appears to concur in these positions.

Most of the carriers asserting this position urge that the proceeding be held in two separate stages. Phase one of the proceeding, in their view, should be confined to the feasibility and need for service questions. Phase two would then take up the question as to what airline or airlines should be selected to serve the route and the question whether the certificates of the carriers using existing airports should be modified. We agree that this would be the most suitable method of conducting the proceeding. However, we reject the proposal of some movants that the certification issues be deleted entirely rather than make them the subject of a later phase of the proceeding.

Some of the air carriers allege that under their present certificates they have authority to serve these points with VTOL aircraft through any central-city or suburban sites which may become available, upon compliance with airport notice requirements.[1] Reasoning from this premise, Trans World Airlines concludes that it is necessary and appropriate to include in this proceeding the issue as to whether the certificates of carriers operating from existing airports should be modified by eliminating the right to engage in the proposed VTOL service between the yet-to-be-developed landing sites. Some of the other carriers, reasoning from the same premise, conclude that the issue as to modification of existing certificates should be deleted from the proceeding. Some say that the Board is without authority to make such a revision since section 401(e)(4) of the Federal Aviation Act, as amended, precludes the Board from placing limits on the type of equipment a carrier may use.

[1] The motion of American Airlines requests that the Board make a clear statement on this question. As noted herein, this question will be one of the issues for decision in this proceeding.

The Board agrees with Trans World that all such contentions on legal issues should be decided in this proceeding. They will be taken up during the second stage. The carriers will not be precluded, in the course of the proceeding, from advancing arguments based on their interpretation of section 401(e)(4) or making other contentions relating to the effect and scope of existing certificates and the possible modification thereof by the Board.

Northwest Airlines, Inc., and Delta Air Lines, Inc., raise another question regarding the language used in the order instituting the investigation to define the issue as to whether the certificates of the carriers serving existing airports at these points should be modified. Paragraph 1(b) of the order states that this issue is "whether the public convenience and necessity require, and the Board should order, the alteration, amendment, or modification of the certificates [of certain named carriers] in such a manner as to restrict, where applicable, the certificate authorizations of the above-named carriers * * * to the existing airports serving those points; * * *." These carriers allege, in substance, that this issue, as framed, is broader than it need be because, if determined in the affirmative, it would preclude the use of airports other than the landing sites in issue here. For example, this would preclude the use of any new airports developed at these cities for use by fixed-wing aircraft. This result was not intended by the Board and the objection is well taken. We have decided that the language proposed by Northwest Airlines will clarify the order and more accurately reflect our intention. That language, with slight change, is incorporated in the revision to paragraph 1(b) set forth on page 5, infra. The Board also agrees with the proposal of Trans World Airlines that the issue be broadened so as to inquire whether the certificate of any carrier authorized to serve these points, not merely those carriers named in the order, should be restricted as described above in order to protect the service under investigation in the future to such extent as may be found to be appropriate.

Trans World Airlines and Trans-East Airlines raise a question regarding the language in the order instituting investigation where the Board states in footnote 1, page 1, that the investigation does not encompass the possibility of service between different landing sites in the same metropolitan area. Trans World moves that the Board modify its order so as to eliminate the exclusion of a consideration of the transportation of intrametropolitan area traffic on flights which serve more than one metropolitan area. We agree that the consideration of this possibility should not be excluded and the order instituting investigation shall be revised accordingly.

Trans-East Airlines contends that the exclusion from consideration of VTOL service between the subject points from "existing airports" is too broad an exclusion since there may be existing airports, particularly in high-occupancy suburban areas, not presently used by common carriers by air, that should be considered. For the reason stated, footnote 4 on page 3 of the order instituting investigation will be revised to make it clear that the excluded airports are those used by certificated carriers using fixed-wing aircraft.

2. *Motions to consolidate applications with this proceeding.* Motions have been filed which request consolidation of 14 applications for certificates of public convenience and necessity or amendments to existing certificates. These motions will be granted to the extent the applications request authorizations encompassed by the proceeding.

Pilgrim Aviation and Airlines, Inc., Princeton Aviation Corp., and Reading Aviation Service, Inc., filed a joint motion in the nature of a motion for a stay of the time within which they may file an application until the feasibility issues are decided. The motion recites that movants cannot decide whether to apply until they learn more about the availability of suitable aircraft and terminal facilities for this service. The Board has determined that applications from carriers in addition to those who previously have filed applications will be received after the first stage of the proceeding is concluded. The above-named carriers will have an opportunity to file applications at that time.

Interstate Airlift, Inc., included in its application, among other things, a request for exemption authority to engage in the transportation of property and mail, using VTOL, V/STOL, or STOL equipment between any points in the States of Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia. The answer of Trans World Airlines, Inc., opposes the said motion insofar as it seeks to include this area authority issue in this proceeding. Movants do not state reasons as to why these issues should be consolidated and, since they are clearly outside the scope of this proceeding, the motion shall be denied insofar as the area authority is concerned and, in accordance with Rule 12, that portion of the application shall be dismissed without prejudice. For the same reason, the motion of Interstate Airlift to modify the scope of the proceeding to include such area authority shall be denied.

3. *Motions to treat Philadelphia, Wilmington, and Trenton as separate points.* The order instituting investigation treats Philadelphia, Wilmington, and Trenton as a single point for the purpose of this proceeding. The Greater Philadelphia Chamber of Commerce, the city of Trenton and Mercer County, N.J., the Greater Trenton Chamber of Commerce, and the Board of Transportation of New Castle County, Del., each filed motions to modify the order so as to make the three cities separate points for the purpose of this proceeding. Good cause having been shown for this request, this order modifies the description of the routes under consideration so as to name these three cities as separate points.

4. *Petitions for leave to intervene.* Petitions for leave to intervene in this proceeding have been filed by a number of public bodies, civic organizations, and manufacturers of and dealers in aircraft. Each of the petitioners has a substantial interest in the subject matter of this proceeding, their intervention in this proceeding will be conducive to the ends of justice, and it will not unduly delay the conduct of this proceeding nor unduly broaden the issues. The petitions therefore will be granted.

Trans-East Airlines, Inc., also filed a petition for leave to intervene in this proceeding. Trans-East's motion to consolidate its application with this Docket 19078 is being granted. Since it will become a party by this means, it will be unnecessary for that carrier to intervene in this proceeding and the petition will therefore be dismissed.

Accordingly, it is ordered, That:

1. Hearing on issues relating to the number of carriers to be authorized, the fitness, willingness, and ability of the applicants and the selection of the applicant or applicants to be authorized and the issues described in paragraph 3, below, shall be deferred until further order of the Board. Such order will make provision for the time within which additional applications may be filed.

2. Ordering paragraph 1(a) of Order E–25779 be and it hereby is amended to read as follows:

(a) Whether the public convenience and necessity require, and the Board should order, the establishment of air service with VTOL, or V/STOL, or STOL, equipment between any two or more of the following metropolitan areas (except between Baltimore, Md., and Washington, D.C.): Boston, Mass.; Providence, R.I.; Hartford, Conn.; New York, N.Y.–Newark, N.J.; Trenton, N.J.; Philadelphia, Pa.; Wilmington, Del.; Baltimore, Md.; and Washington, D.C.; and whether service between different landing sites in the same metropolitan area should be authorized on flights serving more than one of the foregoing metropolitan areas.

3. Paragraph 1(b) of the ordering paragraphs of the said order is hereby revised to read as follows:

(b) Whether the public convenience and necessity require, and the Board should order, the alteration, amendment, or modification of the certificates of public convenience and necessity of American Airlines, Inc., for Routes 4, 7, and 25; Braniff Airways, Inc., for Route 9; Delta Air Lines, Inc., for Route 24; Eastern Air Lines, Inc., for Routes 5, 6, and 71; National Airlines, Inc., for Route 31; Northeast Airlines, Inc., for Route 27; Northwest Airlines, Inc., for Route 3; Trans World Airlines, Inc., for Route 2; Trans Caribbean Airways for Route 137; United Air Lines, Inc., for Routes 1, 14, 34, and 51; Allegheny Airlines, Inc., for Route 97; Lake Central Airlines, Inc., for Route 88; Mohawk Airlines, Inc., for Route 94; and Piedmont Aviation, Inc., for Route 87; in such a manner as to

preclude their serving any of the metropolitan areas hereinbefore named through landing sites developed, or existing landing sites adaptable, for the special use of VTOL, V/STOL, or STOL aircraft; and whether the certificates of all carriers authorized hereafter to provide service between any of the points involved herein through existing airports should be similarly restricted.

4. The first sentence of footnote 4 on page 3 of the said order is hereby revised to read, "We will not, of course, include an existing airport used by certificated carriers using fixed-wing aircraft as one of the points to be considered."

5. The following applications, or parts thereof to the extent they request authorization within the scope of this proceeding, be and they hereby are consolidated with Docket 19078: Air General, Inc., Docket 19315; Allegheny Airlines, Inc., Docket 19348; American Airlines, Inc., Docket 19349; Eastern Air Lines, Inc., Docket 19345; Interstate Airlift, Inc., Docket 19346; Mohawk Airlines, Inc., Docket 19341; National Airlines, Inc., Docket 19335; New York Airways, Inc., Docket 19336; Northeast Airlines, Inc., Docket 19337; Northwest Airlines, Inc., Docket 19343; Pan American World Airways, Inc., Docket 19338; Trans-East Airlines, Inc., Docket 16333;[2] Trans World Airlines, Inc., Docket 19340; United Air Lines, Inc., Docket 19339.

6. The applications set forth above are hereby dismissed, without prejudice, to the extent not consolidated herein, except that of Trans-East Airlines, Inc., insofar as the latter is under consideration in Docket 18322.

7. The motion of Interstate Airlift to consolidate with this proceeding its application for an exemption for area authority and its motion to modify the scope of this investigation to include the question of exemption authority covering an entire area are denied.

8. The application of Interstate Airlift, Inc., is dismissed, insofar as it seeks an exemption for area authority.

9. The petitions for leave to intervene of the following public bodies, organizations, and corporations are hereby granted:

(1) The Commonwealth of Massachusetts.
(2) Massachusetts Port Authority.
(3) The city of Philadelphia.
(4) The Board of Transportation of New Castle County, Del.
(5) The Greater Philadelphia Chamber of Commerce.
(6) The Greater Trenton Chamber of Commerce.
(7) The Metropolitan Washington Board of Trade, Washington, D.C.
(8) The Boeing Co.—Vertol Division.
(9) Vought Aeronautics Division of the LTV Aerospace Corp.
(10) Lockheed Aircraft Corp., on behalf of its division, the Lockheed California Co.
(11) Butler Aviation Co.
(12) The city of Trenton and Mercer County, N.J.
(13) The Greater Boston Chamber of Commerce.
(14) The Connecticut Aeronautics Commission.
(15) Pilgrim Aviation and Airlines, Inc., Princeton Aviation Corp., and Reading Aviation Service, Inc. (joint petition).

10. The petition of Trans-East Airlines, Inc., for leave to intervene is dismissed.

11. Except to the extent granted herein, all requests, petitions, and motions be and they hereby are denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-6549; Filed, June 3, 1968; 8:48 a.m.]

[2] The application of Trans-East consolidated herein is Amendment No. 4 to Docket 16333. On June 16, 1967, a portion of Trans-East's original application in this docket was consolidated with the Board investigation in Docket 18322, and the balance was dismissed. We will, however, treat Amendment No. 4 as a separate application, rather than requiring it to be refiled prior to being consolidated herein. (Order E-25310.)

[Docket No. 19833; Order E-26849]

TRANS WORLD AIRLINES, INC., AND EASTERN AIR LINES, INC.

Order of Tentative Approval

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of May 1968.

Joint applications of Trans World Airlines, Inc. and Eastern Air Lines, Inc., Docket 19833, Agreement CAB 19948-A1, for approval of certain relationships under section 408 of the Federal Aviation Act of 1958, as amended, and for approval of an agreement pursuant to section 412 of such Act.

On November 24, 1967 Trans World Airlines, Inc. (TWA), and Eastern Air Lines, Inc. (Eastern), filed under section 412 of the Act a memorandum of understanding designated as Agreement CAB 19948. Essentially, the memorandum of understanding dealt with the three types of activities: (a) The standardization by TWA in conformity with its own Boeing-747 aircraft, of those B-747 aircraft to be acquired by Eastern, and the maintenance and support of such aircraft; (b) the contemplation of a similar program to be conducted by Eastern for Concorde supersonic aircraft to be acquired by TWA; and (c) the reciprocal seasonal leasing of B-747 aircraft between TWA and Eastern as well as the possible sale of Eastern's B-747 aircraft to TWA. By Order E-26308, February 2, 1968, the Board approved that part of the memorandum of understanding relating to the first type of activity, i.e., standardization, etc., of B-747 aircraft. Action on the remaining activities contemplated by the memorandum of understanding was deferred until such time as detailed agreements covering such matters were filed with the Board.

On April 17, 1968, TWA and Eastern filed a joint application[1] under section 408 of the Act requesting approval of a reciprocal seasonal lease and also an option granted to Eastern to sell to TWA up to four B-747 aircraft if the latter should decide to acquire additional such equipment before December 31, 1974.

On April 24, 1968, the carriers filed under section 412 of the Act, a plant representation agreement (CAB 19948-A1) dated April 19, 1968. This agreement relates to the B-747 aircraft standardization program contemplated in the above-mentioned memorandum of understanding.

Under the B-747 aircraft lease Eastern agrees to lease B-747 aircraft to TWA as follows. One aircraft beginning on the last Sunday of April 1971 and extending through and including the last Saturday of October, 1971 and, for each year subsequent to 1971, two aircraft beginning on the last Sunday of April and extending through and including the last Saturday of October of each such year. TWA agrees to lease B-747 aircraft to Eastern as follows: One aircraft beginning on the last Sunday of October 1970 and extending through and including the last Saturday of April 1971 and two aircraft beginning on the last Sunday of October 1971, and the last Sunday of October of each year thereafter and extending through and including the last Saturday of April of the next year.[2]

The lease provides that the lessee shall maintain personal injury and property damage liability insurance and all-risk aircraft hull insurance designed to cover operations with the leased aircraft and the aircraft themselves. The cost of maintenance, other than major overhaul and maintenance, shall be the responsibility of the lessee. The rental rate for each B-747 aircraft is as follows: $8,500 for each calendar day during the lease term, plus $555 per wheel hour of flight during 1970 and 1971 and $600 per wheel hour of flight subsequent to 1971. The rate per wheel hour based upon the costs of major overhauls and maintenance applicable to the years in question.[3]

In addition to the seasonal leases, the agreement also provides for TWA to lease to Eastern on a daily and hourly basis B-747 aircraft at times when TWA determines that such aircraft can be spared and Eastern desires that they be used in its operations. For the most part, the provisions of the agreement which apply to the seasonal leases also apply to the daily leases. One exception is that the rental rate for portions of a day shall be as the parties agree and not necessarily as set forth in the agreement.

The carriers allege that the reciprocal lease agreement is in the public interest because it will enhance their ability to

[1] A supplement to the application was filed with the Board on May 3, 1968.

[2] The agreement indicates that the dates of commencement and termination of the seasonal leases may be changed by mutual agreement of the parties; however, it is the intent of the parties to obtain reciprocity in the terms of the leases.

[3] The methodology used to establish the daily and hourly payments referred to above has been set forth in a supplemental letter agreement, dated Apr. 15, 1968, attached to the lease agreement as filed with the Board.

meet their service obligations, on a more economical basis than otherwise possible, by having the leased aircraft available during the peak season of each carrier. Thus, the reciprocal seasonal lease should increase utilization of very costly aircraft and reduce the number of such aircraft either carrier is required to purchase.

Further, TWA and Eastern have agreed that if TWA desires at any time prior to January 1, 1975 to acquire additional B–747–31 aircraft in the same configuration and characteristics as that acquired by Eastern, it will give Eastern the opportunity to supply as many as four such aircraft provided Eastern agrees to deliver the aircraft at a date not later than that which TWA would obtain delivery from an alternate source. Eastern shall have 30 days from the date of notice from TWA to determine whether or not to sell the equipment to TWA. The purchase price will be based on Eastern's original cost and shall be the net book value at date of delivery determined in accordance with the depreciation and accounting practices established by TWA for its B–747–31 passenger aircraft now on order. TWA shall also be entitled to a reduction in the purchase price by an amount equal to a portion of the investment tax credit generated by the original purchase of each aircraft, determined in accordance with specified calculations.

Applicants contend that if Eastern chooses to sell B–747 aircraft such action would not impair its ability to meet its certificate responsibilities because the aircraft would be disposed of only on the basis that replacement aircraft would be acquired. According to the applicants if the equipment is not required by Eastern the most logical purchaser would be TWA because of the standardization of the carriers' B–747 equipment.

The plant representation agreement embodies the details of the B–747 standardization program and its execution was provided for in Agreement CAB 19948.[4] Among other things, it provides that TWA will provide the following services for Eastern: Plant representation, technical guidance, aircraft inspection, contract administration, and preparation of aircraft and engine specifications. These services will begin on May 1, 1968 and terminate with the completion of the final ground inspection of Eastern's B–747 aircraft.[5] The rate to be charged Eastern is $4,300 per month for the period beginning July 1, 1968, through October 31, 1971.

No comments or requests for a hearing have been received.

Upon consideration of the foregoing, the Board concludes that the reciprocal seasonal lease of B–747 aircraft between TWA and Eastern involves a substantial portion of the respective air carriers' properties within the meaning of section 408 of the Act and, therefore, the lease is subject to such section. The Board has also decided to assert jurisdiction now over the option to sell and the possible exercise of the option. The carriers have submitted the matter to the Board under section 408. Moreover, they contend that the option is an integral part of the overall transaction and that the option is the corollary to TWA's right to determine specifications for B–747 aircraft. In short, the option is part of an overall program over which the Board clearly has jurisdiction. Additionally since the agreement contains all the essential terms of the possible sale it appears appropriate at this time to act upon the exercise of the option.

The Board has concluded tentatively that the lease and possible sale transactions between Eastern and TWA do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly, and do not tend to restrain competition. Furthermore, no person disclosing a substantial interest is currently requesting a hearing and it is found that the public interest does not require a hearing.

It appears that the seasonal and daily leases may result in substantial savings to each party through improved utilization of their respective B–747 fleets and also enable each to better meet peak seasonal demands. It is also possible that if the carriers did not enter into the instant arrangements each might be required to make additional equipment investments.

We turn now to the option agreement. The agreement sets forth the basic terms of sale: The basis for determining the sale price of the aircraft; the number of aircraft involved; and the period in which the sale may take place. Furthermore, Eastern has supplied information concerning its prospective fleet during the period in which it may sell its B–747 aircraft. Under all of these circumstances, we believe it appropriate to act now on the possible sale.

The purchase price does not appear to be unfair and in view of Eastern's present and proposed aircraft fleet it does not appear that Eastern will be unable to meet its certificate obligation if it should decide to sell the B–747.[6] Furthermore, as applicants note, should Eastern wish to sell its B–747 aircraft, TWA would be a logical purchaser because the aircraft has been standardized between the two carriers.

In view of the foregoing, the Board tentatively concludes that it should approve without hearing under the third proviso of section 408(b) of the Act, (1) the reciprocal seasonal leasing of B–747 aircraft by TWA and Eastern, as well as the daily leasing of B–747 aircraft to Eastern by TWA; and (2) the possible sale of Eastern's B–747 aircraft to TWA, including any exercise by Eastern of its right to sell such aircraft.[7] The Board also finds that Agreement CAB 19948–A1 is not adverse to the public interest or otherwise in violation of the Act and should be approved under section 412 of the Act.

In accordance with the Act, this order constituting notice of the Board's approval and tentative findings will be published in the FEDERAL REGISTER and interested persons will be afforded an opportunity to file comments or request a hearing on the Board's tentative decisions.

Accordingly, it is ordered:

1. That interested persons are hereby afforded a period of ten (10) days from the date of issuance of this order within which to file comments or request a hearing with respect to the Board's proposed action;[8]

2. That the plant representation agreement, Agreement CAB 19948–A1, be and it hereby is approved; and

3. That the Attorney General of the United States be furnished a copy of this order within 1 day of publication.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68–6550; Filed, June 3, 1968; 8:48 a.m.]

NATIONAL AERONAUTICS AND SPACE COUNCIL

JOHN G. STEWART

Rate of Basic Compensation

Appointment, name and title: John G. Stewart, Special Assistant; salary rate: $25,374 p.a.; position no.: SCS No. 4.

Authority for this appointment: Title III, section 306, subsection (c) reads: "That part of section 201(f) of the National Aeronautics and Space Act of 1958 (72 Stat. 428; 42 U.S.C. 2471(f), fixing a limit of $19,000 on the compensation of seven persons in the National

[4] Agreement CAB 19948, paragraph 2.

[5] There are included in each of the following documents—the memorandum of understanding, dated Nov. 1, 1967 (which includes provision for the possible sale of Eastern's B–747 aircraft to TWA); the B–747 lease agreement, dated Apr. 15, 1968; and the plant representation agreement, dated Apr. 19, 1968, provisions that: (1) Either party may terminate the particular agreement on 30 days' advance written notice if its contracts for acquisition of B–747 aircraft are terminated; and (2) The agreement will remain in effect until canceled by either party by giving at least 18 months' advance written notice to the other, except that if such notice is not given by July 1, 1971, then such agreement shall continue in effect until the earlier of (a) the sale and transfer of the four B–747 aircraft from Eastern to TWA, or (b) the expiration of 12 months' advance written notice given by one party to the other after Apr. 30, 1973.

[6] As of Jan. 31, 1968, Eastern had on hand 144 jet aircraft and orders had been placed for an additional 140 jet aircraft, 75 of which are to be delivered in 1968 and 1969 and the remaining 65 beyond 1969.

[7] In the final order the Board will reserve jurisdiction over the matter to take such action as future circumstances may require in the interest of the public.

[8] Comments shall conform to the Board's rules of practice for filing comments. Further, since an opportunity to file comments is provided for, petitions for reconsideration of this order will not be entertained.

Aeronautics and Space Council, is amended by striking out 'compensated at the rate of not more than $19,000 a year,' and inserting in lieu thereof 'compensated at not to exceed the highest rate of grade 18 of the General Schedule of the Classification Act of 1949, as amended,'."

Effective date: March 24, 1968.

R. W. HALE,
Assistant to the Executive Secretary.

[F.R. Doc. 68-6620; Filed, June 3, 1968; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-5716 etc.]

NORTHERN NATURAL GAS PRODUCING CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

MAY 23, 1968.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments 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 June 19, 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 on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment 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: *Provided, however,* That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

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. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-5716 D 5-6-68 [1]	Northern Natural Gas Producing Co., c/o R. D. Haworth, attorney, Post Office Box 1774, Houston, Tex. 77001.	Northern Natural Gas Co., acreage in Stevens and Haskell Counties, Kans.	Assigned	
G-12083 D 5-3-68 [2]	Mobil Oil Corp., Post Office Box 2444, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., La Reformas Field, Starr and Hidalgo Counties, Tex.	Assigned	
G-19542 C 5-9-68	An-Son Corp., 3814 North Santa Fe, Oklahoma City, Okla. 73118.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	17.0	14.65
G-19542 C 5-10-68	do	do	17.0	14.65
CI61-637 E 5-3-68	Mesa Petroleum Co. (Operator) et al. (successor to G. R. Wittington (Operator) et al.), Post Office Box 2009, Amarillo, Tex. 79105.	Phillips Petroleum Co., Hugoton Field, Sherman, Moore, and Hansford Counties, Tex.	12.0	14.65
CI62-673 C&D 5-13-68	Skylark Gas Co., 219 East Main St., St. Clairsville, Ohio 43950.	Equitable Gas Co., acreage in Lewis, Upshur, and Harrison Counties, W. Va.	25.0	15.325
CI62-725 D 5-10-68	Mobil Oil Corp	Northern Natural Gas Co., Baggett Field, Crockett County, Tex.	[3]	
CI62-1412 C 5-10-68	Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla. 74102.	Oklahoma Natural Gas Gathering Corp. and National Fuels Corp., Ringwood Field, Major County, Okla.	12.0	14.65
CI63-234 D 4-25-68 [4]	Mobil Oil Corp. (Operator) et al.	Arkansas Louisiana Gas Co., Red Oak Area, Le Flore County, Okla.	Assigned	
CI63-263 C 5-13-68	King Resources Co. (Operator) et al., 100 Park Avenue Bldg., Oklahoma City, Okla. 73102.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper and Beaver Counties, Okla.	[5] 17.0	14.65
CI64-670 C 5-13-68	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	Arkansas Louisiana Gas Co., Wilburton Field, Le Flore County, Okla.	[5] 15.015	14.65
CI65-603 C&D 8-30-67	Marathon Oil Co. (Operator) et al.	Natural Gas Pipeline Co. of America, Indian Basin Area, Eddy County, N. Mex.	16.608	14.65
CI65-649 C&D 3-18-68	Ralph Lowe et al., c/o Charles L. Morgan, Jr., attorney, Post Office Box 832, Midland, Tex. 79701.	do	16.608	14.65
CI66-470 D 5-10-68	Sunray DX Oil Co	Arkansas Louisiana Gas Co., Arkoma Area, Le Flore County, Okla.	Uneconomical	
CI67-56 C 5-10-68	Tenneco Oil Co., Post Office Box 2511, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Northeast Gage Field, Ellis County, Okla.	[5] 17.0	14.65
CI67-152 C 5-9-68	Sun Oil Co. (Mid-Continent Division), 1608 Walnut St., Philadelphia, Pa. 19103.	Panhandle Eastern Pipe Line Co., South Peek Field, Ellis County, Okla.	[7] 20.862	14.65
CI67-153 C 5-9-68	do	Panhandle Eastern Pipe Line Co., Tangier Field, Woodward County, Okla.	[8] 18.396	14.65
CI67-1675 D 5-13-68 [9]	A. M. van Flick, 211 Water St., Weston, W. Va.	Equitable Gas Co., Courthouse District, Lewis County, W. Va.	Assigned	
CI68-62 C 5-13-68	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., North Greensburg Field, Woods County, Okla.	[5] 17.0	14.65
CI68-686 D 5-8-68	Mobil Oil Corp. (Operator) et al.	Texas Eastern Transmission Corp., Shiloh Field, Union Parish, La.	[3]	
CI68-1285 (CI62-1037) 5-6-68 [10]	Border Exploration Co., c/o Samuel L. McClaren, Attorney, 550 Petroleum Club Bldg., Denver, Colo. 80202.	El Paso Natural Gas Co., East Boundary Butte Field, Apache County, Ariz.	[11] 18.7	15.025
CI68-1286 B 5-10-68	Mobil Oil Corp	Cities Service Gas Co., Aetna Field, Barber County, Kans.	[12]	
CI68-1287 A 5-10-68	Stewart Varn, d.b.a. Varn Petroleum Co., 502 Central Bldg., Wichita, Kans. 67202.	Cities Service Gas Co., South Mervine Area, Kay County, Okla.	13.0	14.65
CI68-1288 A 5-13-68	Samedan Oil Corp., Lincoln Center, Ardmore, Okla. 73401.	Arkansas Louisiana Gas Co., Ames Area, Major County, Okla.	[5] 15.0	14.65
CI68-1289 A 5-13-68	Mesa Petroleum Co. (Operator) et al.	Northern Natural Gas Co., Gooch Field, Texas County, Okla.	17.0	14.65
CI68-1290 A 5-13-68	Kerr-McGee Corp., Kerr-McGee Bldg., Oklahoma City, Okla. 73102.	Southern Natural Gas Co., Breton Sound Block 19, Plaquemines Parish, La.	21.25	15.025
CI68-1291 (G-3142) F 5-9-68	Smith Operating and Management Co. (Operator) et al. (successor to M. F. McCain et al.), c/o John M. Shuey, attorney, 604 Johnson Bldg., Shreveport, La. 71101.	United Gas Pipe Line Co., Bethany Field, Panola County, Tex.	[13] 11.9004	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI68-1292 ..... A 5-14-68	Fred M. Buxton,[14] 100 Park Avenue Bldg., Oklahoma City, Okla.	Northern Natural Gas Co., Northwest Fargo Area, Ellis County, Okla.	[5] 17.0	14.65
CI68-1293 ..... B 5-14-68	Atlantic Richfield Co. (Operator) et al., Post Office Box 2819, Dallas, Tex. 75221.	Texas Eastern Transmission Corp., Houdman Field, Live Oak County, Tex.	Depleted	
CI68-1294 ..... A 5-13-68	Jennings Petroleum Corp., c/o John S. Holy, attorney, Post Office Box 643, Weston, W. Va. 26452.	Equitable Gas Co., acreage in Clay and Nicholas Counties, W. Va.	25.0	15.325
CI68-1295 ..... B 5-13-68	Mobil Oil Corp.	Trunkline Gas Co., Bearhead Creek Field, Beauregard Parish, La.	Depleted	
CI68-1297 ..... (G-8789) F 5-10-68	Bruce Anderson and M. A. Machris (successors to Colorado Oil and Gas Corp.), 600 Southwest Tower, Houston, Tex. 77002.	Colorado Interstate Gas Co., Greenwood Field, Morton County, Kans.	[5] 16.0	14.65
CI68-1298 ..... A 5-15-68	Appalachian Exploration & Development, Inc., c/o Boyd D. Taylor, regional counsel, Post Office Box 1473, Charleston, W. Va. 25325.	Mountain Gas Co., Rocky Fork Field, Kanawha County, W. Va.	25.0	15.325
CI68-1299 ..... A 5-15-68	Gus Berry, 1490 Callie Road, ton, W. Va. 25314.	Mountain Gas Co., acreage in Kanawha County, W. Va.	25.0	15.325
CI68-1300 ..... A 5-15-68	J. T. Langham and R. J. Beams, d.b.a. Labeco, 1618 Gulf States Bldg., Dallas, Tex. 75201.	Baca Gas Gathering System, Inc., Playa Field, Baca County, Colo.	14.6	14.65

[1] Deletes acreage assigned to Petroleum, Inc. et al.
[2] Deletes acreage assigned to Wood Brothers et al.
[3] Acreage released to landowners.
[4] Deletes acreage assigned to Wessely Petroleum, Ltd. B.
[5] Subject to upward and downward B.t.u. adjustment.
[6] Subject to compression charge, if necessary.
[7] Includes 2.862 cents upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[8] Includes 0.396 cent upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[9] Deletes acreage assigned to Donald Spidel.
[10] Applicant is filing for certificate to cover its own interest which has heretofore been covered by Operator's certificate in Docket No. CI62-1037.
[11] Rate in effect subject to refund in Docket No. RI67-169.
[12] All acreage has been assigned to John Roger McCoy and Vernon E. Faulconer.
[13] Subject to deduction for compression.
[14] Applicant states its willingness to accept permanent certificate on the same terms as specified by the Commission's order issued Mar. 30, 1964 in Docket Nos. G-19416 et al.

[F.R. Doc. 68-6399; Filed, June 3, 1968; 8:45 a.m.]

[Docket No. G-3029, etc.]

POOL AND HOOPER ET AL.

Findings and Order

MAY 23, 1968.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending certificates, permitting and approving abandonment of service, terminating certificate, making successor co-respondent, redesignating proceeding, accepting agreement and undertaking for filing and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC gas rate schedules and propose to initiate, abandon or add natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that the sales from the Permian Basin area of Texas are authorized to be made at the applicable area base rates and under the conditions prescribed in Opinion Nos. 468 and 468-A.

Occidental Petroleum Corp. et al., Applicant in Docket No. CI65-131, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to Oxli Partnership FPC Gas Rate Schedule No. 1. Said rate schedule will be redesignated as that of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI66-252. Applicant has filed a motion to be made co-respondent in said proceeding, together with an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding. Therefore, Applicant will be made co-respondent, the proceeding will be redesignated accordingly, and the agreement and undertaking will be accepted for filing.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice, no petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on May 15, 1968, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments, and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record.

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments, and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefore should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G-3029, G-4559, G-7241, CI62-347, CI62-1291, CI62-1292, CI63-20, CI63-234, CI65-131, CI65-628, CI65-1145, CI67-286, CI67-1851, CI68-518, and CI68-727 should be amended as hereinafter ordered and conditioned.

(6) The sale of natural gas proposed to be abandoned by Applicant in Docket No. CI68-1138, as hereinbefore described, all as more fully described in the application and in the tabulation herein, is subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonment should be permitted and approved as hereinafter ordered.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificate of

public convenience and necessity heretofore issued in Docket No. G–20054 should be terminated.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Occidental Petroleum Corp. et al., should be made co-respondent in the proceeding pending in Docket No. RI66–252, that said proceeding should be redesignated accordingly, and that the agreement and undertaking filed in said proceeding by Occidental should be accepted for filing.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after July 1, 1967, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d)(3) of the Commission's statement of general policy No. 61–1, as amended, shall be filed prior to the applicable date as indicated by footnote 3 in the attached tabulation.

(E) The initial rates for sales authorized in Docket Nos. CI68–893, CI68–923, and CI68–1026 shall be the applicable base area rates prescribed in Opinion No. 468, as modified by Opinion No. 468–A, as adjusted for quality, or the contract rates, whichever are lower.

(F) If the quality of the gas delivered by Applicants in Docket Nos. CI68–893, CI68–923, and CI68–1026 deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468–A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to the provisions of section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rate.

(G) Within 90 days from the date of initial delivery Applicants in Docket Nos. CI68–893, CI68–923, and CI68–1026 shall file rate schedule quality statements in the form prescribed in Opinion No. 468–A. Applicant in Docket No. CI68–997 shall file a rate schedule quality statement within 45 days from the date of this order.

(H) The certificate issued herein in Docket No. CI68–923 is conditioned upon any determination which may be made in the proceeding pending in Docket No. R–338 with respect to the transportation of liquefiable hydrocarbons.

(I) In the event that Applicant in Docket No. CI68–923 exercises its option to process gas under section 3, article II, of its FPC Gas Rate Schedule No. 356, herein accepted for filing, Applicant shall submit to the Commission for acceptance, not less than 30 nor more than 90 days prior to the commencement of such processing, a rate schedule supplement setting forth the conditions and details of the contemplated action.

(J) The certificates heretofore issued in Docket Nos. G–7241, CI62–1291, CI62–1292, CI65–1145, CI67–286, CI68–518, and CI68–727 are amended by adding thereto authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations pursuant to the rate schedule supplements as indicated in the tabulation herein.

(K) The authorization granted in paragraph (J) above in Docket No. CI62–1291 involving the sale of gas by Roy L. Cook, Trustee, et al., to its affiliate, Piedra Corp., determines the rate which legally may be paid by the buyer to the seller, but is without prejudice to any action which the Commission may take in any rate proceeding involving either company.

(L) The certificate heretofore issued in Docket No. CI67–1851 is amended by adding thereto authorization to sell natural gas from the additional acreage at the rate of 15 cents per Mcf at 14.65 p.s.i.a., subject to B.t.u. adjustment; however, in the event that the Commission amends its Policy Statement No. 61–1, by adjusting the boundary between the Panhandle area and the Oklahoma "Other" area so as to increase the initial wellhead price for new gas in the area involved herein, Applicant thereupon may substitute the new rate reflecting the amount of such increase, and thereafter collect such new rate prospectively in lieu of the initial rate herein required.

(M) The certificates heretofore issued in Docket Nos. CI63–20 and CI63–234 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicants in Docket Nos. CI68–1141 and CI68–1140, respectively.

(N) The certificates heretofore issued in Docket Nos. G–3029 and G–4559 are amended to reflect the change in operator from Paul J. Fly (Operator) et al., to Pool and Hooper (Operator) et al., as indicated in the tabulation herein.

(O) The certificate heretofore issued in Docket No. CI62–347 is amended to include the interest of the coowner, Champlin Petroleum Co., as indicated in the tabulation herein.

(P) The certificates heretofore issued in Docket Nos. CI65–131 and CI65–628 are amended by substituting the respective successors in interest as certificate holders as indicated in the tabulation herein.

(Q) Permission for and approval of the abandonment of service by Applicant in Docket No. CI68–1138, as hereinbefore described, all as more fully described in the application and in the tabulation herein are granted.

(R) The certificate heretofore issued in Docket No. G–20054 is terminated.

(S) Occidental Petroleum Corp. et al., is made a co-respondent in the proceeding pending in Docket No. RI66–252; said proceeding is redesignated accordingly; [1] and the agreement and undertaking submitted by Occidental in said proceeding is accepted for filing.

(T) Occidental Petroleum Corp. et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by Occidental in said proceeding shall remain in full force and effect until discharged by the Commission.

(U) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further, the rate schedules relating to the successions herein are resignated and accepted, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates as indicated in the tabluation herein.

By the Commission.

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

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[1] Oxli Partnership and Occidental Petroleum Corp., et al.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G-3029 3-21-68 [1]	Pool and Hooper (Operator) et al. (successor to Paul J. Fly (Operator) et al.).	Trunkline Gas Co., West Terrell Point Field, Goliad County, Tex.	Paul J. Fly (Operator) et al., FPC GRS No. 1.	1	
			Supplement Nos. 1-5	1	1-5
			Notice of succession 3-18-68.		
			Operating agreement 8-1-67.[2]	1	6
			Effective date: 8-1-67.		
G-4559 3-21-68 [1]	do	do	Paul J. Fly (Operator) et al., FPC GRS No. 2.	2	
			Supplement Nos. 1-5	2	1-5
			Notice of succession 3-18-68.		
			Operating agreement 8-1-67.[2]	2	6
			Effective date: 8-1-67.		
G-7241 C 3-25-68 [3]	Aztec Oil & Gas Co.	El Paso Natural Gas Co., Blanco Pictured Cliffs Field, San Juan County, N. Mex.	Supplement agreement 3-12-68.[4 5]	4	21
G-7241 C 3-25-68 [3]	do	El Paso Natural Gas Co., Aztec Pictured Cliffs Field, San Juan County, N. Mex.	Supplement agreement 3-1-68.[4 5]	4	22
CI62-347 3-25-68 [3 6]	Monsanto Co. (Operator) et al.	El Paso Natural Gas Co., Marble Wash Area, Montezuma County, Colo.	(6)	51	
CI62-1291 C 2-5-68 [3]	Roy L. Cook, Trustee et al.[7]	Piedra Corp., acreage in La Plata and Archuleta Counties, Colo.	Supplement agreement 11-24-67.[3]	5	5
CI62-1292 C 2-5-68 [3]	Piedra Corp.	El Paso Natural Gas Co., acreage in La Plata and Archuleta Counties, Colo.	Supplement agreement 11-24-67.[3]	1	4
CI65-131 E 3-18-68	Occidental Petroleum Corp. et al. (successor to Oxli Partnership).	Oklahoma Natural Gas Gathering Corp., Ringwood Field, Major County, Okla.	Oxli partnership, FPC GRS No. 1.	15	
			Supplement No. 1	15	1
			Notice of succession 3-15-68.		
			Assignment 1-8-68 [8]	15	2
			Effective date: 1-1-68.		
CI65-628 E 2-19-68	Ideal Basic Industries, Inc. et al. (successor to Potash Co. of America).	Natural Gas Pipeline Co. of America, Indian Basin Area, Eddy County, N. Mex.	Potash Co. of America, FPC GRS No. 1.	1	
			Supplement Nos. 1-3	1	1-3
			Notification of merger 2-16-68.[9]	1	4
			Effective date: 1-1-68.		
CI65-1145 C 3-20-68 [3]	Pan American Petroleum Corp.	Arkansas Louisiana Gas Co., Kinta Field, Le Flore County, Okla.	Amendment 2-22-68	419	5
			Statement 3-18-68 [3 10]	419	6
CI67-286 C 3-20-68 [3]	Monsanto Co.	Arkansas Louisiana Gas Co., Arkoma Area, Le Flore County, Okla.	Amendment (undated)[5]	85	2
CI67-1851 C 2-23-68 [3]	William V. Montin et al.[11]	Panhandle Eastern Pipe Line Co., North Hopeton Field, Woods County, Okla.	Amendment 12-18-67	2	2
CI68-518 C 3-21-68 [3]	Parlay Oil Inc.	Michigan Wisconsin Pipe Line Co., Wildcat Field, Seward County, Kans.	Amendatory agreement 2-29-68.	1	1
CI68-727 C 3-21-68 [3]	Tenneco Oil Co.	El Paso Natural Gas Co., East Labarge Field, Sublette County, Wyo.	Supplemental agreement 2-6-68.[5]	219	1

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI68-893 A 1-19-68	Monsanto Co.[12]	Transwestern Pipeline Co., Worsham-Bayer Field, Reeves County, Tex.	Contract 1-8-68	92	
CI68-923 A 1-29-68	Shell Oil Co.[12]	Northern Natural Gas Co., Northeast Oates Field, Pecos County, Tex.	Contract 12-21-67 [5]	356	
CI68-997 (CS67-46) F 2-5-68	MWJ Producing Co., (Operator), agent.[14]	El Paso Natural Gas Co., Spraberry (Trend Area) Field, Reagan County, Tex.	Contract 1-6-67 [13]	16	
			Assignment 11-30-67 [14]	16	1
			Effective date: 11-20-67.		
			Assignment 12-27-67 [14]	16	2
			Assignment 12-27-67 [14]	16	3
			Effective date: 12-27-67.		
CI68-1026 A 2-26-68	Shell Oil Co.[12]	Northern Natural Gas Co., Buckhorn Area, Crockett and Schleicher Counties, Tex.	Contract 1-30-68 [4]	355	
CI68-1134 A 3-20-68 [3]	Oil Development Co. of Texas.	Diamond Shamrock Corp., Southeast Share (Lower Morrow) Field, Ochiltree County, Tex.	Contract 2-27-68 [5]	7	
CI68-1137 A 3-21-68 [3]	W. M. Gallaway	El Paso Natural Gas Co., Pictured Cliffs Ballard Field, Rio Arriba County, N. Mex.	Contract 2-26-68 [5]	1	
CI68-1138 (G-20054) B 3-21-68	Houston Natural Gas Production Co. (Operator) et al.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Southwest Garwood Field, Lavaca and Colorado Counties, Tex.	Notice of cancellation 3-20-68. [15 16]	16	8
CI68-1140 (CI63-234) F 3-20-68	Sunray DX Oil Co. (successor to Mobil Oil Corp.).	Arkansas Louisiana Gas Co., Red Oak Field, Arkoma Area, Le Flore County, Okla.	Contract 6-13-62 [10]	283	
			Amendment 3-11-63	283	1
			Letter 3-11-63	283	2
			Letter agreement 1-21-64.	283	3
			Supplemental agreement 10-7-64.	283	4
			Letter 2-10-65	283	5
			Assignment 12-13-67 [11]	283	6
			Effective date: 12-13-67.		
CI68-1141 (CI63-20) F 3-21-68	Sunray DX Oil Co. (successor to Humble Oil & Refining Co.).	Arkansas Louisiana Gas Co., Arkoma Area, Pittsburg County, Okla.	Contract 5-24-62 [12]	284	
			Letter 3-21-63	284	1
			Agreement 3-22-63	284	2
			Amendment 12-8-64	284	3
			Assignment 3-8-67 [13]	284	4
			Effective date: 3-8-67.		
CI68-1142 A 3-21-68 [3]	Weldon C. Julander	El Paso Natural Gas Co., Aztec Pictured Cliffs Field, San Juan County, N. Mex.	Contract 11-29-67 [5]	1	
CI68-1147 A 3-27-68 [3]	L. W. Roche	United Fuel Gas Co., Poca and Union Districts, Kanawha County, W. Va.	Contract 3-21-68 [3 16]	6	

[1] Amendment to the certificate filed to reflect change in operator.
[2] Designates Pool and Hooper as operator of the subject properties in lieu of Paul J. Fly.
[3] Jan. 1, 1970, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
[4] Applicant's application to amend certificate establishes a 5-year makeup period for gas paid for and not taken as to this acreage.
[5] Effective date: Date of initial delivery (Applicant shall advise the Commission of such date).
[6] Applicant is filing to cover interest of "et al." party, Champlin Petroleum Co. No rate schedule filing made or necessary.
[7] Roy L. Cook owns a 50 percent stock interest in Piedra.
[8] Interests of Oxli Partnership assigned to the partners, Occidental Petroleum Corp. and Livingston Oil Co.
[9] Evidences merger of Potash Co. of America into Ideal Cement Co. to form Ideal Basic Industries, Inc.
[10] Provides for 5-year makeup period for prepaid gas.
[11] Applicant has stated willingness to accept permanent authorization conditioned on the same terms as specified by the Commission's order issued Mar. 30, 1964, in Docket Nos. G-19417, et al.
[12] By letter filed Feb. 29, 1968, Applicant agreed to accept a permanent certificate containing conditions similar to those imposed by Opinion No. 468.

[15] By letter filed Mar. 21, 1968, Applicant agreed to accept a permanent certificate containing conditions similar to those imposed by Opinion No. 468 and also conditioned to the outcome of the rulemaking proceeding in Docket No. R-338, and the filing of a supplement to the rate schedule prior to the commencement of any processing for the extraction of liquefiable hydrocarbons.
[16] MWJ owns no interest in the subject properties but acts as operator for the owner.
[17] Between L & N Production Co. and Leland F. Long Oil Lease Account, seller and El Paso, buyer. Contract not filed by predecessor because interest was covered by small producer certificate issued Mar. 13, 1967 in Docket No. CS67-46.
[18] Document whereby coowners acquired their interests in the subject property.
[19] By letter filed Mar. 21, 1968, Applicant agreed to accept a permanent certificate containing conditions similar to those imposed by Opinion No. 468.
[20] Source of gas depleted.
[21] Effective date: Date of this order.
[22] Currently on file as Mobil Oil Corp. (Operator) et al., FPC GRS No. 333.
[23] From Mobil Oil Corp. to Applicant.
[24] On file as Humble Oil & Refining Co. (Operator) et al., FPC GRS No. 337.
[25] Assigns acreage from Humble Oil & Refining Co. to Applicant.
[26] Production limited to the Newburg Sand.

[F.R. Doc. 68-6400; Filed, June 3, 1968; 8:45 a.m.]

[Docket No. G-5669, etc.]

UNION NATIONAL BANK OF WICHITA ET AL.

Order Amending Orders Issuing Certificates of Public Convenience and Necessity, Redesignating FPC Gas Rate Schedules, Accepting Notices of Succession for Filing, Substituting Respondent, Redesignating Proceedings, and Requiring Filing of Agreements and Undertakings

MAY 22, 1968.

On January 8, 1968, Union National Bank of Wichita (Petitioner) filed a petition to amend the orders issuing certificates of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act to Walter F. Kuhn by substituting Petitioner in lieu of Walter F. Kuhn as certificate holder, all as more fully set forth in the petition to amend in the appendix hereto.

Petitioner has been appointed and qualified as executor of the estate of Walter F. Kuhn, deceased, and in such capacity proposes to continue without interruption or change the sales of natural gas heretofore authorized to be made in interstate commerce by the decedent.

Petitioner has submitted notices of succession to the FPC gas rate schedules of Walter F. Kuhn. The notices will be accepted for filing effective as of October 18, 1967, the date of Petitioner's appointment; and the FPC gas rate schedules will be redesignated accordingly.

Walter F. Kuhn filed notices of changes in rate under several rate schedules, which changes were suspended and in some cases were made effective subject to refund. Petitioner will be substituted in lieu of Walter F. Kuhn as respondent in each rate proceeding, the proceedings will be redesignated accordingly, and Petitioner will be required to file agreements and undertakings in those proceedings in which increased rates have been made effective subject to refund in order to assure the refund of all amounts collected in excess of the amounts determined to be just and reasonable in said proceedings.

The Commission's staff has reviewed the petition to amend and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice published in the FEDERAL REGISTER, no petition to intervene, notice of intervention, or protest to the granting of the petition to amend has been filed.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that Petitioner should be substituted in lieu of Walter F. Kuhn as certificate holder or respondent in each of the latter's certificates and rate proceedings and that the related FPC gas rate schedules should be redesignated accordingly.

The Commission orders:

(A) The orders issuing certificates of public convenience and necessity to Walter F. Kuhn are amended by substituting Petitioner in lieu of Walter F. Kuhn as certificate holder as hereinbefore described and as more fully described in the petition to amend and in the appendix hereto; and in all other respects said orders shall remain in full force and effect.

(B) The notices of succession submitted by Petitioner to the FPC gas rate schedules of Walter F. Khun are accepted for filing effective as of October 18, 1967, and the FPC gas rate schedules are redesignated as set forth in the appendix hereto.

(C) Petitioner is substituted in lieu of Walter F. Kuhn as respondent in each of the latter's rate proceedings described in the appendix hereto, and the proceedings are redesignated accordingly.

(D) Within 30 days from the issuance of this order, Petitioner shall execute, in the form set out below, and shall file with the Secretary of the Commission agreements and undertakings in Docket Nos. G-20205, RI65-310, RI65-463, RI65-590, RI66-220, RI67-304, and RI67-305 to assure the refunds of all amounts collected, together with interest at the rate of 7 percent per annum, in excess of the amounts determined to be just and reasonable in said proceedings. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreements and undertakings shall be deemed to have been accepted for filing.

(E) Petitioner shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreements and undertakings filed by petitioner in the proceedings listed in paragraph (D) above shall remain in full force and effect until discharged by the Commission.

By the Commission.

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

APPENDIX

Certificate Docket No.	Rate proceeding Docket No.	Walter F. Kuhn FPC gas rate schedule No.[1]	Union National Bank of Wichita, Executor of the estate of Walter F. Kuhn, deceased, FPC gas rate schedule No.[1]
G-5669		3	1
G-5669		4	2
G-5669		6	3
G-5669		7	4
G-5669		8	5
G-5669		9	6
G-5669		10	7
G-5669		11	8
G-5669		12	9
G-5669		21	10
G-5669		22	11
G-5669		24	12
G-5669		25	13
G-5669		29	14
G-8761		[2] 38	[2] 15
G-11027		[3] 39	[3] 16
G-8935	G-20205, RI65-590	[2] 40	[2] 17
G-5669	RI65-310	42	18
G-5669	RI65-463	43	19
G-5669	RI67-76	44	20
G-5669	RI68-62	[3] 45	[3] 21
CI60-658	RI67-304	[3] 46	[3] 22
G-5669		47	23
G-5669		48	24
G-8429		49	25
G-5669		50	26
G-5669	RI67-305	51	27
CI63-630		52	28
CI63-589	RI68-398	[3] 53	[3] 29
CI64-1118	RI66-220	55	30

[1] All rate schedules cover "et al." parties except that related to Docket No. CI64-1118.
[2] "Agent (Operator) et al."
[3] "(Operator) et al."

Suggested agreement and undertaking:

BEFORE THE FEDERAL POWER COMMISSION

(Name of Respondent _____)

Docket No. _____

AGREEMENT AND UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF SECTION 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of Respondent) hereby agrees and undertakes to comply with the refunding and reporting provisions of section 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. _____ (and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto)[1] this _____ day of _____, 196__.

(Name of Respondent)

By _____

Attest:

_____

[F.R. Doc. 68-6401; Filed, June 3, 1968; 8:45 a.m.]

[1] If a corporation.

[Docket No. RI 68-629 etc.]

UNION OIL COMPANY OF CALIFORNIA ET AL.

Order Accepting Contract Amendments, Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

MAY 23, 1968.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI68-629	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017.	46	3	Northern Natural Gas Co. (Killebrew No. 1-201 Well, Roberts County, Tex.) (RR. District No. 10).	$5,200	4-29-68	[2] 6-1-68	11-1-68	[3] 17.5	[3 4 5] 18.5	RI63-416.
	do	24	7	Northern Natural Gas Co. (Farnsworth Area, Ochiltree, Hansford, and Roberts Counties, Tex.) (RR. District No. 10).	4,550	4-29-68	[2] 6-1-68	11-1-68	[3] 17.5	[3 4 5] 18.5	RI63-416.
RI68-630	Signal Oil & Gas Co. (Operator), 1010 Wilshire Blvd., Los Angeles, Calif. 90017.	10	1	Cities Service Gas Co. (Fox Plant, Carter County, Okla.) (Oklahoma "Other" Area).	3,600	4-29-68	[2] 7-23-68	12-23-68	[3] 15.0	[3 4 5] 16.0	
RI68-631	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	191	3	Colorado Interstate Gas Co. (Highland Area, Beaver County, Okla.) (Panhandle Area).	178	4-29-68	[2] 5-30-68	10-30-68	[6 7] 17.680	[3 4 6 7] 18.795	RI63-278.
RI68-632	George R. Brown, 1201 San Jacinto Bldg., Houston, Tex. 77002.	17	[8] 5	Colorado Interstate Gas Co. (Keyes Field, Cimarron County, Okla.) (Panhandle Area).	----------	4-29-68	[9] 5-30-68	(Accepted)	----------	----------	
		17	6		84	4-29-68	[9] 5-30-68	10-30-68	[7] 15.0	[4 7] 17.0	
RI68-633	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	83	[10 11] 12	Northern Natural Gas Co. (Hugoton Field, Haskell County, Kans.).[12]	----------	4-30-68	[2] 5-31-68	(Accepted)	----------	----------	
		83	[10 13] ----do----------		----------	4-30-68	[2] 5-31-68	(Accepted)	----------	----------	
		83	14	----do----------	316	4-30-68	[2] 5-31-68	10-31-68	12.0	[4 14 15] 12.526	RI65-475.
RI68-634	Richard W. Robbins et al., 423 North Main St., Pratt, Kans. 67124.	1	2	Northern Natural Gas Co. (Guymon-Hugoton Field, Texas County, Okla.) (Pandhandle Area).	184	4-29-68	[2] 6-1-68	11-1-68	[3] 8.9329	[4 5 14] 12.0	
RI68-635	Mobil Oil Corp., Post Office Box 2444, Houston, Tex. 77001.	137	13	Northern Natural Gas Co. (Parnell and Northrup Fields, Ochiltree County, Tex.) (RR. District No. 10).	18,008	5-3-68	[2] 7-1-68	12-1-68	[3] 17.0	[3 4 5] 18.0	RI67-272.
RI68-636	Sinclair Oil & Gas Co. (Operator) et al., Post Office Box 521, Tulsa, Okla. 74102.	204	[16] 39	Michigan Wisconsin Pipe Line Co. (Bloomer Ward and Parker East Bloomer Units, Major County, Okla.) (Oklahoma "Other" Area).	9,135	5-30-68	[2] 5-31-68	10-31-68	[16] 15.75	[4 17 18] 18.795	
RI68-637	Marathon Oil Co. (Operator) et al., 539 South Main St., Findlay, Ohio 45840, Attn: Mr. R. N. Ayars.	36	[19] 9	United Gas Pipe Line Co. (Theall Field, Vermilion Parish, La.) (South Louisiana).	----------	5-2-68	[2] 6-2-68	(Accepted)	----------	----------	
		36	10		56,902	5-2-68	[2] 6-2-68	11-2-68	[22] 22.5	[20 21] 23.45	RI65-625.

[2] The stated effective date is the effective date requested by Respondent.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Subject to a downward B.t.u. adjustment.
[6] Includes base rate of 16 cents plus 1.680 cents upward B.t.u. adjustment before increase (1,105 B.t.u. gas) and base rate of 17 cents plus 1.785 cents upward B.t.u. adjustment plus 0.01 cent tax reimbursement after increase.
[7] Subject to upward and downward B.t.u. adjustment.
[8] Amendment dated Dec. 3, 1963, provides for 17 cents from Jan. 1, 1964 to Dec. 31, 1968, and 1 cent increase every 5 years thereafter.
[9] The stated effective date is the first day after expiration of the statutory notice.
[10] Amendment dated Feb. 12, 1968, which provides the basis for the proposed rate increase.
[11] Amends ratification agreement dated June 28, 1950 (Supplement No. 2).
[12] Amends ratification agreement dated Mar. 15, 1961 (Supplement No. 3).
[13] Producing area previously reported as Morton County, Kans. and Texas County, Okla., which was in error. Rate Schedule covers acreage in Haskell County, Kans., only.
[14] Renegotiated rate increase.
[15] Includes 0.026 cent upward B.t.u. adjustment (952 B.t.u. gas). Base rate subject to upward and downward B.t.u. adjustment from a base of 950 B.t.u.'s per cubic foot.
[16] Applicable to acreage added by Supplement No. 36 (Parker E. Bloomer Unit) and Supplement No. 38 (Bloomer Ward Unit) only.
[17] "Fractured" rate increase. Initial contract base rate is 19.5 cents per Mcf.
[18] Includes base rate of 15 cents plus upward B.t.u. adjustment before increase and 17.9 cents plus upward B.t.u. adjustment after increase. Base rate subject to upward and downward B.t.u. adjustment.
[19] Amendment dated Mar. 22, 1968, provides for the redetermined rate proposed herein and amends certain tax reimbursement provisions.
[20] Redetermined rate increase.
[21] Pressure base is 15.025 p.s.i.a.
[22] Inclusive of 1.5 cents tax reimbursement.

George R. Brown (Brown) requests that his proposed contract amendment and rate increase be permitted to become effective as of April 1, 1968. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Brown's rate filings and such request is denied.

Concurrently with the filing of their rate increases, Brown submitted a contract amendment dated December 3, 1963; [23] Shell Oil Co. (Shell) submitted two contract amendments dated February 12, 1968; [24] and Marathon Oil Co. (Operator) et al. (Marathon), submitted a contract amendment dated March 22, 1968,[25] which provide the basis for the aforementioned producers' rate increases. We believe that it would be in the public interest to accept for filing Brown, Shell, and Marathon's contract amendments to become effective on the dates shown in the "Effective Date" column listed above, but not the proposed rates contained therein which are suspended as hereinafter ordered.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown for accepting for filing the contract amendments filed by Brown, Shell, and Marathon, as set forth above, and for permitting such supplements to become

[23] Designated as Supplement No. 5 to Brown's FPC Gas Rate Schedule No. 17.

[24] Designated as Supplement Nos. 12 and 13 to Shell's FPC Gas Rate Schedule No. 83.

[25] Designated as Supplement No. 9 to Marathon's FPC Gas Rate Schedule No. 36.

effective on the dates indicated in the "Effective Date" column listed above.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered (except for the supplements referred to in paragraph (1) above).

The Commission orders:

(A) Supplement No. 5 to Brown's FPC Gas Rate Schedule No. 17; Supplement Nos. 12 and 13 to Shell's FPC Gas Rate Schedule No. 83, and Supplement No. 9 to Marathon's FPC Gas Rate Schedule No. 36 are accepted for filing effective on the dates shown in the "Effective Date" column listed above.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements (except the supplements set forth in paragraph (A) above).

(C) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f), on or before July 10, 1968.

By the Commission.

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

[F.R. Doc. 68-6402; Filed, June 3, 1968; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 2-14886]

ALSCOPE CONSOLIDATED, LTD.

Order Suspending Trading

MAY 28, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Alscope Consolidated, Ltd., Passaic, N.J., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 29, 1968, through June 7, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-6523; Filed, June 3, 1968; 8:46 a.m.]

[811-883 etc.]

CENTENNIAL FUND, INC., ET AL.

Notice of Filing of Application for Exemption

MAY 27, 1968.

In the matter of Centennial Fund, Inc., 2401 First National Bank Building, Denver, Colo. 80202, (811-883); Second Centennial Fund, Inc., 2401 First National Bank Building, Denver, Colo, 80202, (811-981); and Gryphon Fund, Inc., 2401 First National Bank Building, Denver, Colo. 80202, (811-1145), (812-2182).

Notice is hereby given that Centennial Fund, Inc. ("Centennial"), a Delaware corporation, Second Centennial Fund, Inc. ("Second Centennial"), a Maryland corporation, and Gryphon Fund, Inc. ("Gryphon"), a Maryland corporation, all registered diversified open-end management investment companies (herein collectively referred to as "Applicants") have filed a joint application pursuant to sections 6(c) and 17(b) of the Investment Company Act of 1940 ("Act"), and Rule 17d-1 promulgated under section 17(d) of the Act. Applicants request an order of the Commission exempting from the provisions of section 17(a) of the Act, to the extent necessary, all transactions incident to a proposed merger of Centennial and Second Centennial with and into Gryphon and authorizing, pursuant to Rule 17d-1, to the extent necessary, the participation of Centennial and Second Centennial in the proposed merger, and exempting Applicants under the provisions of section 6(c) of the Act to the extent that a previous order of the Commission (Investment Company Act Release No. 2946) and an undertaking by Second Centennial might be construed to prevent the issuance of shares by Gryphon after the proposed transactions. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Background. Centennial and Second Centennial, obtained their initial portfolios of securities in exchange for shares of their stock. An order of the Commission dated December 15, 1959 (Investment Company Act Release No. 2946): *Provided,* That Centennial could not issue additional shares without a further order of the Commission. Because of the large unrealized appreciation in Centennial's portfolio at the completion of its organizational exchange there would have been detrimental tax consequences to subsequent investors if they acquired Centennial shares for cash. For the same reason, Second Centennial, as a condition of its registration pursuant to the Act, agreed that it would not, without prior Commission approval, issue additional securities. Gryphon is presently offering its shares to the public.

As of March 31, 1968, Centennial had approximately 732,000 shares outstanding and total assets of approximately $9,500,000, Second Centennial had approximately 395,000 shares outstanding and total assets of approximately $6,500,000, and Gryphon had net assets of approximately $23,100,000. Each of the Applicants is a party to a separate investment advisory agreement with Founders Mutual Depositor Corp.

The proposed transactions. Centennial and Second Centennial will transfer all of their cash and securities (after provision for the payment of liabilities) to Gryphon in exchange for shares of Gryphon capital stock. The number of Gryphon shares will be determined by dividing the aggregate market value of the net assets to be transferred by Centennial and Second Centennial by the net asset value per share of Gryphon, all to be determined as of valuation date, the last business day of the calendar month in which the last of several conditions precedent shall have occurred. One of such conditions is the approval of the proposed transaction by stockholders of Centennial and Second Centennial at meetings to be held following the issuance by the Commission of the exemptive order requested by the application described herein.

Commission jurisdiction. The members of the Board of Directors of Gryphon are, with two exceptions, the same individuals who are members of the boards of directors of Centennial and Second Centennial. Thus, Applicants may be deemed to be under common control and affiliated persons of each other under section 2(a)(3) of the Act. Section 17(a) of the Act, as here pertinent, would prohibit the proposed merger, unless the Commission upon application under section 17(b) of the Act grants an exemption from such prohibition. Section 17(b) states that the Commission shall grant such application and issue an order of exemption if evidence establishes that the terms of the proposed transactions, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; if the proposed transactions are consistent with the policies of Applicants as recited in their registration statements and reports filed under the Act; and if the

proposed transactions are consistent with the general purposes of the Act.

Section 17(d) of the Act and Rule 17d-1 thereunder, taken together, provide as here pertinent, that it shall be unlawful for an affiliated person of a registered investment company or an affiliated person of such a person, acting as principal, to participate in, or to effect any transaction in connection with, any joint enterprise or other joint arrangement in which any company controlled by such registered company is a participant unless an application regarding such arrangement has been granted by the Commission. In passing upon such application, the Commission must consider whether the participation of such registered company or controlled company in such arrangement is consistent with the provisions, policy, and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Section 6(c) of the Act provides that the Commission, by order upon application, may exempt any person, security or transaction from any provision of the Act or from any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants seek exemption, to the extent necessary, to participate in transactions incident to the proposed merger and request that the conditions of the Commission order and undertaking referred to above be terminated with respect to the further issuance of shares.

Supporting statements. Applicants represent that the reason for preventing a public offering by Centennial and Second Centennial no longer exists because they have almost completely eliminated their unrealized appreciation through gradual turnover of portfolio securities. Moreover, Gryphon represents that it has a larger amount of unrealized appreciation than the two exchange funds. Therefore, Applicants contend that Gryphon should not be barred from continuing to make a public offering.

The application states that since the unrealized appreciation as a percentage of total assets of Centennial and Second Centennial on March 31, 1968, were substantially similar, no downward adjustment in the value of the assets of Centennial and Second Centennial will be required in order to equalize the potential burden of Federal taxes. The realized gains of Centennial and Second Centennial will, prior to the proposed merger, either be distributed to their shareholders, or will be retained and the Federal tax thereon paid on behalf of stockholders. Applicants state that no income tax detriment or benefit will result to the stockholders of any Applicant because the percentage of unrealized capital gain to total assets in the portfolio of each Applicant is similar.

Centennial and Second Centennial represent that they have received written rulings from the Internal Revenue Service stating that the transactions (i) shall constitute and qualify as tax-free reorganizations under the applicable provisions of section 368(a)(1)(C) of the Internal Revenue Code of 1954, (ii) will not result in the recognition of gain or loss to any Applicant, and (iii) will not result in the recognition of any gain to any stockholder of any Applicant.

Applicants represent that they have similar investment objectives, restrictions and policies and that none of the securities held by Centennial or Second Centennial will be sold because of unsuitability in satisfying Gryphon's investment objectives. Applicants further represent that Gryphon will acquire approximately $15,500,000 of securities without payment of brokerage commissions. The application also states that it is anticipated that the existing redemption fee charged stockholders of Centennial and Second Centennial will be eliminated and that the cash flow into Gryphon from the sale of shares will, in all probability, result in redemptions of shares being met in cash without either distributing or selling portfolio securities. In addition, the application states that certain auditing, printing and legal expenses, which duplicate similar expenses presently borne by Gryphon, will be eliminated and that economies of scale will result.

Applicants state that the terms of the proposed transactions are reasonable and fair and do not involve overreaching on the part of any person concerned in that Centennial and Second Centennial will be issued shares of Gryphon on identical terms in exchange for their assets. Applicants also state that the transactions are consistent with their investment policies and objectives and are consistent with the general purposes of the Act.

Notice is further given that any interested person may, not later than June 17, 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 Applicants at the addresses 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.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-6524; Filed, June 3, 1968; 8:46 a.m.]

NATIONAL SWEEPSTAKES CORP.

Order Suspending Trading

MAY 27, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of National Sweepstakes Corp., 555 East Fourth South, Salt Lake City, Utah, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 28, 1968, through June 6, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-6525; Filed, June 3, 1968; 8:46 a.m.]

[File No. 2-24176]

ZIMOCO PETROLEUM CORP.

Order Suspending Trading

MAY 28, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Zimoco Petroleum Corp., New York, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 29, 1968, through June 7, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-6526; Filed, June 3, 1968; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 618]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 28, 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 specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 42487 (Sub-No. 691 TA), filed May 24, 1968. Applicant: CONSOLIDATE FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. S. Tyler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine vinegar*, in bulk, in tank vehicles, from Geyserville, Calif., to Streator and Chicago, Ill., for 120 days. Supporting shipper: American Industries Corp., 814 Montgomery Street, San Francisco, Calif. 94133. Send protests to: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 88071 (Sub-No. 2 TA), filed May 24, 1968. Applicant: JOHN REGINAK, Orange Street, Millville, N.J. 08332. Applicant's representative: Mattew Aaron, 204 Feinstein Building, Bridgeton, N.J. 08302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Industrial sand*, in bags, in bulk, in dump or tank vehicles, in straight or mixed shipments, from the plantsite of New Jersey Silica Sand Co., Millville, N.J., to points in Connecticut, Delaware, Maryland, Massachusetts, New York, and Pennsylvania, for 180 days. Supporting shipper: New Jersey Silica Sand Co., Millville, N.J. 08332. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, 402 East State Street, Trenton, N.J. 08608.

No. MC 111383 (Sub-No. 27 TA), filed May 24, 1968. Applicant: BRASWELL MOTOR FREIGHT LINES, INC., 3925 Singleton Boulevard, Post Office Box 3989, Dallas, Tex. 75207. Applicant's representative: M. Ward Bailey, Christopher & Bailey, 2412 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) from Oklahoma City, Okla., and points in Oklahoma within 125 miles of Oklahoma City, to St. Louis, Mo., and Chicago, Ill.; (2) from Oklahoma City, Okla., and points in Oklahoma within 125 miles of Oklahoma City, to St. Louis, Mo., and Chicago, Ill.; from points in Cook, De Kalb, Du Page, Kane, Lake, and Will Counties, Ill., and points in Madison County, Ill., on and east of a line beginning at Alton, Ill., and extending northerly along U.S. Highway 67 to the Madison County boundary line, and on, north and east of a line beginning at the Madison County boundary line and extending southerly along U.S. Highway 66 to the Mississippi River at a point north of East St. Louis, Ill., to points in Oklahoma; (3) from St. Louis, Mo., to Oklahoma City, Okla., and points in Oklahoma within 125 miles of Oklahoma City; carbide, from Keokuk, Iowa, to points in Oklahoma; (4) from Oklahoma City, Okla., and points in Oklahoma within 125 miles of Oklahoma City to points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone (except St. Louis, Mo.), and to points in the Chicago, Ill., commercial zone (except Chicago, Ill.); from points in Indiana within the Chicago, Ill., commercial zone to points in Oklahoma; from points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone (except St. Louis, Mo., and except points in Illinois in the aforesaid zone which are located on and north of U.S. Highway 66), to Oklahoma City, Okla., and points in Oklahoma, within 125 miles of Oklahoma City, which rights were authorized to be unified with the rights otherwise confirmed in Braswell Motor Freight Lines, Inc.: *Provided, however*, That such authority should not be combined with any authority held by Braswell Motor Freight Lines, Inc., for the purpose of providing singles line service to or from points in Arizona or California, for 180 days. NOTE: Applicant states it intends to tack at Oklahoma City and Tulsa, Okla. Supporting shippers: There are approximately (86) supporting shippers in or near Los Angeles, Calif.; (32) in or near Phoenix, Ariz.; (23) in or near Tucson, Ariz.; (27) in or near St. Louis, Mo.; and (108) in or near Chicago, Ill., which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 117698 (Sub-No. 5 TA), filed May 24, 1968. Applicant: LEO H. SEARLES, doing business as L. H. SEARLES, South Worcester, N.Y. 12197. Applicant's representative: Harold C. Vrooman, 140 Main Street, Oneonta, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream, ice cream products, ice confections and ice mix confections, and ice mix confections*, from Suffield, Conn., to West Nyack, N.Y., Wilmington, Del.; and Newark, Woodbridge, Elizabeth, Jersey City, and Paterson, N.J., for 150 days. Supporting shipper: H. P. Hood & Sons, Suffield, Conn. Send protests to: Charles F. Jacobs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, N.Y.

No. MC 123063 (Sub-No. 9 TA), filed May 22, 1968. Applicant: KIRBERY TRANSPORTATION, INC., 425 Main Street, Woodbridge, N.J. 07095. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in pneumatic type equipment, from New York, N.Y. to points in New York, for 150 days. Supporting shipper: McNeil Brothers, Inc., Box 72, Devon Station, Milford, Conn. 06460. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 125650 (Sub-No. 3 TA), filed May 23, 1968. Applicant: MOUNTAIN PACIFIC TRUCKING CORPORATION, 910 Dickens Street, Missoula, Mont. 59801. Applicant's representative: Joseph O. Earp, Room 411, 607 Third Avenue, Lyon Building, Seattle, Wash. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat byproducts, and dairy products*, as described in sections A and B of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *fish*, in vehicles equipped with mechanical refrigeration, from points in King County, Wash., to Great Falls, Kalispell, Billings, and Helena, Mont.; (2) *fresh fruits, berries, and vegetables, and frozen foods* (except ice cream), in vehicles equipped with mechanical refrigeration, from Milton-Freewater, Weston, and Portland, Oreg., and Seattle, Kent, Arlington, Auburn, Wenatchee, Yakima, Warden, Othello, Grandview, Prosser, Kennewick, Zillah, and Spokane, Wash., to Great Falls, Kalispell, Billings, and Helena, Mont.; (3) *Frozen mink foods*, in sacks, in vehicles equipped with mechanical refrigeration, from Edmonds, Wash., to points in Idaho and Montana; (4) *cheese, butter, and eggs*, in vehicles equipped with mechanical refrigeration, from Bozeman, Mont., to Seattle, Wash., for 180 days. Supporting shippers: There

are approximately 16 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. 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 126473 (Sub-No. 2 TA), filed May 24, 1968. Applicant: HAROLD DICKEY TRANSPORT, INC., Packwood, Iowa 52580. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plantsite and storage facilities of Central Farmers Fertilizer Co. at or near Albany, Ill., to points in Iowa, Minnesota, Missouri, and Wisconsin, for 150 days. Supporting shipper: Central Farmers Fertilizer Co., 100 South Wacker Drive, Chicago, Ill. 60606. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, 332 Federal Building, Davenport, Iowa 52801.

No. MC 129924 TA, filed May 24, 1968. Applicant: WILLIAM F. McVEIGH, JR., doing business as McVEIGH TRANSPORTATION, 1122 East Grand Boulevard, Corona, Calif. 91720. Applicant's representative: Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif. 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vegetable oil base food products*, (2) *food curing, preserving, seasoning, or flavoring compounds*, (3) *baked tart or pie shells*, (4) and in connection with (1), (2), and (3) above, *material, equipment, and supplies* used in the manufacture, distribution, and sale of said commodities and *rejected, refused, or damaged shipments*, on return, (5) *commodities*, the transportation of which is partially exempt, pursuant to the provisions of section 203(b)(6) of the Interstate Commerce Act, when moving in the same vehicle and at the same time with commodities in (1), (2), (3), and (4) above, with all of said commodities transported in special refrigeration vehicles equipped with mechanical refrigeration, under a continuing contract with Presto Food Products, Inc., from points in Los Angeles County, Calif., to points in Arizona, Hawaii, Idaho, Montana, New Mexico, Nevada, Oregon, Texas, Utah, Washington, and Wyoming, for 180 days. Supporting shipper: Presto Food Products, Inc., 929 East 14th Street, Los Angeles, Calif. 90021. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-6553; Filed, June 3, 1968; 8:48 a.m.]

[Notice 620]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 29, 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 specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 6992 (Sub-No. 15 TA), filed May 27, 1968. Applicant: AMERICAN RED BALL TRANSIT COMPANY, INC., 200 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New store fixtures, showcases, wall fixtures, counters, and clothes racks;* from Dallas, San Antonio, and Houston, Tex., to points in the United States, for 180 days. Supporting shippers: (1) Gannaway Stores Fixtures Co., Dallas, Tex.; (2) Klimist Store Fixture Manufacturing Co., Dallas, Tex.; (3) Zale Corp., Dallas, Tex.; (4) Adleta Show Case & Fixture Manufacturing Co., Dallas, Tex. Send protests to: District Supervisor James W. Habermehl, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 109515 (Sub-No. 10 TA), filed May 27, 1968. Applicant: QZELLA KIMBROUGH HARRINGTON, doing business as KIMBROUGH TRUCKING COMPANY, Post Office Box 604, Benson, Ariz. 85602. Applicant's representative: Earl H. Carroll, 363 North First Avenue, Phoenix, Ariz. 85003. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Blasting supplies and accessories*, from Curtiss, Ariz., to points in Idaho, Montana, Wyoming, Washington, and Oregon; *Petn (Pentaerythrite-Tetranitrate) and high detonation pressure primers*, from Gomex and Lehi, Utah, and Louviers, Colo., to Curtiss, Ariz.; *black powder*, from Louviers, Colo., to Curtiss, Ariz., for 180 days. NOTE: Applicant intends to tack with existing authority under docket No. MC 109515. Supporting shipper: Apache Powder Co., Curtiss, Ariz. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, Phoenix, Ariz. 85025.

No. MC 109584 (Sub-No. 142 TA), filed May 27, 1968. Applicant: ARIZONA-PACIFIC TANK LINES, 3201 Ringsby Court, Denver, Colo. 80216. Applicant's representative: Eugene Hamilton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feed supplement*, in bulk, in tank vehicles, from Tulare and Fresno, Calif., to points in Arizona, Colorado, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington, for 180 days. Supporting shipper: Albers Milling Co., a division of Carnation Co., Carnation Building, Los Angeles, Calif. 90036. Send protests to: District Supervisor C. W. Buckner, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 112520 (Sub-No. 182 TA), filed May 27, 1968. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Post Office Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solution*, in bulk, in tank vehicles, from Columbia (Houston County), Ala., to points in Florida and Georgia, for 180 days. Supporting shipper: F. S. Royster Guano Co., Norfolk, Va. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 113434 (Sub-No. 29 TA), filed May 27, 1968. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, Mich. 49423. Applicant's representative: Roger Van Wyk (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Medina, N.Y., to Muscatine, Iowa, for 150 days. Supporting shipper: H. J. Heinz Co., Post Office Box 57, Pittsburgh, Pa. 15230. Send protests to: District Supervisor C. R. Flemming, Bureau of Operations, Interstate Commerce Commission, Room 221 Federal Building, Lansing, Mich. 48933.

No. MC 114848 (Sub-No. 40 TA), filed May 27, 1968. Applicant: WHARTON TRANSPORT CORPORATION, 1498 Channel Avenue 38106, Post Office Box 13068, Riverside Station, Memphis, Tenn. 38113. Applicant's representative: James M. Wharton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, dry, in bulk, from North Little Rock, Ark., and Memphis, Tenn., to points in Mississippi, for 150 days. Supporting shipper: Agricultural Division, Olin, Post Office Box 991, Little Rock, Ark. (Robert H. May, Supervisor, Rates and Analysis, Fertilizer and Pesticides). Send protests to:

William W. Garland, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 390 Federal Building, Memphis, Tenn. 38103.

No. MC 126420 (Sub-No. 11 TA) (Republication), filed December 12, 1967, published in the FEDERAL REGISTER, issues of December 23, and December 28, 1967, and republished as amended this issue. Applicant: ALASKA STEAMSHIP COMPANY, Pier 42, Seattle, Wash. 98134. Applicant's representative: Edward G. Lowry III, 14th Floor, Norton Building, Seattle, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from Seattle, Wash., to points in Alaska, located south and east of the U.S.-Canada international boundary line north of Haines, Alaska, over Washington Highways to Puget Sound Terminal of Alaska Marine Highway System and then over System to Alaska, and return, for 150 days. NOTE: The purpose of this republication is to show that applicant proposes to tack the authority with present authorized operations and to interline with other carriers.

No. MC 128849 (Sub-No. 1 TA), filed May 7, 1968. Applicant: N. E. SMITH, Post Office Box 403, Oneida, Tenn. 37841. Applicant's representative: Clifton Sexton, Odeida, Tenn. 37841. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ale, beer, beer tonic, porter, stout, and nonintoxicating cereal beverages in containers*, from Louisville, Ky., to Elgin, Tenn., for 150 days. Supporting shipper: Bruce R. Stewart, Elgin, Tenn. Send protests to: J. E. Gamble, District Supervisor, Interstate Commerce Commission, 803–1808 West End Building, Nashville, Tenn. 37203.

No. MC 129124 (Sub-No. 2 TA), filed May 27, 1968. Applicant: SAMUEL J. LANSBERRY, Rural Delivery, Woodland, Pa. 16881. Applicant's representative: S. Berne Smith, 100 Pine Street, Post Office Box 432, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, from points in Clearfield County, Pa., to Champion Heights Borough (Trumbull County), Ohio, for 180 days. Supporting shipper: General Refractories Co., 1520 Locust Street, Philadelphia, Pa. 19102. Send protests to: Frank L. Calvary, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1000 Liberty Avenue, 2109 Federal Building, Pittsburgh, Pa. 15222.

No. MC 129643 (Sub-No. 2 TA), filed May 27, 1968. Applicant: GEORGE SMITH, doing business as GEORGE SMITH TRUCKING CO., 433 Mountain Avenue, Winnipeg 4, Manitoba, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats* (fresh and frozen) (restricted to traffic originating in Manitoba, Canada), from the port of entry on the boundary line between the United States and Canada at Eastport, Idaho, to Portland, Oreg., and Seattle and Tacoma, Wash., for 180 days. Supporting shippers: O.K. Packers, 505 Dawson Road, St. Boniface 6, Manitoba, Canada; H. Cleveland & Co., Ltd., 633 East Hastings Street, Vancouver 4, British Columbia, Canada. Send Protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1621 South University Drive, Room 213, Fargo, N. Dak. 58102.

No. MC 129754 (Sub-No. 1 TA) (Amendment), filed March 20, 1968, published FEDERAL REGISTER, issue of March 30, 1968, and republished as corrected this issue. Applicant: SAL's EXPRESS, INC., 533 Central Avenue, Bridgeport, Conn. 06607. Applicant's representative: John E. Fay, 79 Lafayette Street, Hartford, Conn. 06106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household appliances, radios, television sets, phonographs and tape recorders and parts thereof and stands therefor*, between Bridgeport, Conn., on the one hand, and, on the other, points in Fairfield, Hartford, Lichfield, New Haven, and Middlesex Counties, Conn., interlined with authorized common carriers at Bridgeport, Conn., for 150 days. Supporting shipper: Bruno-New York, Inc., 406 West 34th Street, New York, N.Y. Send protests to: District Supervisor David J. Kiernan, Bureau of Operations, Interstate Commerce Commission, 324 U.S. Post Office Building, 135 Highway Street, Hartford, Conn.

No. MC 129926 TA, May 27, 1968. Applicant: ALLEN MERTSOCK, Canada Hollow Road, Millport, Pa. 16739. Applicant's representative: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood dowels*, from Portville, N.Y., to Columbus, Ohio; and *barrel staves heading and logs*, from Russell, Pa., to Baltimore, Md., Canton, Ohio, and Piqua, Ohio, and Erie, Pa., and Cleveland, Ohio, for 180 days. Supporting shippers: The Union Fork & Howe Co., Portville, N.Y.; W. A. Wilson Stave Co., Inc., Post Office Box 381, Russell, Pa. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 129928 TA, filed May 27, 1968. Applicant: E. B. WILLS COMPANY, INC., 4752 East Carmen Avenue, Fresno, Calif. 93703. Applicant's representative: William H. Kessler, 638 Divisadero Street, Fresno, Calif. 93721. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel articles*, from San Francisco, Calif., bay area ports, to points in California and Nevada, for 180 days. Supporting shippers: Pacific States Steel Corp., 35124 Alvarado-Niles Road, Union City, Calif. 94587; Rods, Western Division, Stressteel Corp., 32420 Central Avenue, Union City, Calif. 94587. Send protests to: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 129931 TA, filed May 27, 1968. Applicant: RATLIFF & RATLIFF, INC., Post Office Box 399, Wadesboro, N.C. 28170. Applicant's representative: Francis J. Ortman, Suite 770 Mills Building, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Structural glazed tile and brick*, in trailers equipped with loading and unloading devices, from Charlotte, N.C., to points in North Carolina and South Carolina, for 180 days. Supporting shipper: Ralph O. Johnson Co., Post Office Box 15146, Charlotte, N.C. 28210, Attention: Ralph O. Johnson, Jr. Send protests to: Jack K. Huff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, BSR Building, Suite 417, 316 East Morehead Street, Charlotte, N.C. 28202.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-6554; Filed, June 3, 1968; 8:48 a.m.]

[Notice 149]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 29, 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-70415. By order of May 21, 1968, the Transfer Board approved the transfer to Nightway Transportation Co., Inc., Muncie, Ind., of the operating rights in certificates Nos. MC-93393, MC-93393 (Sub-No. 2), MC-93393 (Sub-No. 3), MC-93393 (Sub-No. 4), MC-93393 (Sub-No. 6), MC-93393 (Sub-No. 7), MC-93393 (Sub-No. 10), and MC-93393 (Sub-No. 11), issued February 2, 1960, January 16, 1963, July 10, 1963, April 7, 1966, April 20, 1965, June 21, 1965, January 29, 1968, and January 30, 1968, respectively, to Edwin H. Nelson and Alfred S. Nelson, a partnership, doing business as Nightway Transportation Co., Chicago, Ill., authorizing the transportation, over irregular routes, of fruits, vegetables, fish, eggs, feed, wrapping paper, ammonia tanks, electrical appliances, automobile

accessories, groceries, alcoholic beverages, and packinghouse products between Chicago, Ill., and Gary, Ind., on the one hand, and, on the other, points in a specified part of Indiana, and meats, meat products, meat byproducts, packinghouse products, dairy products, commodities used by packinghouses, and articles distributed by meat packinghouses, with certain exceptions and restrictions, and varying as to commodities transported, between Rochelle, Momence, Sterling, Monmouth, Chicago, and Lemont, Ill., on the one hand, and, on the other, points in Indiana, Kentucky, and Ohio, and between Fremont, Ohio, on the one hand, and, on the other, Fort Wayne, Ind., and Kalamazoo, Mich. Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. 60602, attorney for applicants.

No. MC–FC–70436. By order of May 21, 1968, the Transfer Board approved the transfer to Max Ker & Son Lumber Co., a corporation, Idaho Falls, Idaho, of the operating rights in certificate No. MC–127938 issued November 29, 1967, to Four Star Hauling, Inc., Shelley, Idaho, authorizing the transportation of cement and pozzolan, between points in Idaho, Wyoming, and Nevada. Alva A. Harris, Post Office Box 838, Shelley, Idaho 83274, attorney for applicants.

No. MC–FC–70438. By order of May 21, 1968, the Transfer Board approved the transfer to John M. Konopka, Joseph E. Konopka, and Donald J. Konopka, doing business as John Konopka & Sons, Philadelphia, Pa., of the operating rights in permits Nos. MC–49071, MC–49071 (Sub-No. 1), MC–49071 (Sub-No. 4), and MC–49071 (Sub-No. 5), issued June 8, 1937, July 22, 1942, November 6, 1946, and January 6, 1965, respectively, to John Konopka, Philadelphia, Pa., authorizing the transportation of refractory products, fire clay, and related materials, between points in New York, New Jersey, Delaware, Maryland, Pennsylvania, Connecticut, Massachusetts, Rhode Island, and Virginia. LeRoy E. Perper, 1900 Land Title Building, Philadelphia, Pa. 19110, attorney for applicants.

No. MC–FC–70440. By order of May 21, 1968, the Transfer Board approved the transfer to Roy R. Caswell, Post Office Box 375, Louisburg, Kans., 66053, of the operating rights in certificate No. MC–7000 issued February 25, 1942, to Glenn Good, Amsterdam, Mo., 64723, authorizing the transportation of general commodities, with exceptions, between Amsterdam, Mo., and points within 25 miles thereof, on the one hand, and, on the other, Kansas City, Kans., and Kansas City, Mo.; household goods and emigrant movables, and farm and road machinery, between Amsterdam, Mo., and points within 25 miles thereof, on the one hand, and, on the other, points in Kansas and Missouri; and tobacco, from Amsterdam, Mo., and points within 25 miles thereof, to Weston, Mo.

No. MC–FC–70460. By order of May 21, 1968, the Transfer Board approved the transfer to Cohenno, Inc., Stoughton, Mass., of the portion of the operating rights in certificate No. MC–59156 issued November 12, 1965, to Larkin Transport, Inc., Donora, Pa., authorizing the transportation of: Building materials, and supplies and tools, between points in Massachusetts, Vermont, Maine, Connecticut, and New Hampshire. Hertz N. Henkoff, 80 Federal Street, Boston, Mass. 02110, attorney for transferor. Mary E. Kelley, 10 Tremont Street, Boston, Mass. 02108, attorney for transferee.

No. MC–FC–70461. By order of May 21, 1968, the Transfer Board approved the transfer to R. L. Stewart and O. S. Stewart, doing business as Stewart Transfer Co., 425 East Tennessee Street, Florence, Ala. 35360, issued to R. L. Stewart, O. S. Stewart, and C. D. Stewart, doing business as Stewart Transfer Co., 425 East Tennessee Street, Florence, Ala. 35630, authorizing the transportation of: *Household goods* as defined by the Commission, between Florence, Ala., and points in Alabama within 25 miles of Florence, on the one hand, and, on the other, points in Tennessee and Mississippi.

No. MC–FC–70463. By order of May 21, 1968, the Transfer Board approved the transfer to Direct Motor Transport, Inc., Los Angeles, Calif., of certificate of registration No. MC–120678 (Sub-No. 1) issued March 12, 1968, to Daniel Trask and Warren A. Andriuzzo, doing business as Direct Motor Transport, Los Angeles, Calif., evidencing a right to engage in interstate and foreign commerce within the State of California. Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif. 90212, attorney for applicants.

No. MC–FC–70464. By order of May 21, 1968, the Transfer Board approved the transfer to Walter D. Davis, Inc., Houlton, Maine, of the operating rights in permit No. MC–116880, issued July 11, 1958, to Walter D. Davis, Houlton, Maine, authorizing the transportation of: *Prefabricated buildings*, complete, knocked down or in sections, and *component parts thereof and equipment and materials incidental to the erection of such buildings* when transported in connection therewith, from the town of Houlton, Aroostook County, Maine, to points in New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Delaware, Indiana, Ohio, Virginia, Michigan, Georgia, North Carolina, and West Virginia, with no transportation for compensation on return except as otherwise authorized. James D. Carr, 82 Main Street, Houlton, Maine 04730, attorney for applicants.

No. MC–FC–70465. By order of May 20, 1968, the Transfer Board approved the transfer to Richard D. Ezell and Evelyn E. Ezell, a partnership, doing business as R. & L. Truck Line, Post Office Box No. 10, Stanberry, Mo. 64489; of certificate in No. MC–54291, issued October 15, 1964, to Richard D. Ezell and Larry D. Goerke, a partnership, doing business as R. & L. Truck Line, 611 Willow Street, Stanberry, Mo. 64489; authorizing the transportation of: General commodities, with the usual exceptions, between St. Joseph, Mo.; and Stanberry, Mo., and, livestock, from Stanberry, Mo., to Kansas City, Kans., serving Kansas City, Mo.

No. MC–FC–70558. By order of May 29, 1968, the Transfer Board approved the transfer to Wildot Express, Inc., Salem Mass., of certificate of registration No. MC–108817 (Sub-No. 2) issued April 23, 1964, to Henry J. Williams, Mary A. Williams, Administratrix, doing business as Williams Express, Salem, Mass., evidencing a right to engage in interstate or foreign commerce within Massachusetts. Francis B. Gerry, 10 Chestnut Street, Peabody, Mass. 01960, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68–6556; Filed, June 3, 1968; 8:48 a.m.]

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FEDERAL REGISTER

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Tuesday, June 4, 1968 • Washington, D.C.

PART II

Department of Health, Education, and Welfare

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Control of Air Pollution from New Motor Vehicles and New Motor Vehicle Engines

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Standards for Exhaust Emissions, Fuel Evaporative Emissions, and Smoke Emissions, Applicable to 1970 and Later Vehicles and Engines

Title 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 85—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Standards for Exhaust Emissions, Fuel Evaporative Emissions, and Smoke Emissions Applicable to 1970 and Later Vehicles and Engines

On January 4, 1968, notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 110) which set out the text of a proposed revision of the regulations in this part to become applicable to new motor vehicles and new motor vehicle engines beginning with the 1970 model year. The period of public participation was thereafter extended to March 4, 1968, by notice published in the FEDERAL REGISTER on February 3, 1968 (33 F.R. 2569).

Pursuant to the above notices, a number of comments have been received from representatives of domestic and foreign manufacturers and due consideration has been given to all relevant matter presented.

In the light of such consideration, a number of amendments have been made to the regulations as proposed, principally with respect to fuel evaporative emissions and to the computation of emissions from various categories of vehicles, such as automatic and manual transmission equipped vehicles and off-road utility vehicles.

In view of problems involved in equipping motor vehicles and engines with fuel evaporative emissions control devices on a national basis by the 1970 model year, the application of the fuel evaporative emissions standard has been postponed until the 1971 model year for light duty vehicles with applicability to off-road utility vehicles postponed until the 1972 model year. To assure that the application of such devices on a regional basis for 1970 models is not deterred and to encourage further developmental progress necessary to meet the 1971 standard, however, special provision has been made for the computation of exhaust emissions from 1970 model year vehicles, equipped with fuel evaporative emissions control devices meeting the limitations of such 1971 standards, to recognize the additional reduction of hydrocarbon emissions achieved by such devices. In this connection, less stringent durability requirements than those which will be required for 1971 models have also been prescribed for the 1970 evaporative emission control devices to expedite their utilization.

In addition, the final rule contains technical and clarifying modifications.

The standards represent the application of current technology to the control of motor vehicle emissions which, in the judgment of the Secretary, cause or contribute to, or are likely to cause or contribute to, air pollution which endangers the health or welfare of any person.

As stated in the notice of proposed rule making, taking into consideration the technological feasibility and economic costs of meeting these standards, and the lead time necessary under current manufacturing processes to conform to these requirements, it was considered necessary that these regulations become effective immediately on republication.

Accordingly, Part 85 revised as set out below is hereby adopted, effective on publication in the FEDERAL REGISTER and is applicable to new motor vehicles and new motor vehicle engines beginning with the 1970 model year and at such other times as therein stated.

The current Part 85 is not affected by the revision for the purpose of its applicability to 1968 and 1969 model year vehicles and engines.

Dated: May 24, 1968.

[SEAL] WILBUR J. COHEN,
Secretary.

Subpart A—General Provisions

Subpart B—Crankcase Emissions (Gasoline Engines)

Subpart C—Exhaust Emissions and Fuel Evaporative Emissions (Gasoline Engines) (Light Duty Vehicles)

Subpart D—Exhaust Emissions (Gasoline Engines For Use In Heavy Duty Vehicles)

Subpart E—Exhaust Emissions (Diesel Engines For Use In Heavy Duty Vehicles)

Subpart F—Certification of Motor Vehicles and Motor Vehicle Engines

Subpart G—Hearings on Certification

Subpart H—Test Procedures for Vehicle and Engine Exhaust and Fuel Evaporative Emissions (Gasoline Engines) (Light Duty Vehicles)

Subpart I—Test Procedures for Engine Exhaust Emissions (Gasoline Engines for Use in Heavy Duty Vehicles)

Subpart J—Test Procedures for Engine Exhaust Emissions (Diesel Engines for Use in Heavy Duty Vehicles)

AUTHORITY: The provisions of this Part 85 issued under sec. 301(a), sec. 2, Pub. Law 90-148, 81 Stat. 504; 42 U.S.C. 1857g(a).

Subpart A—General Provisions

§ 85.1 Definitions.

(a) As used in this part, all terms not defined herein shall have the meaning given them in the Act:

(1) "Act" means the National Emission Standards Act (Title II of the Clean Air Act as amended) 42 U.S.C. 1857f–1 et seq.

(2) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved may be delegated.

(3) "Model year" means the annual production period of new motor vehicles or new motor vehicle engines designated by the calendar year in which such period ends: *Provided,* That if the manufacturer does not so designate vehicles and engines manufactured by him, then the model year with respect to such vehicles and engines shall mean the 12-month production period beginning January 1 of the year specified herein.

(4) "Motor cycle" means any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels (including any tricycle wheel arrangement) in contact with the ground and weighing less than 1,500 pounds.

(5) "Light duty vehicle" means a motor vehicle designed for transportation of persons or property on a street or highway and weighing 6,000 pounds GVW or less.

(6) "Off-road utility vehicle" means a light duty vehicle designed for carrying persons, property, or work performing structure, which incorporates special features for off-road operation such as four-wheel drive.

(7) "Heavy duty vehicle" means a motor vehicle designed for transportation of persons or property on a street or highway and weighing more than 6,000 pounds GVW.

(8) "Gross vehicle weight" means the manufacturer's gross weight rating.

(9) "Vehicle curb weight" means the manufacturer's estimated weight of the vehicle in operational status with all standard equipment, and weight of fuel at nominal tank capacity, and the weight of optional equipment computed in accordance with § 85.89(c).

(10) "Loaded vehicle weight" means the vehicle curb weight of a light duty vehicle plus 300 pounds.

(11) "System or device" includes any motor vehicle engine modification which controls or causes the reduction of substances emitted from motor vehicles or motor vehicle engines.

(12) "Fuel system" means the combination of fuel tank, fuel pump, fuel lines, and carburetor, or fuel injection components, and includes all fuel system vents and fuel evaporative emission control systems or devices.

(13) "Exhaust emission" means substances emitted to the atmosphere from any opening downstream from the exhaust port of a motor vehicle engine.

(14) "Smoke" means the solid or liquid matter in exhaust emissions which obscure the transmission of light.

(15) "Fuel evaporative emissions" means vaporized fuel emitted into the atmosphere from the fuel system of a motor vehicle.

(16) "Hot soak losses" means fuel evaporative emissions during the 1-hour hot soak period which begins immediately after the engine is turned off.

(17) "Diurnal breathing losses" means fuel evaporative emissions as a result of the daily range in temperature to which the fuel system is exposed.

(18) "Running loss" means fuel evaporative emissions resulting from an average trip in a metropolitan area or a simulation of such a trip.

(19) "Lifetime emissions" means the average level of emissions from a new motor vehicle or motor vehicle engine equivalent to 100,000 miles of normal operation in an urban area.

(20) "Tank fuel volume" means the volume of fuel in the fuel tank, prescribed to be 40 percent of nominal tank capacity rounded to the nearest whole U.S. gallon.

(21) "Maximum rated horsepower" means the maximum brake horsepower output of an engine as stated by the manufacturer in his sales and service literature and his application for certification under § 85.51.

(22) "Rated speed" means the speed at which the manufacturer specifies the maximum rated horsepower of an engine.

(23) "Maximum rated torque" means the maximum torque produced by an engine as stated by the manufacturer in his sales and service literature and his application for certification under § 85.51.

(24) "Opacity" means the fraction of a beam of light, in percent, which fails to penetrate a plume of smoke.

(25) "Transmittance" means the fraction of a beam of light, in percent, which penetrates a plume of smoke.

§ 85.2 General standards: increase in emissions; unsafe conditions.

(a) In addition to all other standards or requirements imposed by this part, any system or device installed on or incorporated in a new motor vehicle or new motor vehicle engine to prevent or control air pollution therefrom in compliance with regulations in this part:

(1) Shall not in its operation or function cause the emission into the ambient air of any noxious or toxic matter that is not emitted in the operation of such motor vehicle or motor vehicle engine without such system or device, except as specifically permitted by regulations; and

(2) Shall not in its operation or function, or malfunction, result in any unsafe condition endangering the motor vehicle, or its occupants, or persons or property in close proximity to the vehicle.

(b) The manufacturer of any new motor vehicle or new motor vehicle engine on or in which a system or device is installed or incorporated to comply with the regulations in this part shall, prior to any of the actions specified in section 203(a)(1) of the Act, test, or cause to be tested, such motor vehicle or engine in accordance with good engineering practice to ascertain that vehicles or engines so equipped will meet the requirements of this section for not less than 50,000 miles, or 12,000 miles, or 1,500 hours, or 1,000 hours, as specified in, and as measured in accordance with, durability testing provisions of the test procedures of this part.

§ 85.3 Abbreviations.

The abbreviations used in this part have the following meanings in both capital and lower case:

AMA—Automobile Manufacturers Association.
Accel.—Acceleration.
ASTM—American Society for Testing and Materials.
BHP—Brake Horsepower.
C.f.h.—Cubic feet per hour.
CO_2—Carbon Dioxide.
CO—Carbon Monoxide.
Conc.—Concentration.
CT—Closed Throttle.
C.f.m.—Cubic feet per minute.
Cu. in.—Cubic inch(es).
Decel.—Deceleration.
EP—End Point.
Evap.—Evaporated.
F.—Fahrenheit.
FL—Full Load.
Gal.—Gallon(s).
Gm.—Gram(s).
GVW—Gross Vehicle Weight.
HC—Hydrocarbon(s).
Hg—Mercury.
Hi.—High.
HP.—Horsepower.
IBP—Initial Boiling Point.
ID—Internal Diameter.
Lb.—Pound(s).
Max.—Maximum.
Min.—Minimum; also minute(s).
Ml.—Milliliter(s).
M.p.h.—Miles per hour.
Mm.—Millimeter(s).
Mv.—Millivolt(s).
N_2—Nitrogen.
No.—Number.
Pb—Lead.
P.p.m.—Parts per million by volume.
P.s.i.—Pounds per square inch.
P.s.i.g.—Pounds per square inch gauge.
PTA—Part Throttle Accel.
PTD—Part Throttle Decel.
R.p.m.—Revolutions per minute.
RVP—Reid Vapor Pressure.
SAE—Society of Automotive Engineers.
Sec.—Second(s).
SS—Stainless Steel.
TEL—Tetraethyl Lead.
TML—Tetramethyl Lead.
V.—Volts.
Vs.—Versus.
WOT—Wide open throttle.
Wt.—Weight.
'—Feet.
''—Inches.
°—Degrees.
%—Percent.

§ 85.4 Test conditions.

All emission control systems or devices installed on or incorporated in a new motor vehicle or new motor vehicle engine shall be functioning during all tests of any such vehicle or vehicle engine under all test procedures in this part.

§ 85.5 Special test procedures.

The Secretary may, on the basis of a written application therefor by a manufacturer, prescribe test procedures, other than those set forth in this part, for devices or systems capable of preventing or reducing emissions to the atmosphere from a motor vehicle or motor vehicle engine so as to satisfy the standards of this part if he determines that such devices or systems are not susceptible to satisfactory testing by the procedures set forth herein.

Subpart B—Crankcase Emissions (Gasoline Engines)

§ 85.10 Applicability.

The provisions of this subpart are applicable to all new gasoline powered light duty vehicles and engines except motorcycles and motorcycle engines, beginning with the 1970 model year for such vehicles and engines and to all new gasoline powered engines manufactured on or after January 1, 1970, for use in heavy duty vehicles.

§ 85.11 Standard for crankcase emissions.

No crankcase emissions shall be discharged into the ambient atmosphere from any new motor vehicle or new motor vehicle engine subject to this subpart.

§ 85.12 Standards for crankcase emission control systems and devices.

The manufacturer of any new motor vehicle or new motor vehicle engine on or in which a system or device is installed or incorporated to comply with the requirements of § 85.11 shall, prior to any of the actions specified in section 203 (a) (1) of the Act, test, or cause to be tested, such motor vehicle or engine, in accordance with good engineering practice to ascertain that vehicles or engines so equipped and maintained in accordance with the manufacturer's recommendations can be expected to meet the requirements of § 85.11 for not less than 1 year after sale and delivery to the ultimate purchaser.

Subpart C—Exhaust Emissions and Fuel Evaporative Emissions (Gasoline Engines) (Light Duty Vehicles)

§ 85.20 Applicability.

(a) The exhaust emission provisions of this subpart are applicable to new gasoline powered light duty motor vehicles and engines beginning with the model year 1970 for such vehicles and engines except: Motorcycles and motorcycle engines; and motor vehicles with an engine displacement of less than 50 cubic inches.

(b) (1) The fuel evaporative emissions provisions of this subpart are applicable to new gasoline powered light duty motor vehicles and engines beginning with the model year 1971 for such vehicles and engines except: Off-road utility vehicles, motorcycles, and motorcycle engines; and motor vehicles with an engine displacement of less than 50 cubic inches.

(2) The fuel evaporative emissions provisions of this subpart are applicable to new off-road utility vehicles and engines beginning with the model year 1972 for such vehicles and engines.

§ 85.21 Standards for exhaust emissions.

(a) Exhaust emissions from new light duty vehicles and engines subject to this subpart shall not exceed:

(1) Hydrocarbons—2.2 grams per vehicle mile.

(2) Carbon monoxide—23 grams per vehicle mile.

(b) The standards set forth in paragraph (a) of this section refer to a composite sample representing the driving cycles set forth in the applicable sections of "Test Procedures for Vehicle and Engine Exhaust and Fuel Evaporative Emissions (Gasoline Engines) (Light Duty Vehicles)" of this part and measured and calculated in accordance with those procedures: *Provided*, That for any light duty vehicle or engine equipped with a fuel evaporative emission control system or device which meets the standards of § 85.22 prior to the applicability of the fuel evaporative emission control provisions of this subpart to such vehicles or engines, the exhaust emissions, shall be calculated in acocrdance with § 85.87 (g) (2).

§ 85.22 Standard for fuel evaporative emissions.

(a) Fuel evaporative emissions from new gasoline powered light duty vehicles and engines subject to this subpart shall not exceed: Hydrocarbons—6 grams per test.

(b) The standard set forth in paragraph (a) of this section refers to a composite sample representing the fuel evaporative emissions under the conditions set forth in the "Test Procedures for Vehicle and Engine Exhaust and Fuel Evaporative Emissions (Gasoline Engines) (Light Duty Vehicles)" of this part and measured in accordance with those procedures.

§ 85.23 Standards for exhaust and fuel evaporative emission control systems and devices.

The manufacturer of any new motor vehicle or new motor vehicle engine on or in which a system or device is incorporated or installed to comply with the requirements of §§ 85.21 and 85.22 shall, prior to any of the actions specified in section 203(a)(1) of the Act, test, or cause to be tested such motor vehicle or engine in accordance with the "Test Procedures for Vehicle and Engine Exhaust and Fuel Evaporative Emissions (Gasoline Engines) (Light Duty Vehicles)" of this part to ascertain that the lifetime emissions of motor vehicles or engines so equipped, as measured and calculated in accordance with those procedures, and tested for durability as therein set forth, will meet the requirements of §§ 85.21 and 85.22, as applicable.

Subpart D—Exhaust Emissions (Gasoline Engines for Use in Heavy Duty Vehicles)

§ 85.30 Applicability.

The provisions of this subpart are applicable to new gasoline powered engines manufactured on or after January 1, 1970, for use in heavy duty vehicles.

§ 85.31 Standards for exhaust emissions.

(a) Exhaust emissions from new gasoline engines subject to this subpart shall not exceed:

(1) Hydrocarbons—275 p.p.m.

(2) Carbon monoxide—1.5 percent by volume.

(b) The standards set forth in paragraph (a) of this section refer to a composite sample representing the operating cycles set forth in the applicable sections of "Test Procedures for Engine Exhaust Emissions (Gasoline Engines for Use in Heavy Duty Vehicles)" of this part and measured in accordance with those procedures.

§ 85.32 Standards for exhaust emission control systems and devices.

The manufacturer of any new motor vehicle engine on or in which a system or device is incorporated or installed to comply with the requirements of § 85.31 shall, prior to any of the actions specified in section 203(a)(1) of the Act, test or cause to be tested such motor vehicle engine in accordance with the "Test Procedures for Engine Exhaust Emissions (Gasoline Engines for Use in Heavy Duty Vehicles)" of this part to ascertain that the lifetime emissions of engines so equipped, as measured and calculated in accordance with those procedures, and tested for durability as therein set forth, will meet the requirements of § 85.31.

Subpart E—Exhaust Emissions (Diesel Engines for Use in Heavy Duty Vehicles)

§ 85.40 Applicability.

The provisions of this subpart are applicable to all new diesel engines manufactured on or after January 1, 1970, for use in heavy duty vehicles.

§ 85.41 Standards for exhaust smoke.

(a) The opacity of smoke emissions from new diesel engines subject to this subpart shall not exceed:

(1) 40 percent during the engine acceleration mode.

(2) 20 percent during the engine lugging mode.

(b) The standards set forth in paragraph (a) of this section refer to exhaust smoke emissions generated under the conditions set forth in the "Test Procedures for Engine Exhaust Emissions (Diesel Engines for Use in Heavy Duty Vehicles)" of this part and measured and calculated in accordance with those procedures.

§ 85.42 Standards for exhaust smoke control systems and devices.

The manufacturer of any new diesel engine subject to this subpart shall, prior to any of the actions specified in section 203(a)(1) of the Act, test, or cause to be tested such engine in accordance with the "Test Procedures for Engine Exhaust Emissions (Diesel Engines for Use in Heavy Duty Vehicles)" of this part to ascertain that the lifetime emissions of engines so equipped, as measured and calculated in accordance with those procedures, and tested for durability as

therein set forth, will meet the requirements of § 85.41.

Subpart F—Certification of Motor Vehicles and Motor Vehicle Engines

§ 85.50 Applicability.

The provisions of this subpart are applicable to new motor vehicles and new motor vehicle engines subject to the standards prescribed in this part.

§ 85.51 Application for certification.

(a) An application for a certificate of conformity to regulations applicable to any new motor vehicle, new motor vehicle engine or new motor vehicle engine-transmission-fuel system combination may be made to the Secretary by any manufacturer.

(b) The application shall be in writing, signed by an authorized representative of the manufacturer and shall include the following:

(1) Identification and description of the vehicles and/or engines with respect to which certification is requested.

(2) Durability data on such vehicles and/or engines tested in accordance with the applicable test procedures of this part or demonstrably equivalent procedures, and in such numbers as there specified, which will show the performance of the systems or devices installed on or incorporated in the vehicle or engine for extended mileage or operation as well as a record of all pertinent maintenance performed on the test vehicles or engines.

(3) Emission data on such vehicles and/or engines tested in accordance with the applicable emission test procedures or demonstrably equivalent procedures and in such numbers as there specified, which will show the emissions after 4,000 miles or 125 hours of operation (as appropriate) for all the engines or vehicles for which certification is requested.

(4) A description of emission control systems or devices and tests performed to ascertain compliance with the general standards of § 85.2 and the data derived from such tests.

(5) A statement of recommended maintenance and procedures necessary to assure that the vehicle and engine in operation conform to the regulations, a description of the program for training of personnel for such maintenance, and the equipment required.

(6) With respect to diesel engines for use in heavy duty vehicles, an agreement stating that, at the time of manufacture, a permanent, legible metal label containing the following information will be affixed to all production models of such engines available for sale to the public, and covered by a certificate of conformity under section 206(b) of the Act. The label shall be affixed at such a location that it will be readily accessible for inspection after the engine is installed in a vehicle and shall read as follows:

ENGINE SMOKE EMISSION CERTIFICATION

This engine is, in all material respects, of substantially the same construction as test engines certified by the U.S. Department of Health, Education, and Welfare as conforming to Federal regulations pertaining to exhaust smoke emission.

Engine family identification_____.

Date of manufacture_____.
(Month and year)

Name of manufacturer_____.

(The information applicable to each engine is to be inserted on the appropriate line.)

In his application for certification, the applicant shall include a statement as to the capabilities (maximum horsepower at a given engine rpm, maximum torque at a given engine rpm, and maximum fuel feed rate) which will be included in his sales and service literature for all engines for which certification is requested.

(7) A statement that the vehicles or engines with respect to which data are submitted have been tested in accordance with the applicable test procedures, that they meet the requirement of such tests, and that, on the basis of such tests, they conform to the requirements of the regulations in this part. If such statements cannot be made with respect to any vehicle or engine tested, the vehicle or engine shall be identified, and all pertinent test data relating thereto shall be supplied.

(8) An agreement that, upon the Secretary's request made not later than 1 month after the submission of the application pursuant to this section, any one or more of the test vehicles or test engines, or test engines mounted in chassis and appropriately equipped for operation on a chassis dynamometer and testing of emissions will be supplied to the Secretary at such place or places in the United States as he may designate for such testing as he may require, or will be made available at the manufacturer's facility for such testing: *Provided*, That in the latter case, it is further agreed that instrumentation and equipment specified by the Secretary will be made available for test operations. Any testing conducted at a manufacturer's facility pursuant to this subparagraph will be scheduled as promptly as possible subject to the availability of personnel and funds for such purpose.

(9) An agreement that a reasonable number of vehicles or engines, or engines mounted in chassis and appropriately equipped for operation on a chassis dynamometer, which are representative of the engines, fuel systems, and transmissions offered and typical of production models available for sale to the public, covered under section 206(b) of the Act by a certificate of conformity issued with respect to such vehicles or engines, and selected from time to time by the Secretary will be supplied to him, after their availability for public sale, for testing for such reasonable periods as he may require.

(10) In the case of gasoline engines for use in heavy duty vehicles, an agreement that the engine manufacturer will furnish the Secretary, within 90 days after the close of any period covered by a certificate of conformity, a list of serial numbers of production engines manufactured in the period for which certification is requested.

§ 85.52 Certification.

(a) If, after a review of the test reports and data submitted by the manufacturer and data derived from such additional testing as the Secretary may conduct, the Secretary determines that a new motor vehicle or new motor vehicle engine conforms to the regulations of this part, he will issue a certificate of conformity with respect to such vehicle or engine.

(b) Such certificate will be issued for such period not less than 1 year as the Secretary may determine and upon such terms as he may deem necessary to assure that any new motor vehicle or new motor vehicle engine meeting the requirements of section 206(b) of the Act will meet the requirements of these regulations relating to durability and performance.

Subpart G—Hearings on Certification

§ 85.60 Hearing.

(a) If, after a review of the test reports and data submitted by the manufacturer and data derived from such additional testing as the Secretary may conduct, the Secretary has reason to believe that any new motor vehicle, new motor vehicle engine, new motor vehicle engine-transmission combination, or new motor vehicle engine-transmission-fuel system combination, covered by an application for certification filed pursuant to § 85.51 does not conform with the regulations of this part or that any certificate with respect thereto should be made on terms, as specified in § 85.52 (b), he will prior to the denial of a certificate or the issuance of a certificate on terms not agreed to by the applicant with respect to such vehicle, engine, engine-transmission combination, or engine-transmission-fuel system combination, give reasonable notice in writing and opportunity for a hearing to the applicant on such matters, and a statement, as applicable, of the grounds on which such certification is proposed to be denied or of the terms on which such certificate is proposed to be issued together with copies of any reports, data, or record of tests conducted by the Secretary which are considered to support the proposed action.

(b) A Presiding Officer will be designated by the Secretary for the purposes of the hearing either in the notice or after receipt of a request for a hearing.

(c) The General Counsel will represent the Department of Health, Education, and Welfare in any hearing under this subpart and will be deemed a party to all proceedings in connection with such hearing.

(d) A request for a hearing pursuant to notice given under paragraph (a) of this section shall be made in writing by an authorized representative of the applicant and shall be filed with the Secretary, or if a Presiding Officer has been designated, with such Officer, within the time allowed by such notice. The request shall specify which of the grounds or terms set out in the notice, or in the statement accompanying such notice, is

claimed to be erroneous and the reasons therefor.

(e) A brief or memorandum of arguments in support of the applicant's position may be filed with the request for a hearing or within 15 days after the mailing or filing of the request.

(f) If a time and place for the hearing have not been fixed by the Secretary in the notice given under paragraph (a) of this section, the hearing shall be held as soon as practicable at a time and place fixed by the Secretary or by the Presiding Officer.

§ 85.61 Hearing file.

(a) Upon receipt of a request for a hearing pursuant to this section, a hearing file will be established by the Presiding Officer. The file shall consist of the notice issued by the Secretary under § 85.60 together with any accompanying material, the request for a hearing and the memorandum of arguments, if any, submitted therewith and all documents relating to the request for certification, including the application for certification and all documents submitted therewith, and correspondence and other data material to the hearing.

(b) The appeal file will be available for inspection by the applicant at the office of the Presiding Officer.

§ 85.62 Representation.

An applicant may appear in person, or may be represented by counsel or by any other duly authorized representative.

§ 85.63 Prehearing conference.

(a) The Presiding Officer upon the request of any party, or in his discretion, may arrange for a prehearing conference at a time and place specified by him to consider the following:

(1) Simplification of the issues;

(2) Stipulations, admissions of fact, and the introduction of documents;

(3) Limitation of the number of expert witnesses;

(4) Possibility of agreement disposing of all or any of the issues in dispute;

(5) Such other matters as may aid in the disposition of the hearing, including such additional tests as may be agreed upon by the parties.

(b) The results of the conference shall be reduced to writing by the Presiding Officer and made a part of the record.

§ 85.64 Conduct of hearings.

(a) Hearings shall be conducted by the Presiding Officer in an informal but orderly and expeditious manner. The parties may offer oral or written evidence, subject to the exclusion by the Presiding Officer of irrelevant, immaterial, and repetitious evidence.

(b) Witnesses will not be required to testify under oath. However, the Presiding Officer shall call to the attention of witnesses that their statements may be subject to the provisions of Title 18 U.S.C. 1001 which imposes penalties for knowingly making false statements or representations, or using false documents in any matter within the jurisdiction of any department or agency of the United States.

(c) Any witness may be examined or cross-examined by the Presiding Officer, the parties, or their representatives.

(d) Hearings shall be reported verbatim. Copies of transcripts of proceedings may be purchased by the applicant from the reporter.

(e) All written statements, charts, tabulations, and similar data offered in evidence at the hearing shall, upon a showing satisfactory to the Presiding Officer of their authenticity, relevancy, and materiality, be received in evidence and shall constitute a part of the record.

(f) Oral argument may be permitted in the discretion of the Presiding Officer and shall be reported as part of the record unless otherwise ordered by him.

§ 85.65 Findings, recommendations, and decision.

(a) The Presiding Officer shall submit written findings and recommendations to the Secretary. Such findings and recommendations shall be based upon the substantial evidence of record.

(b) The decision will be rendered by the Secretary. A copy of the decision shall be provided to the parties and shall be available for public inspection at the Office of the Secretary.

Subpart H—Test Procedures for Vehicle and Engine Exhaust and Fuel Evaporative Emissions (Gasoline Engines) (Light Duty Vehicles)

§ 85.70 Introduction.

The following procedure will be used in the testing program under section 206 of the Act to determine the conformity of new motor vehicles and new motor vehicle engines with the applicable standards set forth in this part. For a testing program which is unrelated to fuel evaporative emissions control, those portions of the test specifically dealing with the measurement of fuel evaporative emissions will be omitted.

(a) The test consists of prescribed sequences of vehicle fueling, parking, and operating conditions. The exhaust gases generated during vehicle operation are sampled continuously for specific component analysis through the analytical train. The fuel evaporative emissions are collected for subsequent weighing during both vehicle parking and operating events. The test applies to vehicles equipped with catalytic or direct-flame afterburners, induction system modifications, or other systems or devices, or to uncontrolled vehicles and engines.

(b) The basic exhaust emission test is designed to determine hydrocarbon and carbon monoxide concentrations while simulating an average trip in a metropolitan area of about 21 minutes from a cold start. The test consists of two parts: Four 7-mode warmup cycles and five 7-mode hot cycles (eighth and ninth cycles related to fuel evaporative emissions testing; fifth, eighth, and ninth cycles are not read for exhaust emissions). The average concentrations for the warmup cycles and the hot cycles are combined to yield the reported values.

(c) The basic fuel evaporative emission test is designed to determine fuel hydrocarbon evaporative emissions to the atmosphere as a consequence of metropolitan driving practices, and diurnal temperature fluctuations during parking. It is associated with a series of events, representative of a motor vehicle's operation, which are known to result in fuel vapor losses directly from the fuel tank and carburetor. The test procedure is specifically aimed at collecting and weighing:

(1) Diurnal breathing losses from the fuel tank and other parts of the fuel system when the fuel tank is subjected to a temperature increase representative of the diurnal range;

(2) Running losses from the fuel tank and carburetor resulting from a simulated trip in a metropolitan area of about 21 minutes from a cold start;

(3) Hot soak losses from the fuel tank and carburetor which result when the vehicle is parked and the hot engine is turned off.

The average trip is simulated by operating the vehicle through nine cycles on a chassis dynamometer. Activated carbon traps are employed in collecting the vaporized fuel which, otherwise, would escape to the atmosphere.

(d) It will be noted that these test procedures yield single values for hydrocarbon and carbon monoxide exhaust concentrations, and a single value for fuel evaporative emissions, from a given vehicle for comparison with the standards. However, the finding that the vehicle or engine operates within the standards is not judged on the basis of a single vehicle or single engine. Performance is judged on the basis of emissions of groups of test vehicles.

§ 85.71 Gasoline fuel specifications.

(a) Fuel having the following specifications, or substantially equivalent specifications approved by the Secretary, will be used in exhaust and evaporative emission testing.

Item	ASTM Designation	Specifications
Octane, Research, min	D 1656	100
Pb. (organic), gm./U.S. gal	D 526	3.1–3.3
Distillation range	D 86	
IBP, °F		75–95
10 percent point, °F		120–135
50 percent point, °F		200–230
90 percent point, °F		300–325
EP, °F. (max.)		415
Sulfur, wt. percent, max	D 1266	0.10
Phosphorus, theory		0.0
RVP,[1] lb	D 323	8.7–9.2
Hydrocarbon composition	D 1319	
Olefins, percent, max		10
Aromatics, percent, max		35
Saturates		Remainder

[1] For testing which is unrelated to fuel evaporative emission control, the specified range is: 8.0–9.2.

(b) Fuel having the following specifications, or substantially equivalent specifications approved by the Secretary will be used in mileage accumulation. The octane rating of the fuel used shall be in the range recommended by the vehicle or engine manufacturer. The Reid Vapor Pressure of the fuel used will be characteristic of the seasonal motor fuel used in the area where mileage accumulation is being performed. The temperature of the fuel at the time of filling will be representative of that obtained from a typical underground storage system for the same season. (These fuel temperature and RVP requirements are not applicable to testing which is unrelated to fuel evaporative emission control.)

Item	ASTM designation	Regular	Premium
Pb. (organic), gm./U.S. gal.	D 526	2.1-3.2	2.1-3.2
Sulfur, wt. percent	D 1266	0.02-0.10	0.02-0.10
Hydrocarbon composition	D 1319		
Olefins, percent, max		30	15
Aromatics, percent, max		40	40
Saturates		Remainder	Remainder.

(c) The specifications of the fuel used under paragraph (b) of this section shall be reported in test results submitted under § 85.51.

§ 85.72 Vehicle and engine preparation (fuel evaporative emissions).

(a) (1) Apply appropriate leak-proof fittings to all fuel system external vents to permit collection of effluent vapors from these vents during the course of the prescribed tests. Since the prescribed test requires the temporary plugging of the inlet pipe to the air cleaner, it will be necessary to install a probe for collecting the normal effluents from this source. Where antisurge/vent filler caps are employed on the fuel tank, plug off the normal vent if it does not conveniently lend itself to the collection of vapors which emanate from it, and introduce a separate vent, with appropriate fitting, on the cap. Where the fuel tank vent line terminus is inaccessible, sever the line at a convenient point near the fuel tank and install the collection system in a closed circuit assembly with the severed ends. All fittings shall terminate in 5/16-inch ID tube sections for ready connection to the collection systems and shall be designed for minimum dead space.

(2) The design and installation of the necessary fittings shall not disturb the normal function of the fuel system components or the normal pressure relationships in the system.

(b) (1) Inspect the fuel system carefully to insure the absence of any leaks to the atmosphere of either liquid or vapor which might affect the accuracy of the test or the performance of the control system. Corrective action, if any, shall be reported with the test results under § 85.51.

(2) Care should be exercised, in the application of any pressure tests, neither to purge nor load the evaporative emission control system.

(c) Prepare fuel tank for recording the temperature of the prescribed test fuel at its approximate midvolume.

(d) Provide additional fittings and adapters, as required to accommodate a fuel drain at the lowest point possible in the tank as installed on the vehicle.

§ 85.73 Vehicle preconditioning (fuel evaporative emissions).

Test vehicles equipped with fuel evaporative emission control systems or devices subject to the provisions of this part shall be preconditioned as follows:

(a) The test vehicle will be operated under the conditions prescribed for mileage accumulation, § 85.91, for 1 hour immediately prior to the operations prescribed below.

(b) The fuel tank will be drained and specified test fuel (§ 85.71(a)) added. Care will be exercised against abnormal purging or loading of the evaporative emission control system or device as a result of draining or fueling the tank.

(c) The test vehicle will be placed on the dynamometer and operated through nine 7-mode cycles, according to the applicable requirements and procedures of §§ 85.75–85.80 except that the engine need not be cold when starting the run on the dynamometer. During the run the ambient temperature shall be between 68° F. and 86° F.

(d) The engine and cooling fan shall be stopped upon completion of the nine-cycle dynamometer operation and the vehicle permitted to soak either on or off the dynamometer stand at an ambient temperature between 76° F. and 86° F. for a period of not less than 1 hour prior to the soak period prescribed in § 85.74 (a)(1).

§ 85.74 Evaporative emission collection procedure.

The standard test procedure consists of three parts described below which are to be performed in sequence and without any interruption in the test conditions prescribed.

(a) *Diurnal breathing loss test.* (1) The test vehicle will be allowed to "soak" in an area where the ambient temperature is maintained between 60° F. and 86° F. for a period of not less than 10 hours. (The vehicle preparation requirements of § 85.72 may be performed during this period.) It will then be transferred to a soak area where the ambient temperature is maintained between 76° F. and 86° F. Upon admittance to the 76° F.–86° F. soak area, the prescribed fuel tank thermocouple will be connected to the recorder and the fuel and ambient temperatures recorded at a chart speed of approximately 12 inches per hour (or equivalent record).

(2) The fuel tank of the prepared test vehicle, preconditioned according to § 85.73, will be drained and recharged with the specified test fuel, § 85.71(a) to the prescribed "tank fuel volume," defined in § 85.1. The temperature of the fuel following the charge to the tank shall be 60° F.±2° F. Care should be exercised against abnormal loading of the evaporative emission control system or device as a result of fueling the tank.

(3) Immediately following the fuel charge to the tank, the exhaust pipe(s) and inlet pipe to the air cleaner will be plugged and the prescribed vapor collection systems installed on all fuel system external vents. Multiple vents may be connected to a single collection trap provided that, where there is more than one external vent on a fuel system distinguishing between carburetor and tank vapors, separate collection systems will be employed to trap the vapors from the separate sources. Every precaution will be taken to minimize the lengths of the collection tubing employed and to avoid sharp bends across the entire system.

(4) Artificial means will be employed to heat the fuel in the tank to 84° F. ±2° F. The prescribed temperature of the fuel shall be achieved over a period of 60 minutes ±10 minutes using a constant rate of heat input. After a minimum of 1 hour, following admittance to the 76° F.–86° F. soak area, the vehicle will be moved onto the dynamometer stand for the subsequent part of the test. The fuel tank thermocouple may be temporarily disconnected to permit moving the test vehicle. Plugs will be removed from the exhaust pipe(s) and inlet pipe to the air cleaner.

(b) *Running loss test.* (1) The test vehicle will be placed on the dynamometer with the hood up and the cooling fan positioned between 8" and 12" from the grill and directed squarely at the radiator. (Exception: air cooled engines). The ambient air temperature will be maintained between 68° F.–86° F. and recorded, together with the fuel temperature, at a chart speed of approximately 12 inches per hour (or equivalent record).

(2) Where the only external vent(s) is located in the immediate vicinity of the carburetor air horn, such that any "running loss" emissions would be inducted into the engine, there is no requirement to collect any vapor losses during this part of the test and the vapor-loss measurement system will be temporarily disconnected and clamped.

(3) The vehicle will be operated on the dynamometer according to the requirements and procedures of §§ 85.75–85.85. The engine and fan will be turned off upon completion of the dynamometer run and the exhaust and air cleaner inlet pipes will be replugged.

(4) Any vapor collection systems employed during this part of the test will be left intact for their continued use during the following part. Any part of the vapor collection system disconnected during this phase of the test will be reconnected for the following phase.

(c) *Hot soak test.* Upon completion of the dynamometer run, the test vehicle will be permitted to soak with hood down for a period of 1 hour at an ambient temperature between 76° F. and 86° F.

This operation completes the test. The traps are disconnected and weighed according to § 85.82.

§ 85.75 Dynamometer operation cycle.

(a) The following 7-mode cycle shall be followed in dynamometer operation tests.

Sequence No.	Mode	Acceleration mph/sec.	Time in mode seconds	Cumulative time seconds	Weighting factor
1	Idle		20	20	0.042
2	0–25	2.2	11.5 } 14	31.5	.244
3	25–30		2.5 }	34	(1)
4	30		15	49	.118
5	30–15	−1.4	11	60	.062
6	15		15	75	.050
7	15–30	1.2	12.5 } 29	87.5	.455
8	30–50		16.5 }	104	(1)
9	50–20	−1.2	25	129	0.029
10	20–0	−2.5	8	137	(1)

[1] Data not read.

(b) The following equipment will be used for dynamometer tests:

(1) Chassis dynamometer-equipped with power absorption unit and flywheels.

(2) Cooling fan—A fixed-speed fan will be used. It will have sufficient capacity to maintain engine cooling during sustained operation on the dynamometer and its air moving capacity shall not exceed 5,300 c.f.m.

§ 85.76 Dynamometer procedure.

(a) The vehicle shall be tested from a cold start. Four warmup cycles and five hot cycles make a complete dynamometer run. Exhaust emission measurements for hydrocarbons and carbon monoxide will be performed during the four warmup cycles and during the sixth and seventh (hot) cycles.

(b) Special considerations:

(1) On rolls less than 20 inches in diameter, the drive wheel tires will be inflated to 45 p.s.i.g. in order to prevent tire damage.

(2) The vehicle will be nearly level when tested in order to prevent fuel distribution unusual from that normally observed.

(3) The cooling fan will be positioned between 8 and 12 inches from the grill and directed squarely at the radiator (exception: air-cooled engines) and the dynamometer run will be made with hood up.

(4) Flywheels giving equivalent inertia as shown in the following table shall be used. Flywheels giving heavier inertia may be used provided that the specified "equivalent inertia weight" is used in the formula for determining "Exhaust Volume." (See § 85.87(g)(4)(iii).)

Loaded vehicle weight, lbs.	*Equivalent inertia weight, lbs.*
Up to 1,625	1,500
1,626 to 1,875	1,750
1,876 to 2,125	2,000
2,126 to 2,375	2,250
2,376 to 2,625	2,500
2,626 to 2,875	2,750
2,876 to 3,250	3,000
3,251 to 3,750	3,500
3,751 to 4,250	4,000
4,251 to 4,750	4,500
4,751 to 5,250	5,000
5,251 to 6,000	5,500

(c) The power absorption unit will be adjusted to road load at 50 m.p.h. speed in accordance with the following table:

Loaded vehicle weight, lbs.	*Road load h.p.*[1] *@ 50 m.p.h.*
Up to 2,750	4
2,751 to 4,250	8
4,251 to 6,000	10

[1] Where it is expected that more than 33 percent of the vehicles in an engine displacement class will be equipped with air conditioning, an additional 10 percent will be added to the above listed road load horsepowers for all test vehicles representing such engine class.

(d) Practice cycles should be run to find the correct throttle action to allow completion of the accelerations in the specified time at the constant rates of acceleration specified. Care should be taken to avoid throttle closures in the transition from acceleration to 30 cruise.

(e) The vehicle speed (m.p.h.) as measured from the dynamometer rolls shall be used for all conditions. A speed vs. time recording, as evidence of dynamometer test validity, shall be supplied on request by the Secretary.

§ 85.77 Three-speed manual transmissions.

(a) All test conditions except as noted shall be run in highest gear.

(b) Cars equipped with free wheeling or overdrive units shall be tested with this unit (free wheeling or overdrive) locked out of operation.

(c) Idle: Idle shall be run with transmission in gear and with clutch disengaged (except first idle; see § 85.80).

(d) Cruise: The vehicle shall be driven at a constant throttle position to maintain the cruising speed. An engine tachometer and vacuum gauge may be used as driving aids.

(e) Acceleration: Modes shall be run at nearly constant acceleration with the shift speeds as indicated below (where possible; if not, cut into time of next mode). Shifting shall be accomplished rapidly to minimize closed-throttle time.

Mode	*Shift speed*
0–25 accel	1st to 2d gear at 15 m.p.h. 2d to 3d gear at 25 m.p.h.
15–30 accel	Use highest gear.

(f) Deceleration:

(1) The modes shall be run at closed throttle in high gear with clutch engaged, maintaining a constant deceleration rate by using the vehicle brakes. For those modes which decelerate to zero, the clutch should be depressed when speed drops below 15 m.p.h.

(2) If the vehicle decelerates more rapidly than required with no braking, the decelerations should be made at closed throttle even though less than the specified time is required. Indicate the end of the (30–15 or 20–0) deceleration, continue at that speed until the specified time has elapsed, then proceed with the next sequence.

(g) Optional shift points: When recommended by the manufacturer in the owner's operating manual, second gear may be used in sequences six and seven of § 85.75(a). If this option is utilized, it shall be reported in test results submitted under § 85.51 and a copy of the applicable owner's operating manual shall be submitted with such report.

§ 85.78 Four- and five-speed manual transmissions.

(a) Use the same procedure as three-speed manual transmissions with the following exceptions:

Mode	*Shift speed*
0–25 accel	1st to 2d gear at 15 m.p.h. 2d to 3d gear at 25 m.p.h.
30 cruise	3d gear.
30–15 decel	3d gear.
15 cruise	3d gear.
15–30 accel	3d gear.
30–50 accel	3d to 4th gear at 40 m.p.h.
50–20 decel	4th gear.

(b) If transmission ratio in first gear exceeds five, follow the procedure for three-speed manual transmission vehicles as if the first gear did not exist.

(c) If an acceleration cannot be made within the specified time, reduce the time in the next steady speed mode to the extent necessary to compensate for time lost.

(d) Optional shift points: When recommended by the manufacturer in the owner's operating manual, second gear may be used in sequences six and seven of § 85.75(a). If this option is utilized, it shall be reported in test results submitted under § 85.51 and a copy of the applicable owner's operating manual shall be submitted with such report.

§ 85.79 Automatic transmissions.

(a) All test conditions shall be run with the transmission in "Drive" (highest gear).

(b) Idle: Idle shall be run with the transmission in "Drive" and the wheels braked (except first idle; see § 85.80).

(c) Cruise: The vehicle shall be driven at constant throttle position to maintain specified speed in highest gear.

(d) Accelerations: Modes shall be run at nearly constant acceleration, allowing the transmission to shift automatically through the normal sequence of gears.

(e) Decelerations: These modes shall be run at closed throttle, maintaining a constant deceleration by using the vehicle brakes. If the vehicle decelerates more rapidly than required, the test shall be run as for Manual Transmission Vehicle (see § 85.77).

§ 85.80 Engine starting.

(a) The engine will be started according to the manufacturer's recommended starting procedure and run in the neutral position at no less than 1,100 r.p.m. (or maximum r.p.m. at which clutch remains disengaged if automatically operated) for a total of 20 seconds.

(b) Put the transmission in gear after 20 seconds so that the first acceleration can be started at the end of 40 seconds. The emissions for the first idle are to be read during the last 3 seconds preceding the first acceleration mode. This initial

idle replaces the idle in the first 7-mode cycle.

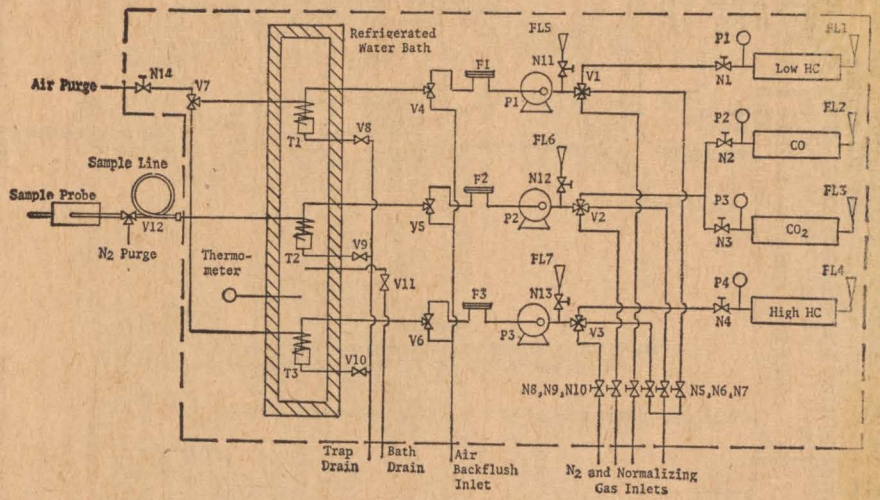
(c) Vehicles equipped with manual choke shall be started according to the manufacturer's procedure. Use of the choke shall not extend beyond sequence eight of the first cycle.

(d) In all of these sequences the operator may use more choke, more r.p.m., and decreased rate of acceleration, etc., in the first cycle, where necessary to keep the engine running.

§ 85.81 Sampling and analytical system (exhaust emissions).

(a) *Schematic drawing.* The following figure (Figure 1) is a schematic drawing of the exhaust gas sampling and analytical system which will be used for testing under the regulations in this part.

Figure 1
FLOW SCHEMATIC OF EXHAUST GAS ANALYSIS SYSTEM EMPLOYED IN FEDERAL FACILITIES



(b) *Component description.* The following components will be used in sampling and analytical systems for testing under the regulations in this part.

(1) Flowmeters FL1, FL2, FL3, and FL4 indicate the sample flow rate through the analyzers.

(2) Low range hydrocarbon analyzer.

(3) Carbon monoxide analyzer.

(4) Carbon dioxide analyzer.

(5) High range hydrocarbon analyzer.

(6) Pressure gauges P1, P2, and P3 indicate the analyzer sample pressure.

(7) Needle valves N1, N2, N3, and N4 regulate sample flow rate to the analyzers.

(8) Needle valves N5, N6, N7, N8, N9, and N10 regulate the flow rates of N_2 and normalizing gases to the analyzers.

(9) Ball valves V1, V2, and V3 for directing either sample or calibration gases to the analyzers.

(10) Needle valves N11, N12, N13 regulate the sample flow rate through the bypass network.

(11) Flowmeters FL5, FL6, and FL7 indicate the flow rate through the bypass system.

(12) Pumps P1, P2, and P3 for pulling sample from source.

(13) Filters F1, F2, and F3 remove contaminants from sample prior to analysis.

(14) Ball valves V4, V5, and V6 for directing sample to the analyzer or directing air in the reverse direction as a blackflush.

(15) Toggle valves V8, V9, V10, and V11 for draining condensate traps and refrigerated bath.

(16) Traps T1, T2, and T3 for condensing water vapor and cooling exhaust sample.

(17) Ball valve V7 for diverting air to low HC analyzer during periods of high hydrocarbon response.

(18) Needle valve N14 for regulating air flow to low hydrocarbon analyzer during purge conditions.

(19) Thermometer for indicating bath temperature.

(20) Refrigerated water bath for condensing water vapor and cooling exhaust sample.

(21) Sample line from vehicle to analysis system.

(22) Sample probe to extract exhaust gas sample from terminus of vehicle exhaust system.

(23) Ball valve V12 for directing N_2 to hydrocarbon analyzers.

§ 85.82 Sampling and analytical system (fuel evaporative emissions).

(a) *Schematic drawings.* (1) The following figures (Figures 2, 3, and 4) are flow diagrams of typical evaporative loss collection applications.

Figure 2
TYPICAL CARBURETOR EVAPORATIVE LOSS COLLECTION ARRANGEMENT
(Schematic)

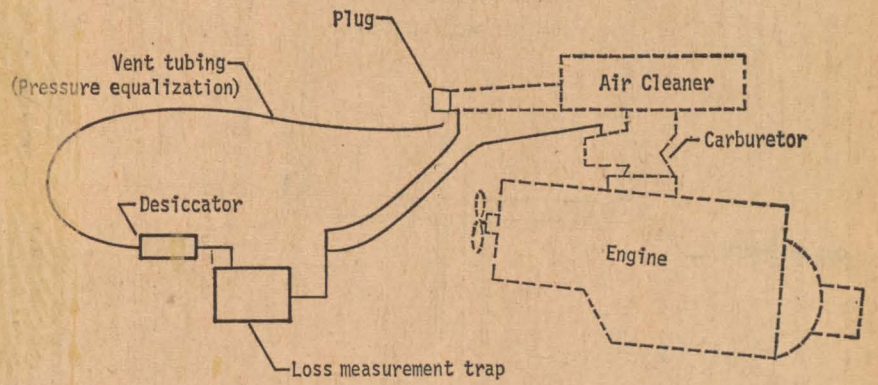


Figure 3
TYPICAL FUEL TANK EVAPORATIVE LOSS COLLECTION ARRANGEMENT
(Schematic)

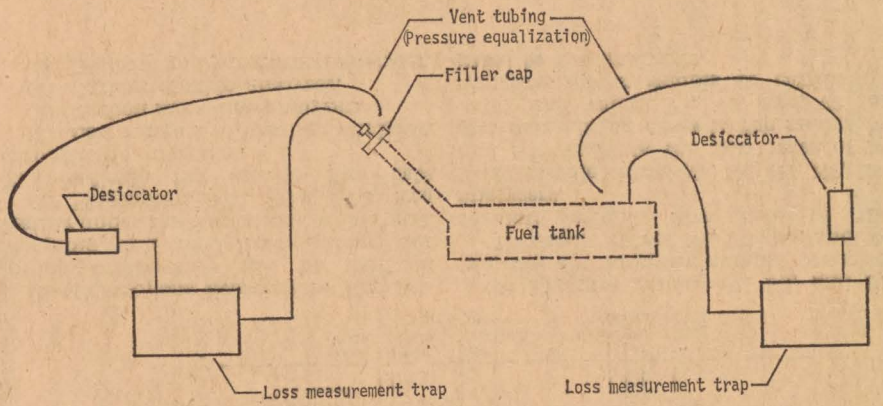
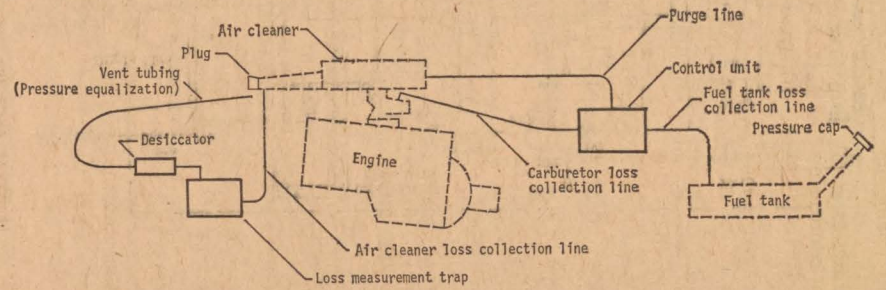


Figure 4
TYPICAL FUEL EVAPORATIVE LOSS COLLECTION ARRANGEMENT
For Vehicle Equipped with Evaporative Emission Control System
(Schematic)



(2) Figure 2 represents an arrangement for collecting losses which emanate from the carburetor. Figure 3 depicts the means for separately collecting the vapors which emanate from the fuel tank vent line and filler cap. Figure 4 shows an arrangement for collecting the losses from a closed fuel system, vented to the atmosphere solely through the air cleaner, as might be the case with certain fuel evaporative emission control devices.

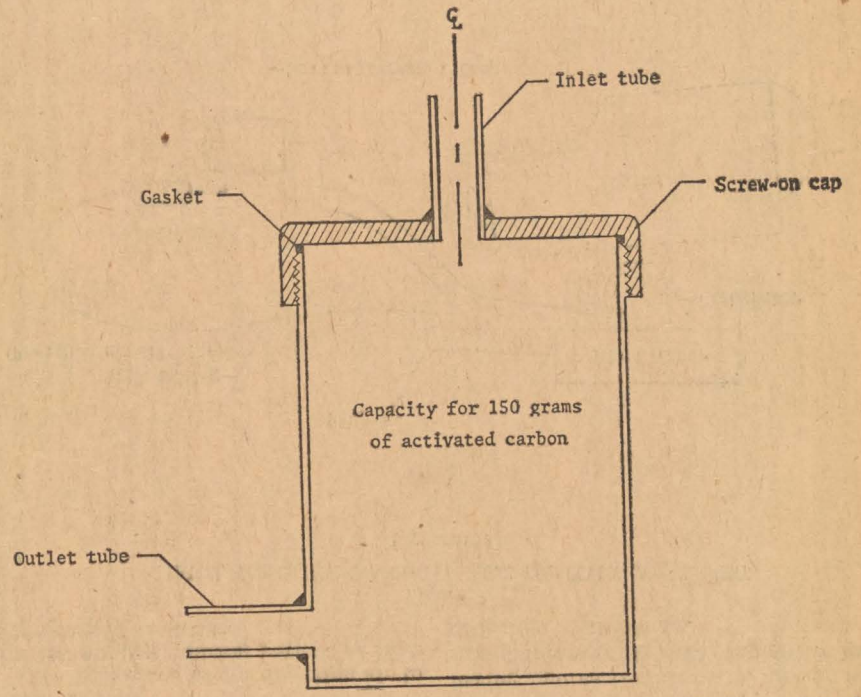
(3) Schematic drawings of arrangements actually employed shall be submitted with the test results of § 85.51.

(b) *Collection equipment.* The following equipment will be used for the collection of fuel evaporative emissions. (Item quantities are determined by individual test needs.)

(1) *Activated carbon trap.* See Figure 5 for specifications of one design; other configurations may be used, provided that they give demonstrably equivalent results.

Figure 5

TYPICAL ACTIVATED CARBON TRAP



(i) Canister—300±25 ml., cylindrical container having a length to diameter ratio of 1.4±0.1. An inlet tube, 5/16-inch ID and 1-inch long is sealed into the top of the canister, at its geometric center. A similar outlet tube is sealed into the wall ¼-inch from the bottom of the canister. The canister is designed to withstand an air pressure of 2 p.s.i., when sealed, without evidence of leaking when immersed in water for 30 seconds.

(ii) Activated carbon—meeting the following specifications:

Surface area, min. (N_2 BET method).[1]	1,000 square meters per gram.
Adsorption capacity, min. (carbon tetrachloride).	60 percent, by weight.
Volatile material including adsorbed water vapor.	None.

Screen Analysis Size:	*Percent*
Less than 1.4 mm	0
1.7–2.4 mm	90–100
More than 3.0 mm	0

[1] Brunauer, Emmett & Teller; Journal of the American Chemical Society, Vol. 60, p. 309, 1938.

The activated carbon trap is prepared for the test by attaching clamped sections of vinyl tubing to the inlet and

outlet tubes of the canister. The canister is then filled with 150±10 gm. hot activated carbon which had previously been oven-dried for 3 hours at 300° F. Loss of carbon through the inlet and outlet tubes is prevented through the use of wire screens of 0.7-mm. mesh or wads of loosely packed glass wool. The canister is closed immediately after filling and the carbon is allowed to cool while the trap is vented through a drying tube via the unclamped outlet arm.

(iii) The trap is sealed and weighed after cooling and the weight, to the nearest 0.1 gram, is inscribed on the canister body. Within 12 hours of the scheduled test, the weight of the trap is checked and if it has changed by more than 0.5 gm., it is redried to constant weight. This redrying operation is performed by passing dry nitrogen, heated to 275° F., through the trap, via the inlet tube, at a rate of 1 liter per minute until checks made at 30-minute intervals do not vary by more than 0.1 percent of the gross weight. The trap and its contents are allowed to cool to room temperature, while vented through a drying tube via the outlet arm, before use.

(2) *Auxiliary collection equipment.* (i) Drying tube—transparent, tubular body ¾-inch ID, 6 inches long, with serrated tips and removable caps.

(ii) Desiccant—indicating variety, 8 mesh. The drying tube is attached to the outlet tube of the collection traps to prevent ambient moisture from entering the trap. It is prepared by filling the empty drying tube with fresh desiccant using loose wads of glass wool to hold the desiccant in place. The desiccant is renewed when three-quarters spent, as indicated by color change.

(iii) Collection tubing—stainless steel or aluminum, 5/16-inch ID, for connecting the collection traps to the fuel system vents.

(iv) Polyvinyl chloride (vinyl) tubing—flexible tubing, 5/16-inch ID, for sealing butt-to-butt joints.

(v) Laboratory tubing—air tight flexible tubing, 5/16-inch ID, attached to the outlet end of the drying tubes to equalize collection system pressure.

(vi) Clamps—Hosecock, open side, for pinching off flexible tubing.

(c) *Weighing equipment.* The balance and weights used shall be capable of determining the net weight of the activated carbon trap within an accuracy of ±75 mg.

(d) *Temperature measuring equipment.* (1) Temperature recorder—multichannel, variable speed, potentiometric, or substantially equivalent, recorder with a temperature range of 50° F. to 100° F. and capable of either simultaneous or sequential recording of the ambient air and fuel temperatures within an accuracy of ±1° F.

(2) Fuel tank thermocouples—iron-constantan (type J) construction.

(e) *Assembly and use of the activated carbon vapor collection system.* (1) The prepared activated carbon trap, dried to constant weight, cooled to the ambient temperature and sealed with clamped sections of vinyl tubing is carefully weighed to the nearest 20 milligrams and the weight recorded as the "tare weight."

(2) A drying tube is attached to the outlet tube and the clamp released, but not removed. A length of flexible tubing, for pressure equalization, is connected to the other end of the drying tube.

(3) The inlet tube of the adsorption trap and external vent(s) of the fuel system will be connected by minimal lengths of stainless steel or aluminum tubing and short sections of vinyl tubing. Butt-to-butt joints will be made wherever possible and precautions taken against sharp bends in the connection lines, including any manifold systems employed to connect multiple vents to a single trap.

(4) The clamp on the inlet tube of the trap will be released but not removed. Care shall be exercised to prevent heating the vapor collection trap by radiant or conductive heat from the engine.

(5) Upon completion of the collection sequence, the vinyl tubing sections on each arm of the collection trap will be clamped tight and the collection system dismantled.

(6) The sealed vapor collection trap shall be weighed carefully to the nearest 20 milligrams. This constitutes the "gross weight," which is appropriately recorded. The difference between the "gross weight" and "tare weight" represents the "net weight" for purposes of calculating the fuel vapor losses.

§ 85.83 Information to be recorded.

The following information shall be recorded with respect to each test:

(a) Test Number.

(b) System or device tested (brief description).

(c) Date and time of day for each part of the test schedule.

(d) Instrument Operator.

(e) Driver or Operator.

(f) Vehicle: Make—Vehicle identification number—Year—Transmission type—Odometer reading—Engine displacement—Idle r.p.m.—Nominal fuel tank capacity and location on vehicle—Number of carburetors—Number of carburetor barrels—Inertia loading.

(g) Nondispersive infrared analyzers: Analyzer tuning—Gain—Detector number.

(h) Recorder Charts: Identify zero traces, steady-state traces, calibration traces, and start and finish of each test.

(i) Temperature of the air in front of radiator and other prescribed temperature data.

§ 85.84 Calibration and instrument checks.

(a) Calibrate instrument assembly at least once every 30 days. Use the same flow rate as when sampling exhaust. Proceed as follows:

(1) Tune analyzers.

(2) Zero on nitrogen. Check each cylinder of N_2 for contamination with hydrocarbons. Set the instrument gain to give the desired range. Normal operating ranges are as follows:

Low-Range Hydrocarbon Analyzer.	0–1,000 p.p.m. hexane equivalent.
High-Range Hydrocarbon Analyzer.	0–10,000 p.p.m. hexane equivalent.
CO Analyzer	0–10% CO.
CO_2 Analyzer	0–16% CO_2.

(3) Calibrate with the following normalizing gases. Flow rates should be set at 10 c.f.h. on the hydrocarbon analyzers and 5 c.f.h. on the carbon monoxide and carbon dioxide analyzers. The concentrations given indicate nominal concentrations and actual concentrations should be known to within ±2 percent of true value. Prepurified N_2 is used as the diluent.

Low range HC analyzer	High range HC analyzer	CO and CO_2 analyzers		
		Blend of CO and CO_2 containing:		
Hexane equivalent [1]	*Hexane equivalent*	*Mole percent CO*	PLUS	*Mole percent CO_2*
100 p.p.m	600 p.p.m	0.5		16.0
200 p.p.m	1,000 p.p.m	1.0		15.0
300 p.p.m	1,500 p.p.m	2.0		14.0
400 p.p.m	2,500 p.p.m	3.0		13.0
600 p.p.m	4,000 p.p.m	4.0		12.0
800 p.p.m	6,000 p.p.m	6.0		10.0
1,000 p.p.m	8,000 p.p.m	8.0		8.0
	10,000 p.p.m	10.0		6.0

[1] The hexane equivalent of propane, when used as the normalizing gas for calibrating nondispersive infrared analyzers, is prescribed to be 0.52 (Propane Concentration × 0.52 = Hexane Equivalent Concentration).

Minimum storage temperature of the cylinders shall be 60° F.; minimum use temperature shall be 68° F.

(4) Compare values with previous curves. Any significant change reflects some problem in the system. Locate and correct problem, and recalibrate. Use best judgment in selecting curve for data reduction.

(5) Check response of hydrocarbon analyzer to 100 percent CO_2. If response is greater than 0.5 percent full scale, refill filter cells with 100 percent CO_2 and recheck. Note any remaining response on chart. If response still exceeds 0.5 percent, replace detector.

(6) Check response of hydrocarbon analyzers to nitrogen saturated with water at ambient temperature. Record ambient temperature. If the low-range instrument response exceeds 5 percent of full scale with saturated nitrogen at 75° F., replace the detector. If the high-range response exceeds 0.5 percent of full scale, check detector on low-range instrument, then reject if response exceeds 5 percent of full scale at 75° F.

(b) Daily instrument check: Allow a minimum of 2 hours warmup for infrared analyzers. (Power is normally left on continuously; but, when instruments are not in use, chopper motor is turned

off.) The following should be done before each series of tests:

(1) Zero on clean nitrogen introduced at analyzer inlet. Obtain a stable zero on the amplifier meter and recorder. Recheck after test.

(2) Introduce normalizing gas and set gain to match calibration curve. In order to avoid a correction for sample cell pressure, normalize and calibrate at the same flow rates used for exhaust sampling. Normalizing or span gases: (See paragraph (a)(3) of this section for allowable variation.)

Low-Range Hydrocarbon Analyzer.	1,000 p.p.m. hexane equivalent in prepurified N_2.
High-Range Hydrocarbon Analyzer.	10,000 p.p.m. hexane equivalent in prepurified N_2.
CO Analyzer	10% CO in prepurified N_2.
CO_2 Analyzer	12 to 16% CO_2 in prepurified N_2.

If gain has shifted significantly, check tuning. If necessary, check calibration. Recheck after test. Show actual concentrations in chart.

(3) Check nitrogen zero, repeat (1) and (2) if required.

(4) Check flow rates and pressures.

§ 85.85 Dynamometer test runs.

(a) The vehicle is allowed to stand with engine turned off for a period of not less than 12 hours before the exhaust emission test, at an ambient temperature as specified in §§ 85.73 and 85.74. The vehicle is to be stored prior to the emission tests in such a manner that precipitation (e.g., rain or dew) does not occur on the vehicle. During the run the ambient temperature shall be between 68° F. and 86° F. For exhaust emission testing which is unrelated to fuel evaporative emission control, the ambient temperature requirement during storage is between 60° F. and 86° F.

(b) The following steps shall be taken for each test:

(1) Place vehicle on dynamometer without starting engine.

(2) Zero and calibrate the instruments.

(3) Sample flow rates shall remain constant throughout the test; readjust if necessary.

(4) Determine the hydrocarbon "hangup" level registered on the recorder by drawing nitrogen from the end of the sample line. A reading of less than 10 p.p.m. should be achieved rapidly, otherwise the sampling system shall be cleaned.

(5) Insert the sampling line at least 2 feet into the tailpipe. Where this is not possible a tailpipe extension will be used.

(6) Start the cooling fan with the vehicle hood open (for fan specifications refer to § 85.75).

(7) Start the engine, after twenty seconds begin to sample exhaust, adjust flow rates if necessary.

(8) Run nine 7-mode cycles. (Exceptions: Run seven 7-mode cycles for exhaust analysis unrelated to fuel evaporative emission control.)

(9) Record engine idle r.p.m. at the beginning of each cycle. (In drive range for automatic transmissions and in neutral for manual transmisions.)

(10) The fifth, eighth, and ninth cycles are not read; during the fifth cycle check the zero calibration of the analyzers with nitrogen.

(11) Stop sampling after the seventh cycle and check calibration. Readjust if necessary.

(12) Determine the hydrocarbon "hangup" as in step 4.

(13) Continue the dynamometer run through the ninth cycle where fuel evaporative emission measurements are required.

§ 85.86 Chart reading.

The recorder response for measuring exhaust gas concentrations will always lag the engine's operation because of a variable exhaust system delay and a fixed sample system delay. Therefore, the concentrations for each mode will not be located on the charts at a point corresponding to the exact time of the mode. For each warmup and hot cycle to be evaluated, proceed as indicated by the sequence in paragraphs (a) through (j) of this section. Where data processing is automated through the use of a computer or comparable equipment, compensation for these delays and for nonlinearity of instrument response will be incorporated in the integrating program.

(a) Determine whether the cycle was driven in accordance with the specified cycle timing by observing either chart event marks, speed trace, manifold vacuum trace, or concentration traces. Deviation by more than 2 seconds from the specified time for each mode will invalidate the data.

(b) Time correlate the hydrocarbon, carbon monoxide, and carbon dioxide charts. Use all clues available to determine the location on the chart of concentrations corresponding to each mode. Use judgment in recognizing and compensating for trace abnormalities.

(c) Locate on each chart the last 3 seconds of the idle mode, and integrate the idle concentrations during this 3-second period.

(d) Locate on each chart the point where HC, CO, and CO_2 concentration changes indicate the beginning of the 0–25 acceleration. Mark off the 11.5 seconds following this point. Integrate the 0–25 acceleration concentrations.

(e) Locate on each chart the last 3 seconds of the 30 m.p.h. cruise mode, and integrate the 30 m.p.h. cruise concentrations during this 3-second period.

(f) Locate on each chart the point where concentration changes indicate the beginning of the 30–15 m.p.h. deceleration mode. Mark off the 11 seconds following this point. Integrate the 30–15 m.p.h. deceleration concentrations.

(g) Locate on each chart the last 3 seconds of the 15 m.p.h. cruise mode, and integrate the 15 m.p.h. cruise concentrations during this 3-second period.

(h) Locate on each chart the point where concentration changes indicate the beginning of the 15–30 m.p.h. acceleration mode. Mark off the 12.5 seconds following this point. Integrate the 15–30 m.p.h. acceleration concentrations.

(i) Locate on each chart the point where concentration changes indicate the beginning of the 50–20 m.p.h. deceleration mode. Mark off the 25 seconds following this point. Integrate the 50–20 m.p.h. deceleration concentrations.

(j) Record data for the first four (warmup) cycles and the sixth and seventh (hot) cycles.

§ 85.87 Calculations (exhaust emissions).

The final reported test results shall be derived through the following steps:

(a) Exhaust gas concentrations shall be adjusted to a dry exhaust volume containing 14.5 mole percent carbon atoms by applying the following dilution factor to the individual mode data.

$$\frac{14.5}{\%CO_2+(0.5)\%CO+(1.8\times 6)\%HC}$$

Since hydrocarbons, carbon monoxide, and carbon dioxide all are measured with the same moisture content, no moisture correction is required to convert the results to a dry basis.

(b) The adjusted mode data of paragraph (a) of this section shall be weighted in proportion to the time spent in each mode during a typical metropolitan trip by applying the appropriate "weighting factor" shown in Table I of the calculation example.

(c) Composite hydrocarbon and carbon monoxide concentrations are determined for each cycle by summing up the respective weighted mode data of paragraph (b) of this section.

(d) The composite cycle data of paragraph (c) of this section shall be weighted in proportion to the time spent in each cycle, classified according to "warmup cycle" and "hot cycle," during a typical metropolitan trip by applying the appropriate "weighting factor" shown in Table II of the calculation example.

(e) Composite hyrocarbon and carbon monoxide trip concentrations are determined by summing up the respective weighted cycle data of paragraph (d) of this section.

(f) The overall composite concentration values of paragraph (e) of this section shall be converted into mass emission values by substituting in the appropriate formula given in paragraph (g) of this section.

(g) Formulas for converting concentration into mass:

(1) For light duty vehicles, excluding off-road utility vehicles.

(i) For hydrocarbons:

$$HC_{mass}=\frac{HC_{conc}}{1{,}000{,}000}\times(1.8\times6)\times\frac{\text{Exhaust volume}}{\text{mile}}\times Density_{HC}$$

(ii) For carbon monoxide:

$$CO_{mass}=\frac{CO_{conc}}{100}\times\frac{\text{Exhaust volume}}{\text{mile}}\times Density_{CO}$$

(2) For light duty motor vehicles and engines coming within the proviso of § 85.21(b).

(i) For hydrocarbons:

$$HC_{mass}=\frac{HC_{conc\ -20}}{1{,}000{,}000}\times(1.8\times6)\times\frac{\text{Exhaust volume}}{\text{mile}}\times Density_{HC}$$

(ii) For carbon monoxide:

$$CO_{mass}=\frac{CO_{conc\ -0.25}}{100}\times\frac{\text{Exhaust volume}}{\text{mile}}\times Density_{CO}$$

(3) For off-road utility vehicles.

(i) For hydrocarbons:

$$HC_{mass}=\frac{HC_{conc\times0.85}}{1{,}000{,}000}\times(1.8\times6)\times\frac{\text{Exhaust volume}}{\text{mile}}\times Density_{HC}$$

(ii) For carbon monoxide:

$$CO_{mass}=\frac{CO_{conc\times0.85}}{100}\times\frac{\text{Exhaust volume}}{\text{mile}}\times Density_{CO}$$

(4) Meaning of symbols.

(i) Where:

$HC_{(mass)}$ = HC emissions in grams per vehicle mile.

HC_{conc} = HC concentration, in p.p.m. as hexane, calculated in accordance with § 85.87 (a) through (f).

$HC_{conc\ -20}$ = HC_{conc} adjusted by subtracting 20 p.p.m.; applicable to 1970 vehicles equipped with evaporative emission control systems.

$HC_{conc\ \times0.85}$ = HC_{conc} reduced by 15 percent; applicable to off-road utility vehicles.

$HC_{conc\ (1.8\times6)}$ = HC_{conc} multiplied by 1.8 to correct for the lack of sensitivity in nondispersive infrared analyzers; and multiplied by 6 to convert from a molar basis to a carbon atom basis.

$Density_{HC}$ = Density of hydrocarbons in the exhaust gas assuming an average carbon to hydrogen ratio of 1:1.85, in grams per cubic foot at 68° F. and 760 mm. of Hg (16.33 gm./cu. ft.).

(ii) Where:

CO_{mass} = CO emissions in grams per vehicle mile.

CO_{conc} = CO concentration, in percent, calculated in accordance with § 85.87 (a) through (f).

$CO_{conc\ -0.25}$ = CO_{conc} adjusted by subtracting 0.25 percent; applicable to 1970 vehicles equipped with evaporative emission control systems.

$CO_{conc\ \times0.85}$ = CO_{conc} reduced by 15 percent, applicable to off-road utility vehicles.

$Density_{CO}$ = Density of carbon monoxide in grams per cubic foot at 68° F. and 760 mm. of Hg pressure (33.11 gm./cu. ft.).

(iii) Where:

$\frac{\text{Exhaust volume}}{\text{mile}}$ = Exhaust volume in cubic feet per mile, as a function of dynamometer inertia wheel weight, calculated from the formula appropriate to type of transmission, as follows:

For automatic transmissions:

$$\frac{\text{Exhaust volume}}{\text{mile}}=(-6.69+0.0277W-0.00000201W^2)$$

For manual transmissions:

$$\frac{\text{Exhaust volume}}{\text{mile}}=(-6.00+0.0249W-0.00000181W^2)$$

where W is the equivalent inertia weight, in pounds (see § 85.76(b)(4)).

(h) Example: The following example illustrates the calculation of reported values from raw data.

(1) *Example calculation of composite cycle concentrations.*

TABLE I

Mode	Concentration as measured HC	CO	CO_2	Dilution factor	Adjusted HC	CO	Weighting factor	Weighted HC	CO
Idle	99	1.2	14.0	14.5/14.8	97	1.2	0.042	4.1	0.05
0-25	125	0.6	13.5	14.5/13.9	130	0.6	.244	31.7	0.15
30	159	0.6	13.6	14.5/14.1	164	0.6	.118	19.4	0.07
30-15	93	1.2	14.0	14.5/14.7	92	1.2	.062	5.7	0.07
15	90	1.0	14.1	14.5/14.7	89	1.0	.050	4.4	0.05
15-30	116	0.3	13.5	14.5/13.8	122	0.3	.455	55.5	0.14
50-20	210	1.3	13.6	14.5/14.5	210	1.3	.029	6.1	0.04
Sum (cycle composite)								127	0.57

(2) *Example calculation of composite trip concentrations.*

TABLE II

Cycle	Concentration as determined HC	CO	Weighting factor	Weighted HC	CO
1	319	4.68	0.35/4	27.9	0.41
2	136	0.66	0.35/4	11.9	0.06
3	127	0.57	0.35/4	11.1	0.05
4	128	0.48	0.35/4	11.2	0.04
5	Not read				
6	122	0.46	0.65/2	39.6	0.15
7	133	0.58	0.65/2	43.2	0.19
Sum (trip composite)				145	0.90

(3) *Example calculation of mass emission values.*

Assuming: 1970 model light duty vehicle with automatic transmission, equipped with evaporative emission control system and tested with a 3,500-pound dynamometer inertia wheel (W=3,500):

$$HC_{mass}=\frac{(145-20)}{1,000,000}(1.8\times 6)\ (-6.69+0.0277\times 3,500-0.00000201\times 3,500^2)\times(16.33)$$

$$=1.45 \text{ grams per mile.}$$

Assuming: 1971 model off-road utility vehicle with manual transmission and tested with a 4,500-pound dynamometer inertia wheel (W=4,500).

$$CO_{mass}=\frac{(0.90\times 0.85)}{100}(-6.00+0.0249\times 4,500-0.00000181\times 4,500^2)\times(33.11)$$

$$=17.6 \text{ grams per mile.}$$

§ 85.88 Calculations (fuel evaporative emissions).

The net weights of the individual collection traps employed in § 85.74 will be added together to give values for computing compliance with the evaporative emission standard.

§ 85.89 Test vehicles.

(a) Emission data vehicles:

(1) Four vehicles of each engine displacement will be run for emission data. Where an engine displacement projected sales volume represents less than one half of 1 percent of the last full model year's total U.S. sales of all vehicles subject to this subpart, then a total of two vehicles would be required for that displacement. Each manufacturer, however, must accumulate data on a minimum of four vehicles to qualify for certification.

(2) Vehicles shall be selected so as to be equipped, as nearly as possible, with exhaust emission control systems or devices, evaporative emission control systems or devices (when applicable), transmissions, and carburetors in proportion to the manufacturer's projected sales for the model year for which certification is requested.

(3) An engine, exhaust emission control system or device, evaporative emission control system or device (when applicable), transmission combination need not be tested in more than one car model except that where the weight, power train, or other characteristics of any car model may reasonably be expected to increase emissions, the combination shall also be tested in such model.

(4) Notwithstanding the limiting numbers of test vehicles specified in subparagraph (1) of this paragraph, if, in selecting a total fleet representing a manufacturer's total production, at least two vehicles equipped with each exhaust emission control system or device or (where applicable) each exhaust emission control system or device—evaporative emission control system or device combination are not included in said total fleet, then additional vehicles will be selected from the vehicles with the greatest projected sales which employ the system or combination to be represented.

(5) For the 1970 model year, a manufacturer proposing to produce new motor vehicles, or new motor vehicle engines, in any engine displacement class, equipped with fuel evaporative emission control systems or devices, may elect to select the emission data vehicles for such displacement in accordance with the requirements of the preceding subparagraphs as if his total projected U.S. sales for such class would be equipped with fuel evaporative emission control systems or devices. If the manufacturer so elects, then all the emission data vehicles in such engine displacement class shall be equipped with exhaust-evaporative emission control systems combinations in proportion to the assumed projected sales for such class. Such vehicles will be tested as follows for evaporative and exhaust emissions after 4,000 miles of driving:

(i) Fuel evaporative and exhaust emission tests shall be conducted as prescribed in this subpart;

(ii) Upon completion of such testing, the vehicle and engine shall be modified by removing or rendering inoperable the evaporative emission control system or device and by making such other changes on the vehicle or engine as may be necessary to make them conform in their operation to the vehicle or engine configuration which is not equipped with an evaporative emission control system or device and for which a certificate of conformity with the standards of § 85.21 is requested. (If such modification cannot be made, the optional selection method provided by this subparagraph shall not be used.)

(iii) After such modifications are made, exhaust emission tests only shall be conducted as provided in this subpart.

(iv) The manufacturer using this optional selection method will be required to make the necessary modifications for testing of vehicles provided to the Secretary under § 85.51(b)(8). The manufacturer shall also provide in his application for certification a complete description of the modifications made to accommodate the vehicles or engines for the purpose of exhaust emission testing as provided in this subparagraph.

(b) Durability data vehicles:

(1) The durability data vehicles shall be selected in order of the manufacturer's projected sales volume for the model year for which certification is requested from among the manufacturer's combinations of engine displacement, exhaust emission control system or device, evaporative emission control system or device (when applicable), and transmission options. The final fleet shall contain at least two vehicles equipped with each exhaust emission control system or device and (when applicable) at least two vehicles equipped with each exhaust emission control system or device—evaporative emission control system or device combination produced by the manufacturer and the total fleet shall represent not less than 70 percent of the manufacturer's projected sales for the model year for which certification is required: *Provided however*, That in no case shall the total fleet comprise more than 12 vehicles.

(2) When a manufacturer's total latest full model year sales in the United States represents less than 10 percent of all domestic sales of vehicles subject to this subpart, the durability vehicles selected in the manner described in subparagraph (1) of this paragraph shall only be required to represent at least 50 percent of projected domestic sales by the manufacturer during the model year for which certification is requested and in no case shall the total fleet comprise more than eight vehicles.

(3) In no event shall there be less than four durability data vehicles unless a lesser number is agreed to by the Secretary as meeting the objectives of this procedure.

(4) For the 1970 model year, a manufacturer proposing to produce new motor vehicles, or new motor vehicle engines, with fuel evaporative emission control systems or devices, may elect to select the durability data vehicles in accordance with the requirements of the preceding subparagraphs as if his total projected U.S. sales would be equipped with fuel evaporative emission control systems or devices. If the manufacturer so elects, then all durability data vehicles shall be equipped with exhaust-evaporative emission control systems combinations in proportion to the assumed total projected sales.

(i) Fuel evaporative and exhaust emission tests shall be conducted as prescribed in this subpart.

(ii) The exhaust emission deterioration factors developed with this fleet shall be applicable to both vehicles and engines equipped for control of evaporative emissions and to those not so equipped.

(iii) If the manufacturer proposes to produce vehicles of any class which will not be equipped for evaporative emission control, then the deterioration factor to be applied to such vehicles shall be the deterioration factor for vehicles having the same exhaust emission control system or device as the vehicles of said class, or, if there is more than one such deterioration factor applicable, the average of such factors shall be used.

(c) The weights of optional equipment to be used in computing curb weights and establishing equivalent inertia weights, shall be based on projected sales volume of such optional equipment for the model year for which certification is requested. Where it is expected to equip more than 33 percent of an engine displacement class with an optional item, the full estimated weight of that item shall be included for the entire engine class. Where it is expected that 33 percent or less of the vehicles in an engine class will be equipped with an item of optional equipment, no weight for that item will be added in computing curb weight. Optional equipment weighing less than 3 pounds per item need not be considered.

(d) Where it is expected to equip more than 33 percent of an engine displace-

ment class with an item of optional equipment in the model year for which certification is requested and such item of optional equipment can reasonably be expected to influence exhaust or evaporative emissions, then such item of optional equipment shall actually be installed on all emission data and durability data vehicles for such engine displacement class.

§ 85.90 Test conditions.

(a) Maintenance:

(1) A complete record of all pertinent maintenance performed on the test vehicles will be supplied with the application for certification.

(2) Maintenance on the durability vehicles will be performed only as a result of part failure or gross vehicle malfunction with the following exceptions:

(i) Only one major engine tuneup may be performed (at approximately 25,000 miles of scheduled driving): *Provided*, That three such tuneups may be performed for vehicles with an engine displacement of 200 cubic inches or less, at approximately 12,500-mile intervals of scheduled driving. A major engine tuneup shall consist of the following: Replace spark plugs; inspect ignition wiring and distributor cap and replace as required; replace distributor breaker points and condenser; lubricate distributor cam; check distributor advance and breaker point dwell angle and adjust as required; check, and tighten, if necessary, intake manifold bolt torque; adjust tappets if required; check automatic choke for free operation and adjust as required; adjust carburetor idle speed and mixture; check for free operation of exhaust heat control valve and adjust as required; adjust belt tension.

(ii) Spark plugs may be changed if misfire is detected at 35 m.p.h. or below during the 0–70 m.p.h. WOT acceleration in the modified AMA driving schedule (see § 85.91).

(iii) Normal vehicle lubrication services (engine and transmission oil change and oil, fuel, and air filter servicing) will be allowed at recommended intervals.

(iv) Crankcase emission control system may be serviced at 12,000 miles, or longer.

(v) Fuel evaporative emission control systems or devices may be serviced at approximately 12,000 miles of scheduled driving.

(vi) Adjust choke or idle settings only if there is a problem of stalling at stops, or at permitted major tuneups.

(b) Complete emission tests (see §§ 85.71–85.88) shall be run before and after any vehicle maintenance which can be expected to affect emissions.

§ 85.91 Mileage accumulation and emission measurements.

The route for mileage accumulation will be the AMA city route (Appendix A) or Modified AMA City Driving Schedule (Appendix B). A modification of such route, approved by the Secretary, may also be used.

(a) *Emission data vehicles.* Each vehicle shall be driven a minimum of 4,000 miles with all emission control systems installed and operating. The results of all emission tests conducted after 4,000 miles driving shall be supplied with the application for certification to establish the low mileage emission level of each vehicle or engine.

(b) *Durability data vehicles.* (1) Each durability data vehicle shall be driven 50,000 miles with all emissions control systems or devices installed and operating. Emission measurements from a cold start shall be made at least every 4,000 miles.

(2) For 1970 model year vehicles equipped for fuel evaporative emission control, these vehicles will be tested for their evaporative emissions through not less than 12,000 miles. Emission measurements shall be made at least every 4,000 miles: *Provided*, That the evaporative emission control system or device shall remain on the vehicle beyond the 12,000-mile point, in operable condition, and shall be maintained in accordance with applicable portions of § 85.90, if the vehicle is also used for exhaust emission testing.

§ 85.92 Compliance with emission standards.

(a) The emission standards in the regulations in this part apply to the lifetime emissions of equipped vehicles in public use. Prior to certification, lifetime emissions can be obtained by projection of test data to lifetime normal service. Normal service in an urban area or its equivalent for 100,000 miles is taken as the basis for "lifetime emissions".

(b) It is expected that emission control efficiency will change with mileage accumulation on the vehicle. It is assumed that emission corresponding to 50,000 miles in normal service is the average emission of vehicles over their lifetime.

(c) The basic procedure for determining compliance with emission standards of systems or devices, installed on or incorporated in vehicles or engines, is as follows: (The procedure is carried out separately for each applicable standard)—

(1) A separate emission deterioration factor will be determined from the emission results of the applicable durability data vehicles for each exhaust emission control system or device employed or, where applicable, for each exhaust emission control system or device-evaporative emission control system or device combination.

(i) All applicable results will be plotted as a function of mileage and the best fitstraight lines will be drawn through these data points.

(ii) The deterioration factors for all vehicles and engines and emission control systems, except evaporative emission control systems or devices for the model year 1970 only, shall be calculated as follows:

$$\text{factor} = \frac{\text{evaporative emissions interpolated to 4,000 miles}}{\text{evaporative emissions interpolated to 12,000 miles}}$$

(iii) The deterioration factors for evaporative emission control systems or devices, coming within the proviso of § 85.21(b), for the 1970 model year only, shall be calculated as follows:

$$\text{factor} = \frac{\text{emissions interpolated to 50,000 miles}}{\text{emissions interpolated to 4,000 miles}}$$

(2) The emission test results from each emission data vehicle shall be multiplied by the appropriate deterioration factor.

(3) The emissions to compare with the standard shall be the adjusted emissions of subparagraph (2) of this paragraph classified according to engine displacement and, within each engine displacement, weighted in proportion to the projected sales of the vehicles represented by each emission data vehicle.

Subpart I—Test Procedures for Engine Exhaust Emissions (Gasoline Engines for Use in Heavy Duty Vehicles)

§ 85.100 Introduction.

The following procedure will be used in the testing program under section 206 of the Act to determine the conformity of new motor vehicle engines with the applicable standards set forth in this part.

(a) The test consists of prescribed sequences of engine operating conditions to be conducted on an engine dynamometer. The exhaust gases generated during engine operation are sampled continuously for specific component analysis through the analytical train. The tests are applicable to engines equipped with catalytic or direct-flame afterburners, induction system modifications, or other systems or devices, or to uncontrolled engines.

(b) The basic exhaust emission test is designed to determine hydrocarbon and carbon monoxide concentrations during a truck driving pattern in a metropolitan area as simulated on an engine dynamometer. The test consists of two warmup cycles and two hot cycles. The average concentrations for the warmup cycles and the hot cycles are combined to yield the reported values.

(c) It will be noted that these test procedures yield single values for hydrocarbon and carbon monoxide exhaust concentrations from a given engine for comparison with the standards. However, the finding that the engine operates within the standards is not judged on the basis of a single engine. Performance is judged on the basis of emissions of groups of test engines.

(d) When an engine is tested for exhaust emissions or is operated for durability testing on an engine dynamometer the complete engine, along with all appurtenances which might

reasonably be expected to influence emissions to the atmosphere, shall be used.

§ 85.101 Gasoline fuel specifications.

(a) For exhaust emission testing, fuel having specifications as shown in the table in § 85.71(a), or substantially equivalent specifications approved by the Secretary, shall be used.

(b) For durability testing, fuel having specifications as shown in the table in § 85.71(b), or substantially equivalent specifications approved by the Secretary, shall be used. The octane rating of the fuel used shall be in the range recommended by the engine manufacturer. The specifications of the fuel used shall be reported in the test results submitted under § 85.51.

§ 85.102 Dynamometer operation cycle.

(a) The following 9-mode cycle shall be followed in dynamometer operation tests of engines for use in heavy duty vehicles.

Sequence No.	Mode	Manifold vacuum	Time in Mode-Secs	Cumulative Time-Secs	Weighting factors
1	Idle		70	70	0.036
2	Cruise	16" Hg	23	93	.089
3	PTA	10" Hg	44	137	.257
4	Cruise	16" Hg	23	160	.089
5	PTD	19" Hg	17	177	.047
6	Cruise	16" Hg	23	200	.089
7	FI	3" Hg	34	234	.283
8	Cruise	16" Hg	23	257	.089
9	CT		43	300	.021

(b) The following equipment shall be used for dynamometer tests.

(1) An engine dynamometer capable of maintaining constant speed ±100 r.p.m. from full throttle to closed throttle motoring.

(2) The engine dynamometer is operated at a constant speed of 2,000 r.p.m. ±100 r.p.m. (exception: representative engine speed for a given displacement engine as determined by its application, but not less than 1,800 r.p.m. nor greater than 2,500 r.p.m.

(3) The idle operating mode shall be carried out at the manufacturer's recommended engine speed. The CT (closed throttle) operating mode shall be carried out at a constant engine speed of 2,000 r.p.m., consistent with the allowable tolerances of subparagraph (2) of this paragraph (b).

(4) A chassis-type exhaust system or substantially equivalent exhaust system, shall be used.

(5) A radiator typical of that used with the engine in a vehicle, or other means of engine cooling which will maintain the engine operating temperatures at about the same temperature as would the radiator, will be used. An auxiliary fixed speed fan may be used to maintain engine cooling during sustained operation on the dynamometer.

§ 85.103 Dynamometer procedures.

An initial 5-minute idle, two warmup cycles, and two hot cycles constitute a complete dynamometer run. Idle modes may be run at the beginning and end of each test, thus eliminating the need to change engine speed between cycles. One idle mode preceding the first cycle and one following the fourth cycle is sufficient. The results of the first idle are used for calculation of the second cycle emissions and the fourth idle results are used for calculation of the third cycle emissions.

§ 85.104 Sampling and analytical system for measuring exhaust emissions.

The same type of sampling and analytical system shall be used for measuring exhaust emissions as is used for measuring exhaust emissions from gasoline powered light duty vehicles. The system used for testing under the regulations in this part is described in § 85.81.

§ 85.105 Information to be recorded on charts.

The same information recorded on charts in testing exhaust emissions from gasoline powered light duty vehicles is recorded in testing exhaust emissions from gasoline powered engines for use in heavy duty vehicles, as given in § 85.83 except that in paragraph (f) of § 85.83 the fuel tank capacity and inertial loading need not be recorded and information called for in paragraph (k) of § 85.83 does not apply.

§ 85.106 Calibration and instrument checks.

The same instrument calibration and checking procedures described in § 85.84 for testing exhaust emissions from gasoline powered light duty vehicles are used in regard to instruments used in testing exhaust emissions from gasoline powered engines for use in heavy duty vehicles.

§ 85.107 Dynamometer test run.

(a) The engine shall be allowed to stand with engine turned off for at least 1 hour before the exhaust emission test at an ambient temperature of 60° F. to 86° F. The engine shall be stored prior to the emission tests in such a manner that it is not exposed to precipitation or condensation. During the dynamometer run, the ambient temperature shall be between 68° F. and 86° F.

(b) The following steps shall be taken for each test:

(1) The test engine is mounted on the engine dynamometer.

(2) Calibrate exhaust emission analyzer assembly.

(3) Start cooling system, if it is to be used.

(4) Start engine and idle at 1,000–1,200 r.p.m. for 5 minutes.

(5) Obtain normal idle speed, record it, and start exhaust sampling.

(6) Run four 9-mode cycles.

(c) Upon completion of the test, purge the sample line with nitrogen to establish a constant hydrocarbon "hangup" level. The hydrocarbon concentration should drop to 5 percent of scale in 10 seconds, and 2 to 4 percent of scale in 2 to 3 minutes, or the test is invalid. Check calibration of exhaust emission instruments.

§ 85.108 Chart reading.

The recorder response for measuring exhaust gas concentrations always lags the engine's operation because of a variable exhaust system delay and a fixed sample system delay. Therefore, the concentrations for each mode will not be located on the charts at a point corresponding to the exact time of the mode. For each warmup or hot cycle to be evaluated, proceed as follows:

(a) Determine whether the cycle was run in accordance with the specified cycle timing by observing either chart pips, speed trace, manifold vacuum trace, or concentration traces. Deviation by more than 2 seconds from the specified time for the closed throttle mode (sequence 9) will invalidate the data.

(b) Time correlate the hydrocarbon, carbon monoxide, and carbon dioxide charts. Use all clues available to determine the location on the chart of concentrations corresponding to each mode. Use judgment in recognizing and compensating for trace abnormalities.

(c) For all open throttle (3", 10", 16", and 19" Hg) and idle modes, integrate the last 3 seconds of the HC, CO, and CO_2 traces.

(d) The values recorded for the initial idle mode are used for both warmup cycles 1 and 2. The final idle mode values are applied to hot cycles 3 and 4.

(e) Integrate the complete HC, CO, and CO_2 traces during the 43-second closed throttle mode of each cycle.

(f) Direct computer analysis of analyzer output may be utilized provided that the analysis is sufficiently similar to the above procedures to result in comparable data results.

§ 85.109 Calculations.

The final reported test results shall be derived through the following steps:

(a) Determine composite hydrocarbon and carbon monoxide concentrations for the first and second cycles. The results of these two cycles are then averaged.

(b) Determine composite hydrocarbon and carbon monoxide concentrations for the third and fourth cycles. These two cycles are then averaged.

(c) Combine the results of paragraphs (a) and (b) of this section according to the formula: 0.35(a) plus 0.65(b).

Since hydrocarbon, carbon monoxide, and carbon dioxide are all measured with essentially the same moisture content, no moisture correction is required to convert the results to a dry basis. The correction factor:

$$\frac{14.5}{\%CO_2+(0.5)\%CO+(1.8\times6)\%HC}$$

is applied to the measured concentrations of hydrocarbon and carbon monoxide to correct these observed values for dilution of the exhaust.

§ 85.110 Test engines.

(a) *Emission data engines.* Two engines of each engine displacement-emission control system combination will be run for emission data. When an engine displacement projected sales volume represents less than one-half of 1 percent of the last full calendar year's total U.S. sales of all engines subject to this section, then only one engine would be required for that displacement-emission control system combination. Each manufacturer, however, must accumulate data on a minimum of two engines to qualify for certification, unless a lesser number is agreed to by the Secretary as meeting the objectives of this procedure.

(b) *Durability data engines.* The durability data engines shall comprise a minimum of two and a maximum of six. The number shall be determined by selection of those engine displacement-emission control system combinations which represent at least 70 percent of the manufacturer's projected sales in the United States of each class of engine displacement-emission control system combination during the full calendar year for which certification is sought, selected in order of sales volume. *Provided, however,* That when such manufacturer's projected full calendar year sales in the United States represents less than 10 percent of all domestic sales of engines subject to this section, the number of durability data engines shall be determined by the number of engine displacement-emission control system combinations comprising at least 50 percent of domestic sales by the manufacturer projected for such calendar year, but in no event shall there be less than two engines unless a lesser number is agreed to by the Secretary as meeting the objectives of this procedure.

§ 85.111 Test conditions.

(a) Maintenance:

(1) A complete record of all pertinent maintenance performed on the test engines will be supplied with the application for certification.

(2) Maintenance on the durability engines will be performed only as a result of part failure or gross engine malfunction with the following exceptions:

(i) Two major engine tuneups may be performed (at approximately 500 and 1,000 hours of dynamometer operation): *Provided,* That three such tuneups may be performed for engines with a displacement of 200 cubic inches or less at intervals of approximately 375 hours of dynamometer operation. A major engine tuneup shall consist of the following: Replace spark plugs; inspect ignition wiring and distributor cap and replace as required; replace distributor breaker points and condenser; lubricate distributor cam; check distributor advance and breaker point dwell angle and adjust as required; check, and tighten, if necessary, intake manifold bolt torque; adjust tappets if required; check choke for free operation and adjust as required; adjust idle speed and fuel mixture; check for free operation of exhaust heat control valve and adjust as required; adjust belt tension.

(ii) Spark plugs may be changed if they are the cause of misfire that is detected during the 3-in. Hg mode of engine operation.

(iii) Normal services (engine oil change and oil, fuel, and air filter servicing) will be allowed at manufacturer's recommended intervals.

(iv) Crankcase emission control system may be serviced at 375-hour intervals or longer.

(v) Adjust choke or idle settings only if there is a problem of stalling, or at permitted major tuneups.

(b) Complete emission tests (see §§ 85.100–85.109) shall be run before and after any engine maintenance which can be expected to affect emissions.

§ 85.112 Durability testing and emission measurements.

The engine dynamometer service accumulation schedule will consist of several operating conditions which give the same percentage of time at various manifold vacuums and the modes as specified in the emission test cycle. The average speed shall be between 1,650 and 1,700 r.p.m. with some operation at 3,200 r.p.m. or governed speed, whichever is lower. Maximum cycle time shall be 15 minutes. A cycle approved by the Secretary shall be used.

(a) *Emission data engines.* Each engine will be operated a minimum of 125 hours on an engine dynamometer according to an approved cycle with all emission control systems installed and operating. The results of emission tests conducted at 125 hours shall be supplied with the application for certification to establish the low-use emission level of each engine.

(b) *Durability data engines.* Each engine will be operated 1,500 hours on an engine dynamometer with all emission control systems installed and operating. Emission measurements, as prescribed, shall be made at least every 125 hours.

§ 85.113 Compliance with emission standards.

(a) The emission standards in this part apply to the life-time emissions of equipped engines in public use. Prior to certification, life-time emissions can be obtained by projection of test data to life-time normal service. Normal service in an urban area for 100,000 miles is taken as the basis for "life-time emissions." Operation on an engine dynamometer in the prescribed manner for 3,000 hours is taken to be equivalent to such service.

(b) It is expected that emission control efficiency will change with accumulation of usage of the engine. It is assumed that emissions corresponding to 1,500 hours of dynamometer operation is the average emission of engines over their lifetime.

(c) The basic procedure for determining compliance with emission standards of systems or devices, installed on or incorporated in engines, is as follows:

(1) Emission deterioration factors will be determined from the emission results of the combined durability data engines for each basic emission control system.

(i) All applicable results will be plotted as a function of dynamometer hours and the best fit straight lines will be drawn through these data points.

(ii) Deterioration factors for each basic emission control system will be calculated as follows:

$$\text{factor}=\frac{\text{emissions interpolated to 1,500 hours}}{\text{emissions interpolated to 125 hours}}$$

(2) The emission test results from each emission data engine shall be multiplied by the corresponding deterioration factor.

(3) The emission values to compare with the standard will be the adjusted emissions of subparagraph (2) of this paragraph classified according to engine displacement and, within each engine displacement, weighted according to relative expected sales volume of engines as represented by the individual test vehicles.

Subpart J—Test Procedures for Engine Exhaust Emissions (Diesel Engines for Use in Heavy Duty Vehicles)

§ 85.120 Introduction.

(a) The following procedure will be used in the testing program under section 206 of the Act to determine the conformity of new motor vehicle engines with the standards for exhaust set forth in this part.

(b) The test consists of a prescribed sequence of engine operating conditions on an engine dynamometer with continuous examination of the exhaust gases. The test is applicable equally to controlled engines equipped with means or devices for preventing, controlling, or eliminating smoke emissions and to uncontrolled engines. The test applies to all diesel engines for use in heavy duty vehicles.

(c) The test is designed to determine the opacity of smoke in exhaust emissions during those engine operating conditions which tend to promote smoke from diesel-powered vehicles.

(d) The test procedure begins with a warm engine which is then run through preloading and preconditioning operations. After an idling period, the engine is operated through the acceleration and lugging modes during which smoke emission measurements to compare with the standards are made. The engine is then returned to the idle condition and the acceleration and lugging modes are repeated. Three acceleration and three lugging modes constitute the full set of

operating conditions for smoke emission measurement.

§ 85.121 Diesel fuel specifications.

(a) The diesel fuels employed shall be clean and bright, with pour and cloud points adequate for operability. The fuels may contain nonmetallic additives as follows: cetane improver, metal deactivator, antioxidant, dehazer, antirust, pour depressant, dye, and dispersant.

(b) Fuel meeting the following specifications, or substantially equivalent specifications approved by the Secretary, shall be used in exhaust emission testing. The grade of fuel recommended by the engine manufacturer, commercially designated as "Type 1–D" or "Type 2–D," shall be used.

Item	ASTM test method No.	Type 1–D	Type 2–D
Cetane	D 613	49–53	44–48
Distillation range	D 86		
IBP, °F		330–390	350–390
10 percent point, °F		370–430	410–460
50 percent point, °F		410–480	480–530
90 percent point, °F		460–520	570–610
EP, °F		500–560	610–660
Gravity, °API	D 287	41–43	33–35
Total sulfur, percent	D 129	0.05–0.20	0.3–0.5
Hydrocarbon composition	D 1319		
Aromatics, percent		8–15	30 (Min.)
Paraffins, Naphthenes, Olefins		Remainder	Remainder
Flash point, °F Min	D 93	130	130
Viscosity, centistokes	D 445	1.6–2.0	2.3–3.2

(c) Fuel meeting the following specifications, or substantially equivalent specifications approved by the Secretary shall be used in service accumulation. The grade of fuel recommended by the engine manufacturer, commercially designated as "Type 1–D" or "Type 2–D," shall be used.

Item	ASTM test method No.	Type 1–D	Type 2–D
Cetane	D 613	49–53	44–55
Distillation range	D 86		
IBP, °F		330–390	350–410
10 percent point, °F		370–430	410–470
50 percent point, °F		410–480	470–540
90 percent point, °F		460–520	550–610
EP, °F		500–560	580–660
Gravity, °API	D 287	41–43	33–40
Total sulfur, percent maximum	D 129	0.05–0.20	0.2–0.5
Flash point, °F (Min.)	D 93	130	120
Viscosity, centistokes	D 445	1.6–2.0	2.0–3.2

(d) The type fuel, including additive and other specifications, used under paragraphs (b) and (c) of this section shall be reported in test results submitted under § 85.51.

§ 85.122 Dynamometer operation cycle for smoke emission tests.

(a) The following sequence of operations shall be performed during engine dynamometer testing of smoke emissions, starting with the dynamometer preloading determined and the engine preconditioned. (§ 85.127(c).)

(1) *Idle mode.* The engine is caused to idle for 5 minutes at the manufacturer's recommended low idle speed. The controls shall be set to provide minimum load by turning the load switch to the "off" position or by adjusting the controls to the minimum load position.

(2) *Acceleration mode.* (i) The engine speed shall be increased to 200±50 r.p.m. above the manufacturer's recommended low idle speed in 2 to 3 seconds.

(ii) The engine shall be accelerated at full-throttle against the inertia of the engine and dynamometer such that the engine speed reaches 85 to 90 percent of rated speed in 5±1.5 seconds.

(iii) When the engine reaches the speed required in subdivision (ii) of this subparagraph, the throttle shall be moved rapidly to the closed position and the preselected dynamometer load shall be applied. The engine speed shall be reduced to the speed of maximum torque or 60 percent of rated speed (whichever is higher), each within ±50 r.p.m. Smoke emissions during this transitional mode are not used in determining smoke emissions to compare with the standard.

(iv) The throttle shall be moved immediately to the full-throttle position so that the engine accelerates to 95 to 100 percent of rated speed in 10±2 seconds.

(3) *Lugging mode.* (i) Proceeding from the acceleration mode, the dynamometer controls and throttle shall be adjusted to permit the engine to develop maximum rated horsepower. Smoke emissions during this transitional mode are not used in determining smoke emissions to compare to the standard.

(ii) Without changing the throttle position, the dynamometer controls shall be gradually adjusted to slow the engine to the speed of maximum torque or to 60 percent of rated speed, whichever is higher. This engine lugging operation shall be performed smoothly over a period of 35±5 seconds. The rate of slowing of the engine shall be linear, within ±100 r.p.m.

(4) *Engine unloading.* After completion of the lugging mode in subparagraph (3) (ii) of this paragraph, take appropriate steps to return the dynamometer and engine to the idle condition described in subparagraph (1) of this paragraph. When this is accomplished, prepare to repeat the cycle.

(b) Repeat the procedures described in paragraph (a) (1) through (4) of this section until the entire cycle has been run three times. This will complete the test and the equipment is shut down.

§ 85.123 Dynamometer and engine equipment.

The following equipment shall be used for smoke emission testing of engines on engine dynamometers.

(a) Engine dynamometer with adequate characteristics to perform the test cycle described in § 85.122.

(b) Engine cooling system having sufficient capacity to maintain the engine at normal operating temperatures during conduct of the prescribed engine tests.

(c) A noninsulated exhaust system extending 12±2 feet from the exhaust manifold of the engine and presenting an exhaust back pressure within ±0.2 inches Hg of the upper limit at maximum rated horsepower, as established by the engine manufacturer in his sales and service literature for vehicle application. A conventional automotive muffler of a size and type commonly used with the engine being tested shall be employed in the exhaust system during smoke emission testing. The terminal 2 feet of the exhaust pipe shall be of circular cross section and be free of elbows and bends. The end of the pipe shall be cut off squarely. The terminal 2 feet of the exhaust pipe shall have a diameter in accordance with the engine being tested, as specified below:

Maximum rated horsepower	*Exhaust pipe size*
Less than 101	2"
101–200	3"
201–300	4"
301 or more	5"

(d) An engine air inlet system presenting an air inlet restriction within ±1 inch of water of the upper limit for the engine operating condition which results in maximum air flow, as established by the engine manufacturer in his sales and service literature, for the engine being tested.

§ 85.124 Smoke measurement system.

(a) *Schematic drawing.* The following figure (fig. 6) is a schematic drawing of the optical system of the light extinction meter. Figure 7 shows the meter with a means for adapting the optical unit to the engine exhaust system.

FIGURE 6
TYPICAL SMOKEMETER OPTICAL SYSTEM
(Schematic)

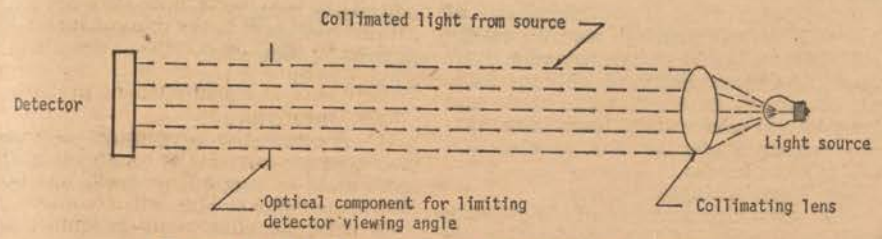
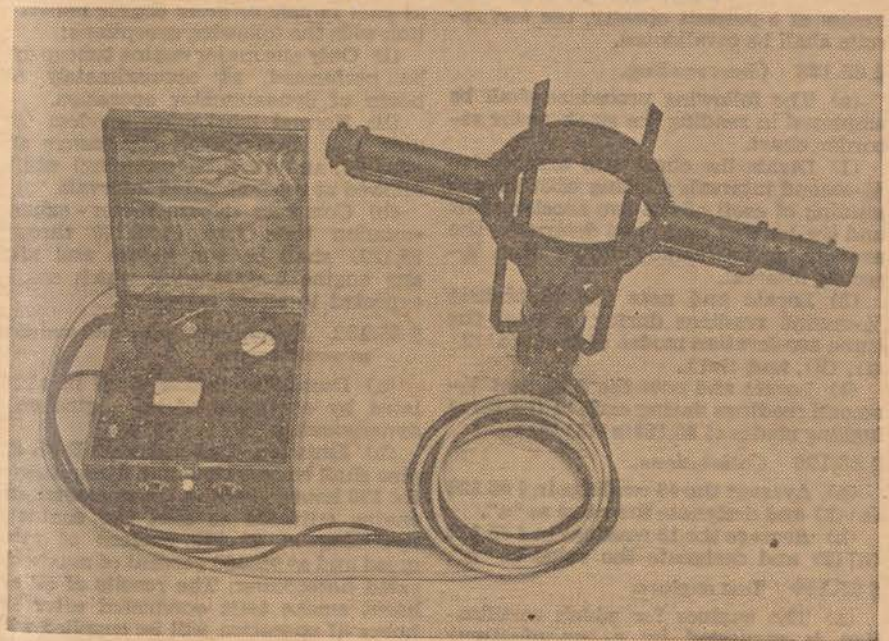


FIGURE 7—U.S. Public Health Service Smokemeter



(b) *Equipment.* The following equipment is used in the system:

(1) Adapter—the smokemeter optical unit may be mounted on the exhaust pipe, or on a fixed or movable frame. The normal unrestricted shape of the exhaust plume shall not be modified by either the adapter, the meter, or any ventilation system used to remove the exhaust from the test site.

(2) Smokemeter (light extinction meter)—continuous recording, full-flow light obscuration meter. It shall be positioned near the end of the exhaust pipe so that a built-in light beam traverses the exhaust smoke plume which issues from the pipe at right angles to the axis of the plume. The light source is an incandescent lamp operated at a constant voltage of not less than 15 percent of the manufacturer's specified voltage. The lamp output is collimated to a beam with a diameter which does not exceed 0.4 exhaust pipe diameters. The angle of divergence of the collimated beam shall be within 4° included angle. A light detector, directly opposed to the light source, measures the amount of light blocked by the smoke in the exhaust. The detector sensitivity is restricted to the visual range and comparable to that of the human eye. A collimating tube with apertures equal to the beam diameter is attached to the detector. It restricts the viewing angle of the detector to within 16° included angle. An amplified signal corresponding to the amount of light blocked is recorded continuously on a remote recorder. An air curtain across the light source and detector window assemblies may be used to minimize deposition of smoke particles on those surfaces provided that it does not measurably affect the opacity of the plume. The meter consists of two units, an optical unit and a remote control unit. Light extinction meters employing substantially identical measurement principles and producing substantially equivalent results but which employ other electronic and optical techniques for zeroing, spanning, and calibration than those described, are deemed to be acceptable substitutes.

(3) Recorder—a continuous recorder, with variable chart speed over a minimal range of 0.5 to 8.0 inches per minute (or equivalent) shall be used for continuously recording the transient conditions of exhaust gas opacity and engine r.p.m. The recorder scale for opacity shall be linear and calibrated to read from 0 to 100 percent opacity full scale. The opacity trace shall have a resolution within 1 percent opacity. The recorder scale for engine r.p.m. shall be linear and calibrated in units to facilitate chart reading. The r.p.m. trace shall have a resolution within 30 r.p.m. Any means other than a strip chart recorder may be used provided it produces a permanent visual record of the data which is of equal or better quality as that described above.

(4) The recorder used with the smokemeter shall be capable of full-scale deflection in 0.5 second or less. The smokemeter-recorder combination may be damped so that signals with a frequency higher than 10 cycles per second are attenuated. A separate low-pass electronic filter with the following performance characteristics may be installed between the smokemeter and the recorder to achieve the high-frequency attenuation.

(i) 3 decibel point—10 cycles per second.

(ii) Insertion loss—zero ±0.5 decibels.

(iii) Selectivity—12 decibels per octave above 10 cycles per second.

(iv) Attenuation—27 decibels down at 40 cycles per second minimum.

(c) *Assembling equipment.* (1) The optical unit of the smokemeter shall be mounted radially to the exhaust pipe so that the measurement will be made at right angles to the axis of the exhaust plume. The distance from the optical unit to the exhaust pipe outlet shall be 1.0 to 1.5 pipe diameters but never less than 4 inches. The full flow of the exhaust stream shall be contained within and be approximately centered about the light path of the unit in order for the test to be valid.

(2) Power shall be supplied to the control unit of the smokemeter in time to allow at least 15 minutes for stabilization prior to its use.

§ 85.125 Information to be recorded.

The following information shall be recorded with respect to each test:

(a) Test number.

(b) Date and time of day.

(c) Instrument operator.

(d) Engine operator.

(e) Engine identification numbers. Date of manufacture—Number of hours of operation accumulated on engine—Exhaust pipe diameter—Fuel injector type—Maximum fuel rate—Air aspiration system—Low idle r.p.m.—Maximum governed r.p.m.—Maximum rated horsepower and r.p.m.—Maximum torque and r.p.m.—Exhaust system back pressure—and air inlet restriction.

(f) Smokemeter. Number—Zero control setting—Calibration control setting—Gain.

(g) Recorder chart. Identify zero traces—Calibration traces—Idle traces—Acceleration test traces—Lugging test traces—Start and finish of each test.

(h) Ambient temperature in dynamometer testing room.

(i) Engine intake air temperature.

(j) Barometric pressure.

§ 85.126 Instrument checks.

(a) The smokemeter shall be checked according to the following procedure prior to each test:

(1) The optical surfaces of the optical section shall be checked to verify that they are clean and free of foreign material and fingerprints. They shall be cleaned if necessary; a fresh cotton swab and alcohol is useful for this purpose.

(2) The zero control shall be adjusted under conditions of "no smoke" to give a recorder trace of zero.

(3) Calibrated neutral density filters having approximately 20 percent and 40 percent opacity shall be employed to check the linearity of the instrument. The filter(s) is inserted in the light path perpendicular to the axis of the beam and adjacent to the opening from which the beam of light from the light source emanates, and the recorder response is noted. Deviations in excess of 1 percent opacity will necessitate corrective action.

(b) The instruments for measuring and recording engine rpm; air inlet restrictions; exhaust system back pressure etc., which are used in the tests prescribed herein shall be calibrated from time to time using techniques in accordance with good technical practice.

§ 85.127 Test run.

(a) The temperature of the air supplied to the engine shall be between 68° F. and 86° F. The observed barometric pressure shall be between 28.5 inches and 31 inches Hg. Higher air temperature or lower barometric pressure may be used, if desired, but no allowance will be made for possible increased smoke emissions because of such conditions.

(b) The governor and fuel system shall have been adjusted previously to limit engine performance at the levels specified by the engine manufacturer for maximum brake horsepower and maximum torque. These specifications shall be supplied with the data submitted under § 85.51.

(c) The following steps shall be taken for each test:

(1) Start cooling system.

(2) Starting with a warmed engine, determine by experimentation the dynamometer inertia and dynamometer load required to perform the accelerations in the dynamometer cycle for smoke emission tests (§ 85.122(a)(2)). In a manner appropriate for the dynamometer and controls being used, arrange to conduct the acceleration mode. Turn engine off or leave it on, as desired.

(3) Install smokemeter optical unit and connect it to the recorder. Connect the engine rpm sensing device to the recorder.

(4) Turn on purge air to the optical unit of the smokemeter, if such air is used.

(5) Check and record zero and span settings of the smokemeter recorder at a chart speed of approximately 1 inch per minute. (The optical unit may be retracted from its position about the exhaust stream, if desired.)

(6) Start the engine, if necessary, and precondition it by operating it for 10 minutes at maximum rated horsepower.

(7) Proceed with the sequence of smoke emission measurements on the engine dynamometer as described in § 85.122.

(8) During the test sequence of § 85.122, continuously record smoke measurements and engine rpm at a chart speed of approximately 1 inch per minute minimum during the idle mode and transitional modes and 8 inches per minute minimum during the acceleration and lugging modes.

(9) Turn off engine.

(10) Check zero and reset if necessary and check span of the smokemeter recorder. If either zero or span drift is in excess of 3 percent opacity, the test results shall be invalidated.

§ 85.128 Chart reading.

(a) The following procedure shall be employed in reading the smokemeter recorder chart.

(1) Divide the chart into consecutive ½-second intervals starting with the beginning of each of the two accelerations and the lugging mode and determine the average smoke reading during each ½-second interval.

(2) Locate and note the 15 highest ½-second readings during each of the three acceleration modes (§ 85.122(a)(2)(i), (ii), and (iv)).

(3) Locate and note the 5 highest ½-second readings during each of the three lugging modes (§ 85.122(a)(3)(ii)).

§ 85.129 Calculations.

(a) Average the 45 readings in § 85.128(a)(2) and designate the value as "a".

(b) Average the 15 readings in § 85.128(a)(3) and designate the value as "b".

§ 85.130 Test engines.

(a) The engines for which certification is requested by a manufacturer under section 206 of the Act shall be divided into engine families on the basis of engine design features. These features include: Combustion cycle (2 cycle and 4 cycle): cylinder configuration and dimensions; and method of air aspiration (natural, turbocharged, and supercharged).

(b) Emission data engines: Two engines of each family shall be run for smoke emission data as prescribed in § 85.132(b). Within each engine family, the engines that feature the highest fuel feed per stroke, primarily at the speed of maximum torque and secondarily at rated speed, will be selected.

(c) Durability data engines:

(1) One engine from each family shall be tested for lifetime smoke emission data as prescribed in § 85.132(c). Within each family, the engine which features the highest fuel feed per stroke, primarily at rated speed and secondarily at the speed of maximum torque, will be selected for durability testing.

(2) Whenever a manufacturer's total latest full calendar year sales in the United States of engines subject to this part represents less than 5 percent of all domestic sales of engines subject to this subpart, such manufacturer shall not be required to test more than four engines for durability data. These four engines will be selected from the several families of engines in order of expected sales volume and will represent as many families as possible and shall include at least one engine using each combustion cycle and one engine using each method of air aspiration included in the manufacturer's expected production.

§ 85.131 Test conditions.

(a) Maintenance:

(1) A complete record of all pertinent maintenance performed on the test engines shall be supplied with the application for certification.

(2) Maintenance on the durability engines may be performed only as a result of part failure or gross engine malfunction with the following exceptions:

(i) Only one major engine tuneup may be performed, at approximately 500 hours of dynamometer operation.

(ii) Normal lubrication services (engine and transmission oil change and oil, fuel, and air filter servicing) will be allowed at recommended intervals.

(b) Complete dynamometer - exhaust emission tests (see §§ 85.120 through 85.129) shall be run before and after any engine maintenance which can be expected to affect emissions.

§ 85.132 Durability testing and emission measurements.

(a) Durability testing shall be simulated by operation of an engine on a dynamometer.

(b) Emission data engines: Each engine shall be operated on a dynamometer for 125 hours with the dynamometer and engine adjusted so that the engine is operating at 95–100 percent of rated speed and at 95–100 percent of maximum rated horsepower. The results of all exhaust smoke tests conducted after 125 hours of operation will be supplied with the application for certification to establish the low-use emission level of each engine.

(c) Durability data engines: Each engine shall be operated on a dynamometer for 1,000 hours with the dynamometer and engine adjusted so that the engine is operating at 95–100 percent of rated speed and at 95–100 percent of maximum rated horsepower. Exhaust smoke measurements shall be made at least every 125 hours of operation. The results shall be supplied with the application for certification and shall be used to establish the deterioration factors (see § 85.133).

§ 85.133 Compliance with emission standards.

(a) The emission standards in the regulations in this part apply to the lifetime emission of equipped engines. Prior to certification, lifetime emissions can be obtained by projection of test data to lifetime normal service. Lifetime normal service or its equivalent is taken to be 2,000 hours of prescribed dynamometer operation.

(b) It is expected that the opacity of exhaust emissions will change with use of the engine. It is assumed that emissions corresponding to 1,000 hours of

prescribed dynamometer operation is the average emission of engines over their lifetime.

(c) The basic procedure for determining compliance with exhaust smoke emission standards in diesel-powered engines, is as follows:

(1) Emission deterioration factors for the acceleration mode (designated as "A") and the lugging mode (designated as "B") will be established separately for each durability data engine. They shall be determined from the emission results "a" and "b," respectively, of the durability data engines.

(i) All smoke test "a" and "b" results will be plotted separately as functions of hours of operation and the two best fit straight lines will be drawn through these data points.

(ii) The deterioration factors will be calculated as follows:

$$A = \frac{\%\text{ opacity "a," interpolated to 1,000 hours}}{\%\text{ opacity "a," interpolated to 125 hours}}$$

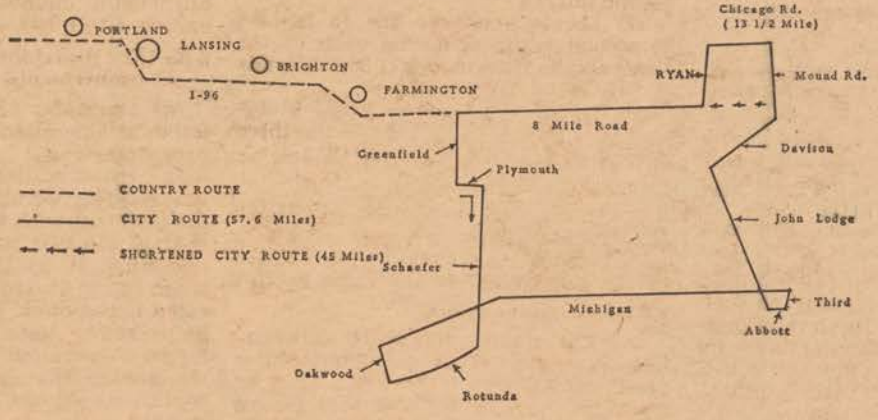
$$B = \frac{\%\text{ opacity "b," interpolated to 1,000 hours}}{\%\text{ opacity "b," interpolated to 125 hours}}$$

(2) The "percent opacity" values to compare with the standards will be the opacity values "a" and "b" of each emission data engine multiplied by the respective factors A and B of subparagraph (1) of this paragraph. Provided that in the event that there is no durability data engine for a family of emission data engines (as might occur in the durability data engine selection process) the deterioration factor for an engine having the same combustion cycle and the same method of air aspiration and most nearly the same fuel feed per stroke shall be used in calculating emissions for such family of emission data engines.

APPENDIX A

AMA TEST ROUTE—DETROIT, MICHIGAN, AND VICINITY

(Average Speed 32 m.p.h.)



NOTE:

1. Observe all speed limits.
2. Drive at the speed limit whenever possible.

APPENDIX B

MODIFIED AMA CITY DRIVING SCHEDULE

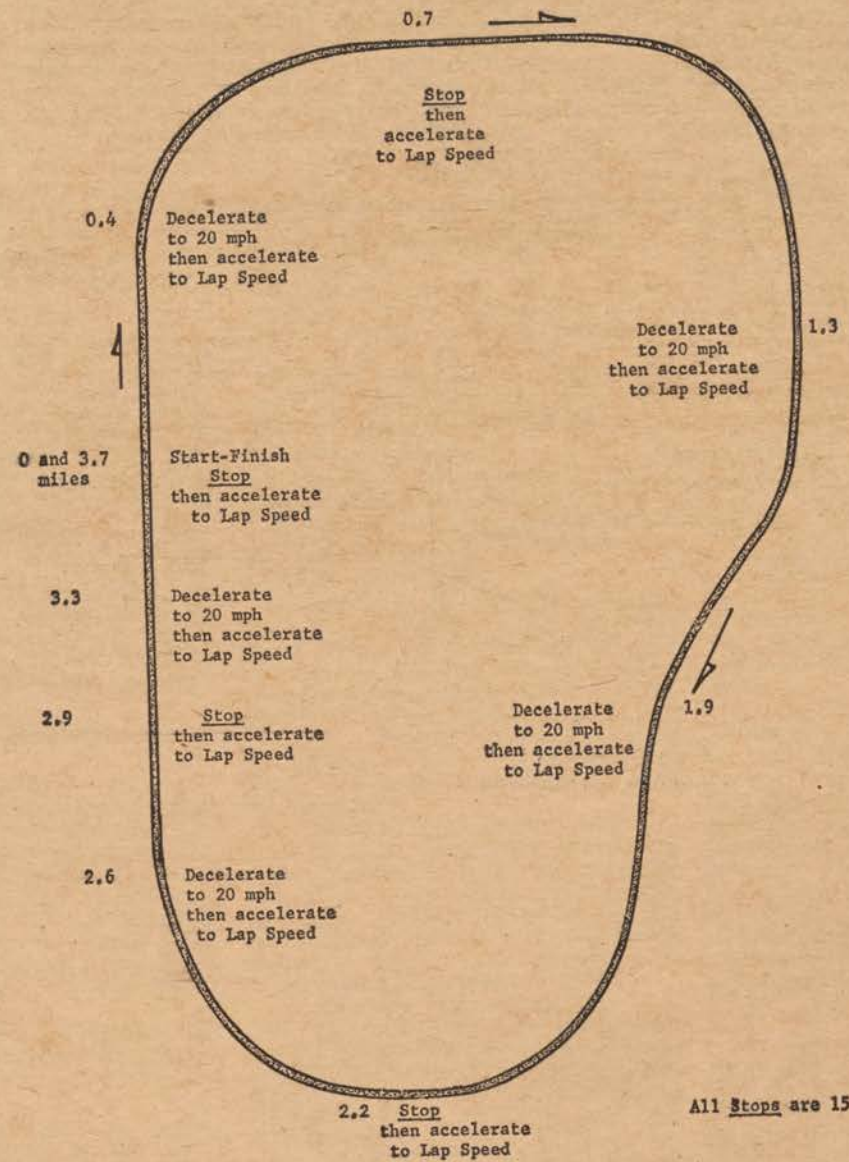
The schedule consists basically of 11 laps of 3.7 mile course. The basic vehicle speed for each lap is listed below:

Lap	*Speed-m.p.h.*
1	40
2	30
3	40
4	40
5	35
6	30
7	35
8	45
9	35
10	55
11	70

During each of the first nine laps there are 4 stops with 15 second idle. Normal accelerations and decelerations are used. In addition, there are 5 light decelerations each lap from the base speed to 20 m.p.h. followed by light accelerations to the base speed.

The 10th lap is run at a constant speed of 55 m.p.h.

The 11th lap is begun with a wide open throttle acceleration from stop to 70 m.p.h. A normal deceleration to idle followed by a second wide open throttle acceleration occurs at the mid-point of the lap.



All Stops are 15 sec.

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