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# FEDERAL REGISTER

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## Title 3—THE PRESIDENT

### Executive Order 11452

#### ESTABLISHING THE COUNCIL FOR URBAN AFFAIRS

By virtue of the authority vested in me by the Constitution and statutes of the United States, and as President of the United States, it is ordered as follows:

SECTION 1. *Establishment of the Council.* (a) There is hereby established the Council for Urban Affairs (hereinafter referred to as "the Council").

(b) The President of the United States shall preside over meetings of the Council. The Vice President shall preside in the absence of the President.

(c) The Council shall be composed of the following:

The Vice President of the United States

The Attorney General

Secretary of Agriculture

Secretary of Commerce

Secretary of Labor

Secretary of Health, Education, and Welfare

Secretary of Housing and Urban Development

Secretary of Transportation

and such other heads of departments and agencies as the President may from time to time direct.

SEC. 2. *Functions of the Council.* The Council shall advise and assist the President with respect to urban affairs and shall perform such other duties as the President may from time to time prescribe. In addition to such duties, the Council is directed to:

(1) Assist the President in the development of a national urban policy, having regard both to immediate and to long-range concerns, and to priorities among them.

(2) Promote the coordination of Federal programs in urban areas.

(3) Encourage the fullest cooperation between Federal, State, and city governments, with special concern for the maintenance of local initiative and local decision making.

(4) Ensure that policies concerning urban affairs shall extend to the relations of urban, suburban, and rural areas, to programs affecting them, and to the movement of population between them.

(5) Seek constant improvement in the actual delivery of public services to citizens.

(6) Foster the decentralization of government with the object that program responsibilities will be vested to the greatest possible extent in state and local government.



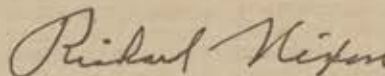
(7) Encourage the most effective role possible for voluntary organizations in dealing with urban concerns.

(8) Meet with and advise the President on the occasion of emergency situations, or conditions threatening the maintenance of civil order or civil rights.

SEC. 3. *Administrative Arrangements.* (a) A person designated by the President shall serve as Executive Secretary of the Council. The Executive Secretary shall perform such duties as the President may from time to time direct.

(b) In compliance with provisions of applicable law, and as necessary to effectuate the purposes of this order, (1) the White House Office shall provide or arrange for supporting clerical administrative and other staff services for the Council, and (2) each Federal department and agency which is represented on the Council shall furnish the Council such information and other assistance as may be available.

SEC. 4. *Construction.* Nothing in this order shall be construed as subjecting any department, establishment, or other instrumentality of the executive branch of the Federal Government or the head thereof, or any function vested by law in or assigned pursuant to law to any such agency or head, to the authority of any other such agency or head or as abrogating, modifying, or restricting any such function in any manner.



THE WHITE HOUSE,  
January 23, 1969.

[F.R. Doc. 69-1098; Filed, Jan. 23, 1969; 2:03 p.m.]



# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

#### SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

#### PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF AND UNITED STATES CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

##### Changes in Fees and Charges; Correction

Due to a typographical error in F.R. Doc. 68-15548 appearing at page 20005 in the FEDERAL REGISTER issue for Tuesday, December 31, 1968 (volume 33, number 253), "§ 70.133 [Amended]," immediately preceding item 6 is corrected to read: "§ 70.138 [Amended]," and the first line of item 6 which now reads in part, "Paragraph (a) (1) of § 70.133," is corrected to read: "Paragraph (a) (1) of § 70.138."

Done at Washington, D.C., on January 22, 1969.

G. R. GRANGE,  
Deputy Administrator,  
Marketing Services.

[F.R. Doc. 69-1070; Filed, Jan. 24, 1969;  
8:50 a.m.]

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

#### SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 1]

#### PART 722—COTTON

##### Subpart—1968 and 1969 Upland Cotton Program Regulations

##### MISCELLANEOUS AMENDMENTS

The regulations governing the Upland Cotton Program for the 1968 and 1969 crops of cotton, 33 F.R. 6701, are hereby amended as follows:

1. Section 722.801 is amended by changing paragraph (a) to read as follows:

##### § 722.801 Applicability.

(a) The regulations in this subpart provide terms and conditions for the upland cotton program for the 1968 and 1969 crops of upland cotton under which price support payments and small farm payments are made to producers on farms on which the operators elect to participate in the program. The regula-

tions also provide the terms and conditions under which diversion payments are made to producers who divert acreage from the production of cotton in 1968. Payments under the program are made through the issuance of Commodity Credit Corporation (CCC) sight drafts redeemable in cash.

2. Section 722.804(c) (2) is amended by adding at the end thereof the following new sentence:

##### § 722.804 Requirements for eligibility.

(c) *Producer eligibility requirements.*

(2) \* \* \* For purposes of the foregoing sentence, any person who places land in a trust the beneficiary of which is such person's parent, brother, sister, spouse, child, or grandchild shall be considered a producer on the trust land if he acts as the trustee or trust officer for the trust or in any other way retains management responsibility for the trust land even though he does not receive any share of the crops or proceeds thereof from the trust land.

3. Section 722.810 is amended to read as follows:

##### § 722.810 Notice of allotments, conserving base, yield, and payment rates.

Each operator of a farm which has a cotton acreage allotment shall be notified in writing of such allotment, the farm domestic allotment, the conserving base, the projected yield, the price support payment rate, the diversion payment rate or rates, if any, and the small farm payment rate.

4. A new § 722.825 is added to read as follows:

##### § 722.825 Changes effective for 1969.

Notwithstanding any other provisions of this subpart, the following provisions shall be applicable for 1969:

(a) *No diversion requirement.* Producers shall not be required to divert acreage from the production of cotton, no diversion payments are authorized to be made, and the provisions of this subpart relating to diverted acreage shall be inapplicable to the 1969 crop of upland cotton.

(b) *Price support payment rate.* The price support payment rate per acre shall be determined by multiplying the projected yield by 14.73 cents.

(c) *Small farm payment.* Producers on small farms who do not exceed their farm acreage allotments shall be eligible, subject to the provisions of this section and § 722.804, for a small farm payment determined by multiplying an acreage equal to 35 per centum of the farm acreage allotment by the small farm payment rate.

(1) *Small farm payment rate.* The small farm payment rate per acre shall be determined by multiplying the projected yield by 11.26 cents.

(2) *Division of small farm payment.* The small farm payment shall be divided among producers on the farm in accordance with the regulations in Part 794 of this chapter, as amended.

(3) *Production requirement.* Producers shall not be required to produce cotton in order to be eligible for the small farm payment.

(4) *New farms.* Producers on a farm having a new farm cotton allotment shall not be eligible for a small farm payment.

(d) *Advance payment.* The amount of the advance payment, if any, will be announced by an amendment to this subpart.

(Sec. 103(d), 79 Stat. 1194, 7 U.S.C. 1444(d); sec. 346(e), 79 Stat. 1192, 7 U.S.C. 1346(e))

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

Signed at Washington, D.C., on January 21, 1969.

H. D. GODFREY,  
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-1026; Filed, Jan. 24, 1969;  
8:46 a.m.]

[Amdt. 1]

#### PART 724—BURLEY, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55), AND MARYLAND TOBACCO

##### Subpart—Tobacco Allotments and Marketing Quota Regulations, 1968-69 and Subsequent Marketing Years

##### MISCELLANEOUS AMENDMENTS

On pages 18378 and 18379 of the FEDERAL REGISTER of December 11, 1968, there was published a notice of proposed rule-making to issue amendments to regulations for establishing farm acreage allotments and marketing quotas, the issuance of marketing cards, the identification of marketings of tobacco, the collection and refund of penalties, and the records and reports incident thereto for burley, fire-cured, dark air-cured, Virginia sun-cured, cigar-binder (types 51 and 52), cigar-filler and binder (types 42, 43, 44, 53, 54, and 55), and Maryland tobacco. Interested persons were given 10 days after publication of such notice in which to submit written data, views, and recommendations with respect to the proposed amendments. No comments were received pursuant to such notice.



The proposed regulations are adopted with the following changes:

1. Effective date provision is added.
2. Authority clause is added.
3. Clarifying changes have been made in the definition of floor sweepings in § 724.51(j).
4. Clarifying changes have been made in the computation of penalties due from warehousemen for excessive leaf account resales in § 724.91(c).

Effective date: Thirty days after publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on January 21, 1969.

H. D. GODFREY,  
Administrator, Agricultural Stabilization and Conservation Service.

1. The title of Part 724 is amended, effective beginning with the regulations published on October 19, 1968, on pages 15521 through 15542, under such Part 724 as F.R. Doc. 68-12772, to read as set forth above.

2. Section 724.51(j) is amended to read as follows:

§ 724.51 Definitions.

(j) *Floor sweepings.* The actual quantity of scraps of tobacco or leaves other than bundles of tobacco, which accumulate on the warehouse floor in the regular course of business which are sold in the untied form in which acquired and sales and resales of such tobacco: *Provided*, That floor sweepings exceeding the pounds determined by multiplying the total first sales of tobacco at auction for the season for the warehouse by the percentage below shall be deemed to be leaf account tobacco:

Kind of tobacco	Percentage
Burley and Maryland.	0.24 (24 hundredths of 1 percent).
Fire-cured, air-cured, and Virginia sun-cured.	0.02 (two hundredths of 1 percent).

Floor sweeping tobacco shall be kept separate from any other tobacco when sold.

3. Section 724.63(b) (2) is amended to read as follows:

§ 724.63 Determination of acreage allotments for new farms.

(b) \* \* \*

(2) The farm covered by the application shall be the only farm in the United States owned or operated by the farm operator for which a burley, fire-cured, fire-cured, dark air-cured, Virginia sun-cured, Maryland, cigar-filler (type 41), cigar-binder (types 51 and 52), or cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco acreage allotment is established for the current crop year.

4. Section 724.67 is amended to read as follows:

§ 724.67 Application for review.

(a) *Appeal of allotment and marketing quota.* Any producer who is dissatisfied with the farm acreage allotment and

marketing quota established for his farm may, within 15 days after mailing of the official notice of the farm acreage allotment and marketing quota, file application in writing with the ASCS county office to have such allotment and marketing quota reviewed by a review committee.

(b) *Farms having excess tobacco acreage, appeal of determination of planted and excess acreage.* Any producer, after official notification of excess tobacco acreage is mailed to him may, within 15 days after mailing of such notice, file application in writing with the county ASCS office to have such determination of excess acreage and planted acreage (including the farm allotment if not previously reviewed by a review committee) reviewed by a review committee.

(c) *Procedure.* The procedure governing reviews by review committee is contained in Part 711 of this chapter, which is available at the county ASCS office.

5. Section 724.68(a) is amended to read as follows:

§ 724.68 Lease and transfer of tobacco acreage allotments.

(a) For 1968 through 1970 crops of cigar-binder (types 51 and 52) or Maryland tobacco subject to the limitations provided in this section, the owner and operator (acting together if different persons) of any farm for which an old farm tobacco acreage allotment for cigar-binder (types 51 and 52) or Maryland tobacco is established for the current year may lease and transfer all or any part of such allotment to any other owner or operator of a farm in the same county with a current year's allotment (old or new farm) for the same kind of tobacco for use on such farm. Also, the allotment established for a farm as pooled allotment under Part 719 of this chapter may be leased and transferred during the 3-year life of the pooled allotment. The lease and transfer of allotment acreage shall be recognized and considered valid by the county committee subject to the conditions set forth in this section.

6. Paragraphs (h) and (i) of § 724.70 are amended to read as follows:

§ 724.70 Transfer of fire-cured, dark air-cured, and Virginia sun-cured tobacco allotments by lease, sale, or by owner to another of his farms, under section 313 of the act.

(h) *No transfer of new farm allotment.* No transfer of allotment shall be made from a farm if for the current year or within the 3 immediately preceding crop years such farm received a new farm tobacco allotment.

(i) *Additional conditions applicable to transfers—(1) No permanent transfer by sale or by owner from farm to which a permanent transfer by sale or by owner was made within 3 years.* No permanent transfer by sale or by owner shall be made from any farm to which an allot-

ment was permanently transferred by sale or by owner within the 3 immediately preceding crop years.

(2) *Limited years for temporary transfer to operator's farm.* A transfer requested on a temporary basis to a farm controlled but not owned by the applicant shall be approved only if the applicant will be the operator of the farm to which the transfer is to be made for each year of the period for which the transfer is requested. When the applicant for whom such transfer has been approved no longer is the operator of the receiving farm due to conditions beyond his control, the transfer shall remain in effect unless the transfer is terminated under paragraph (v) of this section. Conditions beyond the operator's control shall include, but not be limited to death, illness, incompetency, or bankruptcy of such person.

7. Section 724.91(c) is amended to read as follows:

§ 724.91 Penalties considered to be due from warehousemen, hogshhead warehousemen, dealers, buyers and other excluding the producer.

(c) *Leaf account tobacco.* The part or all of any marketing of tobacco by a warehouseman which such warehouseman represents to be a leaf account resale, but which when added to prior leaf account resales is in excess of prior leaf account purchases, recognizing and including appropriate adjustments for returned baskets, short baskets and short weights and long baskets and long weights from the Buyers' Corrections Account, floor sweeping tobacco deemed to be leaf account tobacco under § 724.51(j), and carryover leaf account tobacco under paragraph (j) of this section shall be considered to be a marketing of excess tobacco, unless and until such warehouseman furnishes proof acceptable to the State committee showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the warehouseman.

(301, 313, 314, 316, 318, 363, 372-375, 377, 378, 52 Stat. 38, as amended, 47, as amended, 48, as amended, 75 Stat. 469, as amended, 80 Stat. 120, as amended, 52 Stat. 63, as amended, 65, as amended, 66, as amended, 70 Stat. 206, as amended, 72 Stat. 995, as amended; 7 U.S.C. 1301, 1313, 1314, 1314b, 1314d, 1363, 1372-1375, 1377, 1378)

[F.R. Doc. 69-1069; Filed, Jan. 24, 1969; 8:50 a.m.]

SUBCHAPTER D—PROVISIONS COMMON TO MORE THAN ONE PROGRAM

[Amdt. 1]

PART 794—DIVISION OF PAYMENTS AND CERTIFICATES

Miscellaneous Amendments

The regulations governing the Division of Payments and Certificates, 32 F.R. 19155, are hereby amended as follows:



§ 794.1 [Amended]

1. Section 794.1 is amended by inserting in the first sentence immediately after the words "the 1968 and 1969 wheat certificate program" the following: "and 1969 wheat diversion program".

2. Paragraph (c) of § 794.2 is amended, paragraph (d) is redesignated as paragraph (e), and a new paragraph (d) is added to read as follows:

§ 794.2 Division of diversion payments, price support payments, and wheat marketing certificates.

(c) *Division of price support payment or wheat marketing certificate.* Each producer's share of the farm price support payment or wheat marketing certificate for a crop shall be based on: (1) his share of the crop on the farm, or the proceeds thereof, or (2) if no crop is produced, the share which he would have received had the crop been produced. Notwithstanding the foregoing sentence, the State committee may approve a different division which is fair and equitable where it is determined that the distribution of crop plantings is abnormal in relation to the past history of the farming operation or is contrary to customary practice, and a different division may be made if required by the provisions pertaining to successors-in-interest in the applicable program regulations.

(d) *Division of small farm cotton payment.* The small farm payment earned in accordance with the regulations governing the upland cotton program shall be divided: (1) on the basis of the producers' respective shares in the crop on the farm, or the proceeds thereof, or (2) if no cotton is produced, on the same basis that the producers would have shared in the crop had the crop been produced.

(Sec. 339(g), 76 Stat. 624; sec. 379j, 76 Stat. 630; sec. 103(d), 79 Stat. 1194; 7 U.S.C. 1339, 1379j, 1444(d))

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on January 21, 1969.

H. D. GODFREY,  
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-1027; Filed, Jan. 24, 1969; 8:46 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER I—DETERMINATION OF PRICES [Amdt. 1]

PART 874—SUGARCANE: LOUISIANA

Fair and Reasonable Prices for 1968 Crop

Pursuant to the provisions of the Sugar Act of 1948, as amended, and the authority contained in 7 CFR 874 (33 F.R.

14876), §§ 874.22 and 874.26 of Chapter VIII, Title 7 of the Code of Federal Regulations, published October 4, 1968, are amended as follows:

§ 874.22 Definitions.

For the purposes of this part the term:

(m) "Factory normal juice sucrose" means the percentage of sucrose in undiluted juice extracted by a mill tandem, or by a mill tandem and a diffuser, as determined by multiplying factory dilute juice purity by factory normal juice Brix.

(n) "Factory normal juice Brix" means the percentage of soluble solids in the undiluted juice extracted from sugarcane by a mill tandem, or by a mill tandem and a diffuser, as determined by multiplying factory crusher juice Brix by a dry milling factor representing the ratio of factory normal juice Brix to factory crusher juice Brix.

§ 874.26 Molasses payment.

(c) \* \* \* The average price of blackstrap molasses shall be the weekly average price or the season's average price as elected by the processor in writing not later than October 14, 1968, and the pricing basis elected shall be used in making molasses payments for 1968 crop sugarcane.

(Sec. 403, 61 Stat. 932; 7 U.S.C. Supp. 1153; sec. 301, 61 Stat. 929; 7 U.S.C. 1131, as amended)

*Statement of bases and considerations.* Louisiana raw sugar mills customarily extract juice from sugarcane by means of a mill tandem. For the 1968 crop grinding season, however, one Louisiana raw sugar mill has installed a diffuser to be used in conjunction with the mill tandem. The addition of a diffuser is expected to result in greater efficiency in the extraction of sucrose from sugarcane, and for this reason the Department expects the practice to be adopted by others. Therefore, the definitions of "factory normal juice sucrose" and "factory normal juice Brix" are amended to take into account this additional step in the extraction process.

Louisiana processors are provided the option of choosing either the weekly average price or the season's average price for purposes of payments to growers for molasses produced from sugarcane. Processors must elect the method (to be used throughout the season), in writing, at the beginning of the grinding season. Through error, the closing date for notifying the State Office of such election was published as October 4, 1968, when, in fact, the date should have been October 14, 1968. This amendment serves also to correct that error.

Accordingly, I hereby find and conclude that the foregoing amendment will effectuate the price provisions of the Sugar Act of 1948, as amended.

*Effective date.* This amendment shall become effective when published in the FEDERAL REGISTER, and is applicable to the 1968 crop of Louisiana sugarcane.

Signed at Washington, D.C., on January 17, 1969.

ORVILLE L. FREEMAN,  
Secretary.

[F.R. Doc. 69-1028; Filed, Jan. 24, 1969; 8:46 a.m.]

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

[Navel Orange Reg. 165, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

*Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 33 F.R. 15471), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

*Order, as amended.* The provisions in paragraph (b) (1) (i), (ii), and (iii) of § 907.465 (Navel Orange Regulation 165, 34 F.R. 609) are hereby amended to read as follows:

§ 907.465 Navel Orange Regulation 165.

- (b) *Order.* (1) \* \* \*
- (i) District 1: 1,013,000 cartons;
  - (ii) District 2: 175,000 cartons;
  - (iii) District 3: 62,000 cartons.

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

Dated: January 22, 1969.

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

[F.R. Doc. 69-1071; Filed, Jan. 24, 1969; 8:50 a.m.]



[Lemon Reg. 358]

**PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA****Limitation of Handling****§ 910.658 Lemon Regulation 358.**

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 21, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period January 26, 1969, through February 1, 1969, are hereby fixed as follows:

- (i) District 1: 21,390 cartons;
- (ii) District 2: 73,470 cartons;

(iii) District 3: 109,740 cartons.

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

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

Dated: January 23, 1969.

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

[P.R. Doc. 69-1095; Filed, Jan. 24, 1969; 8:50 a.m.]

[947.327, Amdt. 1]

**PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES, CALIF., AND IN ALL COUNTIES IN OREGON, EXCEPT MALHEUR COUNTY****Limitation of Shipments**

*Findings.* (a) Pursuant to Marketing Agreement No. 114 and Order No. 947, both as amended (7 CFR Part 947), regulating the handling of Irish potatoes grown in the production area defined therein, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of recommendations and information submitted by the Oregon-California Potato Committee, established pursuant to the said marketing agreement and order, it is hereby found that the amendment to the limitation of shipments hereinafter set forth, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) compliance with this amendment will not require any special preparation on the part of handlers, (3) information regarding the committee's recommendation has been made available to producers and handlers in the production area, (4) this amendment relieves restrictions in Area No. 3, and (5) the committee's recommendation of this regulation did not become available to the Department until January 17, 1969.

*Order, as amended.* Paragraph (a) of § 947.327 (33 F.R. 15295) is amended to read as follows:

**§ 947.327 Limitation of shipments.**

- (a) *Minimum quality requirements—*
- (1) *Grade.* All varieties—U.S. No. 2, or better grade.
- (2) *Size.* All varieties—6 ounces minimum weight, except that potatoes which

are 2 inches minimum diameter or 4 ounces minimum weight may be handled if they are U.S. No. 1, or better grade: *Provided,* That potatoes grown in District No. 3 may be handled, from the effective date of this amendment through May 31, 1969, if they are U.S. No. 2, or better grade; and they are at least 2 inches minimum diameter or 4 ounces minimum weight.

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

Dated January 21, 1969, to become effective upon signature.

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

[P.R. Doc. 69-1032; Filed, Jan. 24, 1969; 8:46 a.m.]

**Chapter XIV—Commodity Credit Corporation, Department of Agriculture****SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS**

[CCC Grain Price Support Regs., Rev. 1, Amdt. 11]

**PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES****Subpart—General Regulations Governing Price Support for the 1964 and Subsequent Crops****MISCELLANEOUS AMENDMENTS**

The regulations issued by the Commodity Credit Corporation published in 31 F.R. 5941, 32 F.R. 7843, 9301, 10910, and 13376, and 33 F.R. 222, 299, 2564, 5659, 6097, 8220, 12821, and 16142 containing the General Regulations Governing Price Support for the 1964 and Subsequent Crops of Grains and Similarly Handled Commodities are hereby amended.

Paragraph (c) of § 1421.55 is amended to provide that a producer who does not have a loan must request a warehouse storage loan by the loan availability date with disbursement on or before the loan maturity date. Also the paragraph provides that a producer who wishes to convert a farm storage loan to a warehouse storage loan must deliver warehouse receipt to the county office before the loan maturity date and disbursement of the loan must be completed before the loan maturity date. The amended paragraph (c) reads as follows:

**§ 1421.55 Program availability, disbursement and maturity of loans.**

(c) *Availability and maturity dates.* Availability and maturity dates applicable to loans and purchases will be specified in the annual commodity supplements to the regulations in this subpart. If the time for repayment of the loan indebtedness of warehouse-storage loans for any crop of a commodity is extended, a producer who does not have a loan and wishes to participate in the extended



warehouse loan program must request a warehouse-storage loan on or before the final loan availability date specified in the applicable commodity supplement and disbursement of the warehouse-storage loan shall be completed not later than the original maturity date. A producer who wishes to convert a farm-storage loan or part thereof into a warehouse-storage loan, in order to participate in the extended warehouse loan program, must request approval of the county committee for such conversion, obtain its consent to deliver the commodity subject to the farm stored loan or other eligible commodity to an approved warehouse and deliver acceptable warehouse receipts to the county office on or before the original maturity date specified in the applicable commodity supplement; disbursement of the warehouse storage loan shall be completed not later than the original maturity date (with settlement as provided in paragraph (d) of § 1421.67). Notwithstanding any of the provisions of this § 1421.55, the county committee may authorize a later period of availability or date of disbursement or both for extended warehouse loan program purposes on an individual producer basis where failure to comply with these dates was due to reasons beyond the producer's control. Whenever the final date of availability or the maturity date falls on a nonworkday for ASCS county offices, the applicable final date shall be extended to include the next workday. CCC may, by public announcement prior to the applicable loan maturity date, extend the time for repayment of the loan indebtedness with respect to warehouse-storage loans secured by the pledge of one or more of the following commodities of the 1967 or subsequent crops: Barley, corn, grain sorghum, oats, soybeans and wheat; if any such loan maturity date is extended, CCC will pay the storing warehouse, at the rates specified in the applicable CCC storage agreement, any charges which have accrued and are unpaid through the original loan maturity date with respect to the commodity pledged to secure the extended loan indebtedness and the amount so paid shall be for the account of the producer and shall become a part of the loan indebtedness except that the producer will not be required to pay interest to CCC thereon; storage charges which accrue after the original loan maturity date with respect to the above named commodities securing repayment of extended warehouse storage loans shall be for the account of CCC. CCC may at any time accelerate the time for repayment of a price support loan indebtedness; in the event of any such acceleration, CCC will give a producer affected thereby notice of such acceleration at least 10 days in advance of the accelerated loan maturity date.

Section 1421.59 is amended in order to permit persons or firms holding valid prior liens on grains tendered by producers to ASCS county offices for CCC

loans or purchases to subordinate their security interests to the rights of CCC in such commodity in lieu of executing lien waivers. The amended § 1421.59 reads as follows:

**§ 1421.59 Liens.**

If there are any liens or encumbrances on the commodity, waivers that will fully protect the interest of CCC must be obtained even though the liens or encumbrances are satisfied from the loan or purchase proceeds. Notwithstanding the foregoing provisions, in lieu of waiving his prior lien on a commodity tendered as security for a loan, a lienholder may execute a Lienholder's Subordination Agreement (Form CCC-684) with CCC in which he subordinates his security interest to the rights of CCC in the commodity subject to the loan or such other quantity of the commodity as is delivered in satisfaction of a loan under applicable program provisions. No additional liens or encumbrances shall be placed on the commodity after the loan is approved.

Paragraph (b) of § 1421.71 is amended to add a provision stating that an eligible producer who desires to sell a quantity of a commodity of the 1968 or subsequent crop to CCC must sign a purchase agreement form indicating the approximate quantity that he will sell to CCC. The amended paragraph reads as follows:

**§ 1421.71 Purchases from producers.**

(b) *For 1966 and subsequent crops—*  
(1) *Quantity eligible for purchase.* \* \* \* An eligible producer may sell to CCC any or all of his eligible commodity of the 1968 or subsequent crops which is not mortgaged to CCC under a farm storage loan or pledged to CCC under a warehouse storage loan: *Provided*, That he executes and delivers to the county office prior to the program maturity date a Purchase Agreement (Form CCC-614) indicating the approximate quantity of the commodity he will sell to CCC.

Paragraph (f) (2) of § 1421.72 is amended to provide a higher track-loading payment of  $4\frac{1}{4}$  cents per bushel or  $7\frac{1}{2}$  cents per hundredweight. The amended paragraph (f) (2) reads as follows:

**§ 1421.72 Settlement.**

(f) \* \* \*  
(2) *Payments.* A trackloading payment of  $4\frac{1}{4}$  cents per bushel (or  $7\frac{1}{2}$  cents per hundredweight in the case of dry edible beans and grain sorghum) shall be made to the producer on an eligible commodity delivered to CCC on track at a country point.

(Secs. 4, 5, 62 Stat. 1070, as amended; secs. 101, 401, 403, 405, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1421, 1423, and 1425)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on January 21, 1969.

H. D. GODFREY,  
Executive Vice President,  
Commodity Credit Corporation.

[F.R. Doc. 69-1031; Filed, Jan. 24, 1969; 8:46 a.m.]

[CCC Grain Price Support Resale Loan Regs., 1965 and Subsequent Storage Periods, Amdt. 2]

**PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES**

**Subpart—Farm Storage Resale Loan Program**

**FINAL DATE FOR FILING REQUESTS**

The regulations issued by Commodity Credit Corporation published at 33 F.R. 5201 and 9464 are hereby amended as follows:

Paragraphs (c) and (d) of § 1421.3483 are amended to provide that a request for a new loan for resale must be filed 1 month prior to the maturity date and that the loan must be disbursed by the maturity date. The revised paragraphs read as follows:

**§ 1421.3483 Eligibility requirements.**

(c) *New loans.* A producer who has a farm-stored commodity eligible for price support must obtain a loan on the maximum quantity in the bin eligible for a loan, in order for it to be eligible for resale. Such loan must be requested on or before the last day of availability of loans provided in the regulations published as the annual crop year supplement for the commodity for which the loan is being requested unless a later date is authorized by the county committee in an individual case for reasons beyond the control of the producer.

(d) *Disbursement of loans.* Disbursement of a new loan referred to in paragraph (c) of this section will be made to a producer by ASCS county offices by means of a draft drawn on CCC or by credit to the producer's account. The new loan for resale purposes must be disbursed by the original maturity date for the commodity unless a later date is authorized by the county committee in an individual case for reasons beyond the control of the producer. The producer shall not present the loan documents for disbursement unless the commodity covered by the mortgage is in existence. If the commodity was not in existence at the time of disbursement, the total amount disbursed under the loan shall be refunded promptly by the producer.

In § 1421.3484, paragraph (d) is amended to provide that except under emergency conditions a producer who wishes to convert a farm storage resale loan to an extended warehouse storage loan must do so by the anniversary date of the original loan maturity date for the commodity. The amended paragraph reads as follows:



**§ 1421.3484 Redemption and delivery of commodity and conversions to extended warehouse storage loans.**

(d) *Conversion to extended storage loan.* If an extended warehouse storage loan program is authorized under § 1421.55(c) for the crop of the commodity serving as security for the repayment of a resale loan indebtedness and the producer and such commodity are otherwise eligible for an extended warehouse storage loan, the producer may, with the consent of the county committee, convert his resale loan into an extended warehouse storage loan at any time during the then current resale storage period. Liquidation of the farm-stored loan shall be made as provided in § 1421.67(d) and disbursement of the extended warehouse storage loan shall be made on or before the anniversary of the applicable loan maturity date during the then current resale storage period. The producer shall arrange for conversion of such loan into an extended warehouse storage loan as provided in § 1421.55(c).

(Secs. 4, 5, 62 Stat. 1070, as amended; secs. 101, 105, 107, 301, 401, 405, 63 Stat. 1051, as amended; 15 U.S.C. 714 (b), (c); 7 U.S.C. 1441, 1447, 1421, and 1425)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on January 21, 1969.

H. D. GODFREY,  
Executive Vice President,  
Commodity Credit Corporation.

[F.R. Doc. 69-1030; Filed, Jan. 24, 1969;  
8:46 a.m.]

## PART 1443—OILSEEDS

### Subpart—Castor Oil Purchase Program Regulations (1968)

Sec.	
1443.100	General statement.
1443.101	Administration.
1443.102	Crusher's participation in program.
1443.103	Purchases of castor beans by crusher.
1443.104	Tenders.
1443.105	Purchase by CCC.
1443.106	Information release.
1443.107	Movement of castor oil.
1443.108	Books and records.
1443.109	Benefits and contingent fees.
1443.110	Nondiscrimination in employment.

**AUTHORITY:** The provisions of this subpart issued under secs. 4 and 5, 62 Stat. 1070, as amended, secs. 301, 401, 63 Stat. 1051, as amended, 15 U.S.C. 714b and 714c, and 7 U.S.C. 1447, 1421.

#### § 1443.100 General statement.

As a part of the 1968 Castor Bean Price Support Program formulated by Commodity Credit Corporation (referred to in this subpart as "CCC") and the Agricultural Stabilization and Conservation Service (referred to in this subpart as "ASCS"), CCC will purchase up to 30 million pounds of castor oil from castor bean crushers participating in the program upon the terms and conditions stated in this subpart.

#### § 1443.101 Administration.

The program will be carried out by ASCS under the general supervision and direction of the Executive Vice President CCC. Except as specifically provided otherwise, operations under this subpart will be administered by the New Orleans ASCS Commodity Office located at Wirth Building, 120 Marais Street, New Orleans, La. 70112 (referred to in this subpart as "the New Orleans office"). CCC contracting officers in the New Orleans office will execute contract documents on behalf of CCC. Officials in the New Orleans office do not have authority to waive or modify any provisions of this subpart. The forms referred to in this subpart may be obtained from the New Orleans office.

#### § 1443.102 Crusher's participation in program.

(a) *Eligible crusher.* Any crusher who completes and forwards to the New Orleans office a signed original and copy of the 1968 Castor Bean Price Support Program Crusher Acceptance Form not later than March 1, 1969, and complies with the other provisions of this subpart with respect to all eligible castor beans purchased (such crusher is hereinafter referred to as a "participating crusher") will be eligible to make tenders of castor oil hereunder to CCC, except that no purchases will be made by CCC from any crusher debarred or suspended from contracting with CCC or from participating in programs financed by CCC. Along with his acceptance form, the crusher shall submit to the New Orleans office a statement of the estimated quantity of eligible castor beans which he will purchase from producers.

(b) *Assurance.* The acceptance form will contain an assurance by the crusher that his participation in the program will be conducted, and his facilities operated, in compliance with all of the requirements imposed by, or pursuant to, the regulations governing nondiscrimination in federally assisted programs of the Department of Agriculture, Part 15 of this title, which effectuate Title VI of the Civil Rights Act of 1964.

#### § 1443.103 Purchases of castor beans by crushers.

A participating crusher must pay or have paid, in cash, for all eligible castor beans purchased from producers and delivered to points within the producing areas designated by the participating crusher not less than 5½ cents per pound on a dehulled, clean weight basis. For the purposes of this subpart, clean weight shall be the gross weight of dehulled castor beans less deductions for moisture in excess of 6 percent and for foreign material. The determination of gross weight of the castor beans and the testing for foreign material and moisture leading to a determination of clean weight shall be performed at crusher's expense in the manner customarily employed by crushers in good commercial practice. The participating crusher shall afford CCC representatives access to his premises during regular business hours to observe such weighing and testing. For the purposes of this subpart, castor

beans received from members or non-members by a participating crusher which is a cooperative marketing association for the purpose of marketing shall be considered as having been purchased by the crusher; however, nothing in this subpart shall relieve such participating crusher from any obligation it may have, by law or otherwise, to account to its patrons for the net proceeds received from the marketing of such castor beans.

#### § 1443.104 Tenders.

(a) *Tenders of oil by crusher.* A participating crusher may tender to CCC Grade No. 1 or Grade No. 3 castor oil, as defined in the International Castor Oil Association (ICOA) Specifications established in 1964, in 60,000 pound lots, produced at his mill from eligible castor beans. These specifications, which are made a part of these regulations, are printed as Table I at the end of this subpart.

(b) *Purchase prices of oil by CCC.* The prices to be paid by CCC for Grade No. 1 castor oil shall be 15.375 cents per pound if delivered to CCC in the Port of New York area, and 14.75 cents per pound if delivered to CCC elsewhere in the United States. The purchase price for Grade No. 3 castor oil shall be three-fourths cent per pound below the price for Grade No. 1 oil applicable to the delivery area involved. The prices in this paragraph shall be subject to the discounts specified in § 1443.105 if the oil accepted by CCC is below the grade called for by the contract.

(c) *Submission of tenders.* Each tender shall be submitted to the New Orleans office either by letter or wire signed by a duly authorized official of the crusher and shall state the quantity of Grade No. 1 or Grade No. 3 castor oil tendered, and the proposed delivery schedule meeting the requirements of § 1443.105. A supplementary explanation and justification must accompany any tender contemplating delivery of castor oil after November 30, 1969. In submitting a tender, the crusher certifies that the tender is in accord, and complies, with the provisions of this subpart.

(d) *Time of tenders.* All tenders must be received at the New Orleans office by the close of business on the last Tuesday of each month (or the next working day if such Tuesday is a holiday), except that no tenders may be submitted after September 30, 1969. Offers received after the close of business on any monthly tender date will be considered as of the next monthly tender date.

(e) *Limitation on tenders.* (1) Only oil produced from eligible castor beans shall be tendered to CCC. For purposes of this subpart, eligible castor beans shall be 1968 crop castor beans produced in the United States and purchased by the crusher from producers under the provisions of this subpart. The quantity of castor oil which participating crushers may tender to CCC and the quantity of castor oil for which CCC will accept tenders shall be subject to the further limitations specified in this paragraph (e).



(2) CCC shall allocate to each participating crusher a pro rata share in the 30 million pounds of castor oil which CCC may purchase under this subpart (the quantity of oil constituting such share of any crusher is referred to in this subpart as his "proportionate share"). CCC will make such allocation to each participating crusher in accordance with the ratio of the quantity of eligible castor beans purchased by such crusher at not less than the price specified in § 1443.103 to the total quantity of eligible castor beans purchased by all participating crushers at not less than such price. CCC shall make a preliminary allocation on the basis of information submitted by crushers along with their acceptance forms under § 1443.102(a), and shall, as soon as practicable thereafter, inform all participating crushers of the preliminary proportionate shares of each participating crusher. CCC shall make a revised allocation on the basis of information contained in reports submitted by participating crushers under § 1443.108, and such other information as CCC may obtain relating to the production and marketing of castor beans grown in the United States in 1968. CCC shall, as soon as practicable after March 31, 1969, inform all participating crushers of the revised proportionate shares of each of the participating crushers.

(3) The participating crusher may submit to CCC tenders representing a total quantity of oil greater than his revised proportionate share, but CCC will not accept any tenders which would cause the total quantity of castor oil covered by accepted tenders of the crusher to exceed his revised proportionate share, or, if a supplemental allocation is made, his supplemental revised proportionate share. If CCC has accepted from any participating crusher tenders which represent a total quantity of castor oil which is less than his revised proportionate share, and if, prior to the final date for submission of tenders, the participating crusher notifies the New Orleans office that he will submit no more tenders, CCC shall make a supplemental allocation of the unused balance of such crusher's proportionate share to other participating crushers on a pro rata basis determined by the ratio of each such other crusher's revised proportionate share to the total revised proportionate shares of all of such other crushers.

(4) The quantity of oil covered by any monthly tender shall not, with respect to tenders submitted: (i) during months prior to April 1969, exceed 15 percent of the crusher's preliminary proportionate share, unless otherwise agreed to by CCC, or (ii) during or after April 1969, exceed 15 percent of the crusher's preliminary proportionate share, unless otherwise agreed to by CCC, or (iii) during or after April 1969, exceed 15 percent of the crusher's revised proportionate share, or his supplemental revised proportionate share, if any, unless otherwise agreed to by CCC. If the quantity of oil covered by tenders which were submitted by any crusher prior to April 1969 and accepted by CCC exceeds the crusher's revised or supplemental revised proportionate

share, CCC shall have the right, without further liability on its part, to terminate such part of any executory contract or contracts to the extent of such excess quantity of castor oil.

#### § 1443.105 Purchases by CCC.

(a) *Consideration of tenders.* As soon as practicable after each monthly tender date, CCC will consider all tenders submitted through that date by participating crushers. Within the quantitative limitations set forth in this subpart, CCC will accept all tenders, except that, if the delivery schedule in any tender is not satisfactory to CCC, it may negotiate with the crusher to arrive at a delivery schedule which is satisfactory to CCC. Notwithstanding any other provision of this subpart, CCC will reject all tenders when it determines that its purchases of castor oil from participating crushers total 30 million pounds, plus such operational tolerance as CCC determines is necessary for efficient administration of the program.

(b) *Contract of sale.* Each tender by the crusher and acceptance by CCC shall constitute a separate contract for the sale of the castor oil covered thereby in accordance with the terms and conditions of this subpart.

(c) *Delivery.* Castor oil purchased by CCC shall be delivered by the crusher f.o.b. cars or trucks (CCC's option) made available without cost to the crusher at a crusher's mill, or, if the crusher has entered into a separate agreement with CCC for the storage of castor oil, in store at the crusher's storage facilities covered by such agreement. The crusher shall deliver only castor oil crushed from eligible castor beans. Delivery shall be in accordance with the delivery schedule specified in the tender or any modification thereof mutually agreed to by the crusher and the New Orleans office, and in accordance with shipping instructions issued by the New Orleans office. CCC shall not be obligated to accept the initial delivery of oil under any tender prior to the expiration of 30 calendar days after the date of CCC's acceptance of the tender. No delivery of oil shall be made after November 30, 1969, unless the New Orleans office and the crusher agree upon a later date for delivery. Title and risk of loss or damage shall pass to CCC upon delivery, except that title and risk of loss and damage to any oil rejected by CCC shall revert to the crusher upon issuance by CCC of its notice of rejection. Delivery shall be considered to be made, in the case of oil delivered in cars or trucks, when the cars or trucks have been loaded and released to the carrier for shipment, or in the case of oil delivered in store, upon issuance of a warehouse receipt in a form approved by CCC. In delivering oil under any contract of sale, a variation of one-half of 1 percent from the quantity of oil specified in the contract (which quantity is hereinafter referred to as the "contract quantity") will be considered as a good delivery as to weight. With respect only to oil delivered in cars or trucks, if the quantity of oil delivered exceeds this variation, but does not exceed the con-

tract quantity by more than 2 percent, CCC will accept all of the oil delivered under the contract, but settlement with respect to any quantity delivered which exceeds the contract quantity shall be made at the applicable price under this subpart, or at the market price for such oil at the time of delivery, as determined by CCC, whichever is lower. Any quantity of oil delivered which exceeds 102 percent of the contract quantity shall be subject to rejection by CCC. The crusher shall be liable to CCC for any damages which CCC may suffer as a result of the delivery by the crusher of a quantity of oil which is less than the quantity which will be considered as good delivery as to weight.

(d) *Weight and grade of oil.* The weight of the castor oil delivered in cars or trucks shall be the shipping weight determined, at crusher's expense, by a licensed public weighmaster at the origin point or at the nearest scale facility to such point and shown on weight certificate(s) issued by the weighmaster, or delivered in store shall be the weight shown on the warehouse receipt. The grade and quality of the castor oil delivered shall be determined by sampling and analysis performed, at crusher's expense, by the Commodity Inspection Branch, Grain Division, Consumer and Marketing Service, USDA. The samples shall be taken in the case of oil delivered in cars or trucks, from the cars or trucks at point of delivery, or in the case of oil delivered in store, from the storage tank not earlier than 30 days before the date of issuance of the warehouse receipt. The grade and quality of the castor oil shall be shown on certificates issued by the Commodity Inspection Branch. One copy of such certificate shall be submitted to the New Orleans Office by the crusher immediately upon their receipt from the Inspection Service, and a copy shall accompany the warehouse receipt issued for oil delivered to CCC in store.

(e) *Variations in quality.* Any oil delivered under a Grade No. 1 contract which (1) has any physical or chemical characteristics which exceed the limits for Grade No. 1 but which are not in excess of those for Grade No. 2 shall be accepted by CCC at a discount of one-fourth cent per pound, (2) has any physical or chemical characteristics in excess of the limits of Grade No. 2 but not in excess of Grade No. 3, shall be accepted by CCC at the specified price in § 1443.104 for Grade No. 3 oil, or (3) has any physical or chemical characteristics in excess of the limits for Grade No. 3 will be rejected by CCC. Any oil delivered under a Grade No. 3 contract which has physical or chemical characteristics in excess of the limits of such grade may be rejected, or at the option of CCC, may be accepted at a discount satisfactory to CCC. Castor oil which is of a grade better than Grade No. 3 may be delivered under a Grade No. 3 contract but at no premium. Any castor oil delivered to CCC which is contaminated or adulterated will be rejected by CCC.

(f) *Payment for oil.* After the grade and weight is determined in accordance with this section, and the castor oil is



delivered to CCC, the crusher may present to CCC for payment an invoice (with shipping documents or warehouse receipts acceptable to CCC attached) for the value of the oil based on the weight and grade of the oil delivered and the sales price therefor.

(g) *Rejected oil.* If CCC rejects castor oil under the provisions of this section, CCC, at its option, may either request the crusher to deliver in replacement therefor acceptable castor oil, or terminate the contract with respect to the quantity of oil rejected. The crusher shall be liable to CCC for all transportation and other expenses incurred by CCC on any oil which is rejected to the crusher, and if, upon rejection, CCC terminates the contract as provided in this paragraph, the crusher shall in addition refund to CCC the purchase price paid for the oil rejected.

#### § 1443.106 Information release.

CCC will make public the names, quantities, locations, the prices and such other information as it deems advisable with respect to all tenders under this subpart which have been accepted by CCC and transactions developing therefrom.

#### § 1443.107 Movement of castor oil.

CCC shall not be responsible for any loss or injury caused the crusher by failure of CCC to take delivery of the castor oil promptly, and the crusher shall not be responsible for any failure to deliver or delay in delivery, where such failure or delay on the part of CCC or the crusher is due to any cause without such party's fault or negligence including, but not restricted to, acts of God or the public enemy, storms, floods, conflagrations, strikes, blockades, riots, embargoes, or priority, allocation, service, or other orders or directives issued by the Government, or difficulty in obtaining cars or trucks. Notwithstanding the foregoing provisions, if CCC fails for any reason to issue shipping instructions in accordance with the delivery schedule specified in the tender (or any modification mutually agreed to by the New Orleans office and the crusher), the crusher may have an analysis or quality determination made by a recognized chemical laboratory approved by CCC of the quantity of oil involved and shall not, after giving timely written notice to CCC accompanied by a copy of such analysis or quality determination, be responsible for any loss or deterioration in quality subsequent to the date of such official analysis or quality determination except for the loss, deterioration or damage due to the fault or negligence of the crusher.

#### § 1443.108 Books and records.

Each crusher filing an acceptance form under this subpart shall keep accurate books, records, and accounts with respect to all purchases of castor beans (including the name of seller, date of receipt, and the gross and clean weight, quality and price of each lot of castor beans purchased) and all other transactions under this subpart for a period of at least 3 years from the last date any castor oil is delivered by the crusher un-

der this subpart. The crusher shall permit authorized employees of the U.S. Department of Agriculture, and the General Accounting Office, at any time during customary business hours to inspect, examine, audit, and make copies of such books, records, and accounts. The crusher shall submit a report to CCC of his total purchases of eligible castor beans as soon as possible after completion of the purchases but not later than March 31, 1969.

#### § 1443.109 Benefits and contingent fees.

(a) *Officials not to benefit.* No member of or Delegate to the Congress of the United States or Resident Commissioner, shall be admitted to any share or part of any contract resulting from tenders of castor oil under this subpart or to any benefit that may arise therefrom, but this provision shall not be construed to extend to such a contract if made with a corporation for its general benefit and shall not extend to any benefits that may accrue from such contract to a Member of or Delegate to the Congress or a Resident Commissioner in his capacity as a producer of castor beans.

(b) *Contingent fees.* By submitting a tender under this subpart the crusher warrants that no person or selling agency has been employed or retained to solicit or secure the contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee except bona fide employees or bona fide established commercial or selling agencies maintained by the crusher for the purpose of securing business. For breach or violation of this warranty, CCC shall have the right to annul the contract without liability, or in its discretion to deduct from the contract price of the castor oil the full amount of such commission, percentage, brokerage, or contingent fee.

#### § 1443.110 Equal Employment Opportunity.

(a) *Applicability.* The provisions of this section are applicable to any contract of sale which is entered into under this subpart and which is subject to the Equal Opportunity clause of Executive Order 11246 of September 24, 1965.

(b) *Equal employment opportunity.* During the performance of any contract of sale resulting from acceptance by CCC of a crusher's tender, the crusher agrees as follows:

(1) The crusher will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The crusher will take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

The crusher agrees to post in conspicuous places, available to employees and appli-

cants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this nondiscrimination clause.

(2) The crusher will, in all solicitations or advertisements for employees placed by or on behalf of the crusher, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(3) The crusher will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency Contracting Officer, advising the labor union or workers' representative of the crusher's commitments under this nondiscrimination clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The crusher will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The crusher will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the crusher's non-compliance with the nondiscrimination clause of this contract, or with any of such rules, regulations, or orders, the contract may be canceled, terminated, or suspended in whole or in part and the crusher may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in the said Executive Order or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The crusher will include the provisions of subparagraphs (1) through (7) of this paragraph in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The crusher will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however,* That in the event the crusher becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the crusher may request the United States to enter into such litigation to protect the interests of the United States.



(b) *Certification of nonsegregated facilities.* (Applicable to contracts and subcontracts exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity clause.) By the submission of a tender under this subpart, the crusher certifies that he does not maintain or provide for his employees any segregated facilities at any of his establishments, and that he does not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. He certifies further that he will not maintain or provide for his employees any segregated facilities at any of his establishments, and that he will not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. The crusher agrees that a breach of this certification is a violation of the Equal Opportunity clause in the contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, or national origin, because of habit, local custom, or otherwise. He further agrees that (except where he has obtained identical certifications from proposed subcontractors for specific time periods) he will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity clause; that he will retain such certifications in his files; and that he will forward the following notice to such proposed subcontractors (except where the proposed subcontractors have submitted identical certifications for specific time periods):

**NOTICE TO PROSPECTIVE SUBCONTRACTORS OF REQUIREMENT FOR CERTIFICATIONS OF NON-SEGREGATED FACILITIES**

A certification of nonsegregated facilities, as required by the May 9, 1967, order (32 F.R. 7439, May 19, 1967) on Elimination of Segregated Facilities, by the Secretary of Labor, must be submitted prior to the award of a subcontract exceeding \$10,000 which is not exempt from the provisions of the Equal Opportunity clause. The certification may be submitted either for each subcontract or for all subcontracts during a period (i.e., quarterly, semiannually, or annually).

**NOTE:** The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001 or 15 U.S.C. 714m(a).

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on January 17, 1969.

H. D. GODFREY,  
Executive Vice President,  
Commodity Credit Corporation.

[F.R. Doc. 69-1029; Filed, Jan. 24, 1969; 8:46 a.m.]

## Title 21—FOOD AND DRUGS

### Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

#### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

#### PART 121—FOOD ADDITIVES

#### Subpart D—Food Additives Permitted in Food for Human Consumption

##### SODIUM MONO- AND DIMETHYL NAPHTHALENE SULFONATES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9A2338) filed by E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of sodium mono- and dimethyl naphthalene sulfonates as an anticaking agent in sodium nitrite intended for authorized uses in cured fish and meat. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1198 is revised to read as follows:

##### § 121.1198 Sodium mono- and dimethyl naphthalene sulfonates.

The food additive sodium mono- and dimethyl naphthalene sulfonates may be safely used in accordance with the following prescribed conditions:

(a) The additive has a molecular weight range of 245-260.

(b) The additive is used or intended for use:

(1) In the crystallization of sodium carbonate in an amount not to exceed 250 parts per million of the sodium carbonate. Such sodium carbonate is used or intended for use in potable water systems to reduce hardness and aid in sedimentation and coagulation by raising the pH for the efficient utilization of other coagulation materials.

(2) As an anticaking agent in sodium nitrite at a level not in excess of 0.1 percent by weight thereof for authorized uses in cured fish and meat.

(3) In the washing or to assist in the lye peeling of fruits and vegetables as prescribed in § 121.1091.

(c) In addition to the general labeling requirements of the act:

(1) Sodium carbonate produced in accordance with paragraph (b)(1) of this section shall be labeled to show the presence of the additive and its label or labeling shall bear adequate directions for use.

(2) Sodium nitrite produced in accordance with paragraph (b)(2) of this section shall bear the labeling required by § 121.1064 and a statement declaring the presence of sodium mono- and dimethyl naphthalene sulfonates.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication 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 objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

**Effective date.** This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1))

Dated: January 17, 1969.

J. K. KIRK,  
Associate Commissioner  
for Compliance.

[F.R. Doc. 69-1042; Filed, Jan. 24, 1969; 8:47 a.m.]

## Title 30—MINERAL RESOURCES

### Chapter I—Bureau of Mines, Department of the Interior

#### SUBCHAPTER A—HELIUM AND COAL

#### PART 2—PURCHASE OF HELIUM BY FEDERAL AGENCIES AND THEIR CONTRACTORS

##### Effect of Court Order

On pages 15478-15480 of the FEDERAL REGISTER of October 18, 1968, there was published the text of a new Part 2 of Subchapter A, Chapter I, of Title 30, Code of Federal Regulations. By notice published in the FEDERAL REGISTER of November 30, 1968, at page 17852, the effective date of the new Part 2 was postponed to December 10, 1968.

On December 9, 1968, the U.S. District Court for the District of Columbia, in *Air Reduction Co., Inc., et al., Plaintiffs, v. Stewart L. Udall, Secretary of the Interior, et al., Defendants* (Civil Action No. 2880-68), entered its final order and judgment the pertinent parts of which are as follows:

That a permanent injunction is hereby granted, and that the defendants, their agents, employees, and attorneys, and all persons in active concert or participation with them, be and each of them are hereby permanently enjoined, from enforcing, taking any steps under, or allowing to become effective, the helium regulations established and published in the FEDERAL REGISTER of October 18, 1968, 33 F.R. 15478-15480, insofar as they apply in all their aspects to purchases of helium by contractors of Federal agencies as that term is defined in the regulations, and

That it is hereby ordered and declared that the Helium regulations issued and established at 33 F.R. 15478-15480



are unauthorized in that they are beyond the authority of the defendants to issue as set out in section 167g of the Helium Act Amendments of 1960, 50 U.S.C.A. § 167g, insofar as they apply in all their aspects to purchases of helium by contractors of Federal agencies as that term is defined in the regulations.

The Department of the Interior has recommended that an appeal be taken from the foregoing order.

Except as otherwise provided by the foregoing order, the regulations in Part 2 of Title 30, Code of Federal Regulations, remain in effect.

DAVID S. BLACK,

*Under Secretary of the Interior.*

JANUARY 17, 1969.

[F.R. Doc. 69-1017; Filed, Jan. 24, 1969; 8:45 a.m.]

## Title 13—BUSINESS CREDIT AND ASSISTANCE

### Chapter I—Small Business Administration

[Amdt. 3 (Rev. 4)]

#### PART 107—SMALL BUSINESS INVESTMENT COMPANIES

##### Financing of Disadvantaged Small Business Concerns and Real Estate Investments by Licensees

On November 21, 1968, the Small Business Administration published in the FEDERAL REGISTER (33 F.R. 17264) proposed amendments to 13 CFR Part 107 which would (a) amend §§ 107.101 and 107.1001 with regard to real estate and real estate-related investments by Licensees; and (b) add new §§ 107.505 and 107.812 relating to short-term financing to disadvantaged small concerns and Licensee financing of changes of ownership of a small business concern.

Interested persons were invited to submit written comments and suggestions for consideration within 30 days after publication of the notice of proposed rule making in the FEDERAL REGISTER. After consideration of the comments received and other factors involved, it has been decided to adopt the proposed amendments with certain modifications. The text of the amendments set out below is identical with that of the proposed amendments published November 21, 1968, except that (a) language has been added to § 107.812 to specify that a Licensee may finance a change of ownership when such change is required for the growth and expansion of the small business concern; and (b) language has been added to § 107.1001 to permit Licensees to finance real estate agents, brokers and managers, and title abstract companies.

Accordingly, pursuant to authority contained in section 308 of the Small

Business Investment Act of 1958, Public Law 85-699, 72 Stat. 694, as amended, Part 107 of Subchapter B, Chapter I, of Title 13 of the Code of Federal Regulations, as revised in 33 F.R. 326, and amended in 33 F.R. 11147 and 33 F.R. 20035, is hereby amended as follows:

1. Paragraph (c) of § 107.101 is amended to read as follows:

#### § 107.101 Operational requirements.

(c) *Diversified investment policy.* Unless specifically authorized in writing by SBA:

(1) *General rule.* A Licensee shall not maintain more than 33½ percent of its portfolio, as of the close of any full fiscal year, in small business concerns classified under any single Major Group of the Standard Industrial Classification Manual prepared by the Bureau of the Budget.

(2) *Licensees other than real estate specialists.* Where a Licensee does not operate as an approved real estate specialist subject to subparagraph (3) of this paragraph, its investments in small business concerns classified under Major Groups 15, 65 and/or 70 shall not exceed 33½ percent of its portfolio in any one Major Group nor 66½ percent for any combination of such Major Groups, as of the close of any full fiscal year.

(3) *Real estate specialists.* Where a Licensee maintains more than 33½ percent of its portfolio in real estate investments pursuant to an investment policy specially approved by SBA, the total of its investments in small business concerns classified under Major Group 15 (Building Construction—General Contractors) and/or Major Group 70 (Hotels, Rooming Houses, Camps, and Other Lodging Places) shall not exceed 20 percent of its portfolio as of the close of any full fiscal year.

(4) *Existing portfolio investments.* A Licensee may retain investments in its portfolio on the effective date of subparagraphs (2) and (3) of this paragraph (not consummated in violation of provisions in effect when made), but shall not undertake further investments in Major Groups 15 or 70 until its portfolio is diversified so that further investments would not cause its portfolio to exceed the limits of this paragraph (c).

(5) *Prepayments.* Prepayments of outstanding financings or similar events occurring beyond the control of the Licensee, within the fiscal year, shall be disregarded for purposes of determining whether the Licensee meets the foregoing requirements as of the close of its fiscal year.

2. A new § 107.505 is added to read as follows:

#### § 107.505 Short-term financing to disadvantaged small concerns.

Notwithstanding the provisions of § 107.301(a), a Licensee may provide financing with a term of less than 5 years

to a portfolio concern when such financing constitutes a reasonably necessary part of the overall sound financing of such concern pursuant to the Act, and will contribute to a well-balanced national economy by facilitating ownership of small business concerns by persons whose participation in the free enterprise system is hampered because of social and economic disadvantages. This authority shall supplement that available to Licensees under §§ 107.301(d) and 107.504(b)(2), but the sum of all short-term financing for any purpose and the outstanding amount of Licensee's long-term investment in such concern shall not exceed the 20 percent limit prescribed by § 107.301(c). The relevant particulars bringing such financing within the purview of this section shall be reported to SBA within ten (10) business days of such financing.

3. A new § 107.812 is added to read as follows:

#### § 107.812 Financing changes of ownership.

A Licensee may provide funds for the purpose of financing a change of ownership of a small business concern when such change is required for the growth and expansion (e.g., by merger or purchase of assets) or will preserve the existence of the small business concern, or will contribute to a well-balanced national economy by facilitate ownership of small business concerns by persons whose participation in the free enterprise system is hampered because of social and economic disadvantages. The relevant particulars bringing such financing within the purview of this section shall be reported to SBA within ten (10) business days of such financing.

4. A new paragraph (h) is added to § 107.1001 to read as follows:

#### § 107.1001 Prohibited uses of funds.

(h) *Real estate.* A small business concern which is classified under Major Group 65 (Real Estate) of the Standard Industrial Classification Manual issued by the Bureau of the Budget except for (1) subdividers and developers (other than cemetery subdividers and developers), (2) operative builders, (3) title abstract companies, and (4) agents, brokers and managers; *Provided, however,* That a Licensee may retain any such investment in its portfolio on the effective date of this paragraph (not consummated in violation of provisions in effect when made).

*Effective date.* These amendments shall become effective 30 days after the date of their publication in the FEDERAL REGISTER.

Dated: January 16, 1969.

HOWARD J. SAMUELS,  
*Administrator.*

[F.R. Doc. 69-1041; Filed, Jan. 24, 1969; 8:47 a.m.]



# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Administration, Department of Transportation

### SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9355; Amdt. 634]

### PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

#### Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

#### STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.3 miles after passing ONT VOR
				Climbing left turn to 3000' direct to ONT VOR and hold.* Supplementary charting information: *Hold E ONT VOR, 258° inbnd, 1 minute, right turns.* Final approach to intersection of Runways 3 and 26.

Procedure turn not authorized. One minute holding pattern, ONT VOR holding fix, E, 258° inbnd, right turns, 3000'.

FAF, ONT VOR. Final approach crs, 289°. Distance FAF to MAP, 6.3 miles.

Minimum altitude over ONT VOR, 2700'.

MSA: 020°-110°-8900'; 110°-200°-6700'; 200°-290°-6500'; 290°-020°-11,100'.

NOTES: (1) Radar vectoring. (2) Use Ontario altimeter setting.

% IFR departure procedures: (1) Runway 21, climb on runway heading to 1300', left-climbing turn direct ONT VOR. (This departure requires 181'/mile rate of climb to 1300' for categories A, B, and C; Category D requires 350'/mile rate of climb to 1300'.) (2) Runway 3, right-climbing turn to ONT VOR. Continue climb in 1-minute holding pattern E of ONT VOR, 258° inbnd, right turns to sufficient altitude to cross ONT VOR at airway MEA for direction of flight.

#### DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C.....	1340	1	688	1340	1	688	1340	1½	688	NA
A.....	Not authorized.			T 2-eng. or less—Standard. %			T over 2-eng.—Standard. %			

City, Chino; State, Calif.; Airport name, Ch'no; Elev., 652'; Facility, ONT; Procedure No. VOR-1, Amdt. 1; Eff. date, 20 Feb. 69; Sup. Amdt. No. Orig.; Dated, 2 Jan. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.7 miles after passing Lake Int.
MZZ VOR.....	OKK VORTAC.....	Direct.....	2400	Climbing right turn to 2400' direct to OKK VORTAC. Supplementary charting information: 1230' tower about 2½ miles NW.
OKK VORTAC.....	Lake Int (NOPT).....	Direct.....	2400	

Procedure turn E side of crs, 220° Outbnd, 040° Inbnd, 2400' within 10 miles of Lake Int.

FAF, Lake Int. Final approach crs, 040°. Distance FAF to MAP, 4.7 miles.

Minimum altitude over Lake Int, 2400'.

MSA: 000°-180°-2200'; 180°-270°-2300'; 270°-300°-2200'.

NOTES: (1) Use Grissom AFB altimeter setting. (2) Dual VOR or VOR/DME required. (3) Radar vectoring.

#### DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C.....	1260	1	466	1340	1	546	1340	1½	546	NA
A.....	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.			

City, Wabash; State, Ind.; Airport name, Wabash Municipal; Elev., 794'; Facility, OKK; Procedure No. VOR-1, Amdt. 1; Eff. date, 20 Feb. 69; Sup. Amdt. No. Orig.; Dated, 9 Jan. 69



2. By amending § 97.27 of Subpart C to amend nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR. If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: LNL NDB.	
Dinner Int.	LNL NDB	Direct	3200	Climbing left turn to 3200' on 310° bearing from LNL NDB within 10 miles, return to LNL NDB. Supplementary charting information: Final approach crs intercepts runway centerline 4890' from threshold. 1833' AMSL tower 46°00'45"-89°13'00". TDZ elevation, 1706'.	
RHI VORTAC	LNL NDB	Direct	3500		

Procedure turn S side of crs, 310° Outbd, 130° Inbd, 3200' within 10 miles of LNL NDB.

Final approach crs, 130°.

MSA: 000°-090°-3000'; 090°-270°-3400'; 270°-300°-3100'.

NOTES: (1) Use Rhineland altimeter setting. (2) Procedure authorized only during hours Rhineland control zone is effective except for approved air carriers.

658100 scale not authorized.

\*Alternate minimum authorized only for air carriers with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D	
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS	
E-14@	2420	1	714	2420	1	714	2420	1 1/4	714	NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA		
C	2420	1	714	2420	1	714	2420	1 1/4	714	NA	
A	Standard.*			T 2-eng. or less—200-1 required Runway 32; Standard all other runways.			T over 2-eng.—200-1 required Runway 32; Standard all other runways.				

City, Land O'Lakes; State, Wis.; Airport name, King's Land O'Lakes Municipal; Elev., 1706'; Facility, LNL; Procedure No. NDB (ADF) Runway 14, Amdt. 3; Eff. date, 20 Feb. 69; Sup. Amdt. No. 2; Dated, 3 Oct. 68

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on January 14, 1969.

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

[F.R. Doc. 69-801; Filed, Jan. 24, 1969; 8:45 a.m.]

## Title 24—HOUSING AND HOUSING CREDIT

Subtitle A—Office of the Secretary,  
Department of Housing and Urban  
Development

### PART 3—RENEWAL ASSISTANCE

Subpart A—Urban Renewal Projects  
and Neighborhood Development  
Programs, Code Enforcement Pro-  
grams, Demolition Programs, Re-  
habilitation Grants, Interim Assis-  
tance Grants, and Community  
Renewal Programs

The heading of Subpart A is revised  
as set forth above, and Subpart A of Part  
3 is revised to read as follows:

Subpart A—Urban Renewal Projects and Neighborhood Development Programs, Code Enforcement Programs, Demolition Programs, Rehabilitation Grants, Interim Assistance Grants, and Community Renewal Programs

Sec.

3.1 Definitions.

3.2 General policies and procedures.

Sec.

3.3 Urban renewal projects and neighborhood development programs.

3.4 Code enforcement programs.

3.5 Demolition programs.

3.6 Rehabilitation grants.

3.7 Interim assistance grants.

3.8 Community renewal programs.

3.9 Applications; information.

AUTHORITY: The provisions of this Subpart A issued under sec. 7(d), Public Law 89-174, 79 Stat. 670, 42 U.S.C. 3535(d); sec. C, 2, of Secretary's delegation to Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8964, June 29, 1966).

#### § 3.1 Definitions.

(a) Title I of the Housing Act of 1949, 63 Stat. 414 (1949), as amended, 42 U.S.C. section 1450 et seq., authorizes the Department of Housing and Urban Development to finance the undertaking of local programs designed for the elimination and prevention of slums and blight including slum clearance and urban renewal, rehabilitation, code enforcement, and demolition.

(b) The terms used herein shall have the meanings attributed to them in section 110 of the Housing Act of 1949, as amended, 42 U.S.C. section 1460.

#### § 3.2 General policies and procedures.

Title I of the Housing Act of 1949, as amended, authorizes the Department of Housing and Urban Development to provide localities with Federal technical and financial assistance through a number of programs designed for the elimination and prevention of slums and blight and the removal of factors that create slums and blighting conditions. Applications for grants, loans, and advances should be filed with the Regional Office which serves the locality seeking assistance. The Regional Offices of the Department of Housing and Urban Development provide forms for making application for Federal aid, furnish information and assistance, receive completed applications, and notify recipients of the approval of such applications.

#### § 3.3 Urban renewal projects and neighborhood development programs.

(a) The renewal and revitalization of urban areas can be accomplished through the use of two different methods, urban renewal projects or neighborhood development programs.

(b) Urban renewal projects are carried out in individual blighted areas. Neighborhood development programs deal with



one or more urban renewal areas which are to be treated simultaneously. Urban renewal projects are planned and funded as one unit; neighborhood development programs are to be funded in annual increments with the Government having the right to terminate at the end of any year.

(c) Urban renewal projects and neighborhood development programs are planned and executed by local public agencies which, depending on State law, may be separate urban renewal agencies, local housing authorities, or departments of local governments. To qualify for Federal assistance to an urban renewal project or a neighborhood development program, a community must adopt, and have certified by the Secretary of Housing and Urban Development, a workable program for community improvement designed to eliminate blight and prevent its recurrence. In addition, a local public agency must make a showing that there is a feasible method for the temporary relocation of the individuals and families displaced from the urban renewal areas to be treated and must assure the Secretary that there are, or are being provided, sufficient units of decent, safe, and sanitary relocation housing in comparable areas at reasonable rents. The policies and procedures applicable to urban renewal projects are set forth in the Urban Renewal Handbook (RHA 7200 through RHA 7228) and those applicable to neighborhood development programs in the Neighborhood Development Program Handbook, RHA 7380 through RHA 7389.

(d) An urban renewal project or a neighborhood development program assisted under title I may include, in accordance with the urban renewal plan for the area, acquisition of land, site clearance, installation of streets, utilities, parks, playgrounds, and other improvements, restoration and relocation of structures of historic or architectural value, carrying out plans for programs of code enforcement, voluntary repair and rehabilitation of buildings or other improvements, and disposition of acquired land.

(e) The Secretary is authorized to make relocation grants to local public agencies to reimburse them for payments to individuals, families, and businesses for their reasonable and necessary moving expenses, for any direct loss of property resulting from their displacement from an urban renewal area, and for related payments. The regulations governing such payments may be found at § 3.100 et seq.

(f) The Secretary is authorized to make an advance of funds to a local public agency (1) for survey and planning work for a project, (2) to determine the feasibility of the undertaking of a project or program, and (3) for a General Neighborhood Renewal Plan outlining the urban renewal activities proposed in an area which is of such size that the activities may have to be initiated and carried out in stages.

(g) For an urban renewal project, the Secretary is authorized to make one or more temporary loans to be used by the

local public agency as working capital in acquiring real estate, clearing sites and preparing the project area for redevelopment, conservation and/or rehabilitation. For a neighborhood development program, the Secretary is authorized to make temporary loans for use by the local public agency for such program activities as are to be carried out during an annual increment of the program.

(h) The Secretary is authorized to make one or more definitive loans to the local public agency, for a period not exceeding 40 years, when project land is leased rather than sold to a redeveloper. A definitive loan must be amortized from the rental income derived from the land.

(i) The Secretary is authorized to make one or more capital grants to a local public agency not exceeding two-thirds of the net project or program cost except that a capital grant may be made not exceeding three-fourths of the net project or program cost (1) where the project is located in a municipality with a population of 50,000 or less, or (2) where the project is situated in an officially designated redevelopment area. A three-fourths grant is also available for an urban renewal project (but not one that is included in a neighborhood development program) where the net project cost excludes the costs of survey, planning, administrative, legal, and certain other expenses. For a neighborhood development program, the capital grant is paid annually for the Government's share of expenses for the year.

(j) The local contribution toward the cost of the project or program may be made in the form of cash or noncash grants-in-aid, such as donations of land, demolition and removal work, project improvements, historic preservation activities, certain expenditures by colleges, universities and hospitals, or public facilities that benefit the project.

(k) Application for financial assistance for an urban renewal project may be made by local public agencies on Form HUD-6100, Survey and Planning Application, and Form HUD-612, Application for Loan and Grant. A neighborhood development program application may be made on Form HUD-6270, Application for a Neighborhood Development Program.

#### § 3.4 Code enforcement programs.

The Secretary is authorized to make a grant of not exceeding two-thirds (or three-fourths in the case of a municipality having a population of 50,000 or less) of the cost of carrying out programs of concentrated code enforcement in deteriorated or deteriorating areas in which such enforcement, together with those public improvements to be provided by the locality, may be expected to arrest the decline of the area. Eligible code enforcement activities may include the provision and repair of necessary streets, curbs, sidewalks, street lighting, tree planting, and similar improvements within such areas. Prior to execution of a contract for a code enforcement grant, the municipality must have a workable program for community improvement currently in effect, must assure that any

individuals or families displaced by the code enforcement activities are offered decent, safe, and sanitary housing within their means, and must provide relocation assistance and relocation payments on the same basis as in urban renewal project activities. The policies and procedures applicable to code enforcement programs are set forth in the Code Enforcement Grant Handbook, RHA 7250. Application for financial assistance for a code enforcement grant may be made by cities, other municipalities, and counties on Form HUD-6170, Application for Code Enforcement Grant, and Form HUD-6170A, Application for Code Enforcement Grant—Area Data.

#### § 3.5 Demolition programs.

The Secretary is authorized to make a grant of not exceeding two-thirds of the cost of demolishing structures which under State or local law have been determined to be structurally unsound, a harborage or potential harborage of rats, or unfit for human habitation. If the structures to be demolished are not in an urban renewal area: (a) the locality involved must have a currently certified workable program for community improvement and the structures to be demolished must constitute a serious hazard to the public health or welfare, (b) the demolition must be on a planned neighborhood basis and further the overall renewal objectives of the locality, (c) a program of enforcement of existing local housing and related codes must be currently underway in the locality, and (d) the governing body of the municipality must determine that other available legal procedures to secure remedial action by the owners of the structures involved have been exhausted and that demolition by governmental action is required. The locality will be obligated to assure that any individuals or families displaced as a result of the federally assisted demolition are offered decent, safe, and sanitary housing. Relocation payments must be made available on the same basis as in urban renewal project activities. The policies and procedures applicable to the demolition program are set forth in the Demolition Grant Handbook, RHA 7300. Cities, other municipalities, and counties seeking financial assistance under this program may obtain information and forms from the Regional Office which serves the locality seeking assistance.

#### § 3.6 Rehabilitation grants.

The Secretary may authorize a local public agency to make grants (and an urban renewal or code enforcement project, or neighborhood development program may include the making of such grants) to individuals and families owning and occupying real property which is in urban renewal areas, areas certified by the locality to contain a substantial number of structures in need of repairs and improvements, or areas of concentrated code enforcement, or real property which is determined to be uninsurable because of physical hazards after an inspection pursuant to a statewide insurance plan approved by the Secretary under title



XII of the National Housing Act. Such grants are to cover the cost of repairs and improvements necessary to make such real property conform to public standards for decent, safe, and sanitary housing as required by applicable codes and other requirements of the urban renewal plan for the area. For an individual whose annual income does not exceed \$3,000, a grant is limited to the lesser of \$3,000 or the actual cost of the repairs and improvements involved. Where the annual income of the individual or family exceeds \$3,000, the amount of the grant is further limited to an amount not exceeding that portion of the cost of repairs and improvements which cannot be paid for with any available loan that can be amortized as part of the applicant's monthly housing expense without requiring that expense to exceed 25 percent of the applicant's monthly income. Local public bodies may include requests for rehabilitation grant assistance in their applications for assistance for an urban renewal or code enforcement project, neighborhood development program or certified area project. Individuals eligible for financial assistance under this program may request and file Form HUD-6260 with the local public body authorized to carry out the project or program involved.

### § 3.7 Interim assistance grants.

(a) The Secretary is authorized to make grants not exceeding two-thirds (or three-fourths in the case of a locality having a population of 50,000 or less) for a program of interim assistance in the alleviation of harmful conditions in slum or blighted areas which are planned for substantial clearance, rehabilitation or Federally assisted code enforcement in the near future. This program may include: (1) The repair of streets, sidewalks, parks, playgrounds, publicly owned utilities, and public buildings to meet needs consistent with the short-term continued use of the area prior to the undertaking of contemplated clearance or upgrading activities, (2) the improvement of private properties to the extent needed to eliminate the most immediate dangers to public health and safety, (3) the demolition of structures determined to be structurally unsound or unfit for human habitation and which constitute a public nuisance and serious hazard to the public health and safety, (4) the establishment of temporary public playgrounds on vacant land within the area, and (5) the improvement of garbage and trash collection, street cleaning and similar activities.

(b) To be eligible for interim assistance: (1) the locality must have a currently certified workable program for community improvement, and (2) the locality must make a showing that there is a feasible method for the temporary relocation of the individuals and families displaced due to activities under an interim assistance program and must assure the Secretary that there are, or are being provided, sufficient units of decent, safe, and sanitary relocation housing in comparable areas at reasonable rents.

### § 3.8 Community renewal programs.

(a) The Secretary is authorized to make grants not exceeding two-thirds of the total cost of preparing a community renewal program including: (1) Identification of blighted or deteriorating areas in the community, (2) measurement of the nature and degree of blight and blighting factors in the areas, (3) determination of the financial, relocation and other resources needed to renew the areas, (4) identification of potential project areas and types of urban renewal action contemplated, and (5) scheduling of urban renewal activities.

(b) Application for financial assistance under this program may be made by a local public body authorized to perform the necessary planning work on Form HUD-6400, Application for Community Renewal Program Grant. The policies and procedures applicable to community renewal programs are set forth in the Community Renewal Program Handbook, RHA 7230.

### § 3.9 Applications; information.

(a) A local public agency (or a city, other municipality, or county in the case of a code enforcement, demolition grant, or interim assistance program) applying for financial assistance should submit its application and all related documents to the Regional Administrator in the appropriate HUD Regional Office. Application forms and other forms, procedures, policy statements, and materials issued by HUD for the use or guidance of local public agencies may be obtained through such offices as follows:

*Region I:* 26 Federal Plaza, New York, N.Y. 10007 (Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, Vermont).

*Region II:* Widener Building, 1339 Chestnut Street, Philadelphia, Pa. 19107 (Delaware, District of Columbia, Maryland, New Jersey, Pennsylvania, Virginia, West Virginia).

*Region III:* Peachtree-Seventh Building, Atlanta, Ga. 30323 (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee).

*Region IV:* 360 North Michigan Avenue, Chicago, Ill. 60601 (Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin).

*Region V:* Federal Office Building, 819 Taylor Street, Fort Worth, Tex. 76102 (Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, Texas).

*Region VI:* 450 Golden Gate Avenue, Post Office Box 36003, San Francisco, Calif. 94102 (Alaska, Arizona, California, Guam, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming).

*Region VII:* Post Office Box 3889, GPO San Juan, P.R. 00936 (Puerto Rico and Virgin Islands).

(b) The Urban Renewal Handbook, which sets out policies and requirements for local public agencies, may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 and is available for use in the HUD Information Center, 451 Seventh Street SW., Washington, D.C. 20410, and in the information centers of the various HUD Regional Offices.

(c) Also available in each of the information centers are: (1) Community

Renewal Program Handbook, (2) Code Enforcement Grant Handbook, (3) Demolition Grant Handbook, and (4) Neighborhood Development Program Handbook.

Effective date: Date of publication in the FEDERAL REGISTER.

DON HUMMEL,  
Assistant Secretary for  
Renewal and Housing Assistance.

[P.R. Doc. 69-1033; Filed, Jan. 24, 1969;  
8:46 a.m.]

## Chapter II—Federal Housing Administration, Department of Housing and Urban Development

### SUBCHAPTER N—PROJECTS FOR LOWER INCOME FAMILIES

## PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS

### Subpart A—Eligibility Requirements for Mortgage Insurance

#### MISCELLANEOUS MORTGAGES; PURCHASE

In § 236.40 paragraph (c) is amended to read as follows:

#### § 236.40 Eligibility of miscellaneous mortgages.

(c) *Purchase.* In the case of a project financed with a mortgage insured under this subpart which involves a mortgagor other than a cooperative or a private nonprofit corporation or association and which is sold to a cooperative or a nonprofit corporation or association, a mortgage given to finance the purchase may be insured under this subpart. The insurance of such mortgage shall be governed by the following:

(1) The amount of the mortgage shall not exceed the lesser of the amounts determined by applying the formulas in subdivision (i) or (ii) of this subparagraph as follows:

(i) An amount, the debt service of which can be met from project income remaining after payment of all operating expenses, taxes, and required services, provided the project is operated on a nonprofit basis and the rental charges in effect at the time of purchase are not raised.

(ii) The project's actual cost at the time of completion (as determined by the Commissioner) or the project's fair market value for residential purposes as determined by the Commissioner on the basis of operating the project without the benefit of any interest reduction payments or rent supplement payments and without the controls by the Commissioner over the project imposed by the provisions in this subpart, whichever amount is the greater.

(2) Subject to limitations prescribed in subparagraph (1) of this paragraph, it is intended that the mortgage will provide an amount which will enable the seller of the project to realize a net amount out of the sales proceeds sufficient to recover its investment and to retire the outstanding mortgage.



(3) The term of the mortgage may exceed the remaining term of the original mortgage on the project, but in no event may it exceed the Commissioner's estimate of the remaining economic life of the project.

(Sec. 211, 52 Stat. 23, as amended, sec. 235, 62 Stat. 498, as amended, 12 U.S.C. 1715b, 1715z-1)

Issued at Washington, D.C., January 18, 1969.

PHILIP N. BROWNSTEIN,  
Federal Housing Commissioner.

[F.R. Doc. 69-1018; Filed, Jan. 24, 1969;  
8:45 a.m.]

## Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

### Chapter 101—Federal Property Management Regulations

#### SUBCHAPTER E—SUPPLY AND PROCUREMENT

#### PROCUREMENT OF AUTOMATIC DATA PROCESSING EQUIPMENT AND RE- LATED ITEMS

Policy, guidance, and procedures are provided governing the procurement of automatic data processing equipment, software, maintenance services, and supplies.

#### PART 101-26—PROCUREMENT SOURCES AND PROGRAMS

#### Subpart 101-26.4—Purchase of Items From Federal Supply Schedule Contracts

Section 101-26.405 is revised to read as follows:

##### § 101-26.405 Automatic data process- ing equipment.

The procurement of automatic data processing equipment, software, maintenance services, and supplies, is governed by Subpart 101-32.4. In connection with the procurement of these items from Federal Supply Schedule contracts, the special instructions in § 101-32.407 shall be observed in addition to the instructions in this Subpart 101-26.4. Where the provisions of this Subpart 101-26.4 and Subpart 101-32.4 are in conflict, the latter shall govern.

#### PART 101-32—GOVERNMENT-WIDE AUTOMATED DATA MANAGE- MENT SERVICES

The table of contents for Part 101-32 is amended by the addition of new § 101-32.001 and new Subpart 101-32.4, as follows:

Sec.  
101-32.001 Review of proposed deter-  
minations by the Bureau  
of the Budget.

Subpart 101-32.4—Procurement and Contracting  
101-32.400 Scope of subpart.  
101-32.401 Applicability.

Sec.  
101-32.402 Definitions.  
101-32.402-1 Automatic data processing  
equipment.  
101-32.402-2 Software.  
101-32.402-3 Maintenance services.  
101-32.402-4 Supplies.  
101-32.402-5 Procurement.  
101-32.402-6 Agency procurement request.  
101-32.402-7 Data systems specifications.  
101-32.402-8 Equipment performance re-  
quirements.  
101-32.402-9 Federal agency.  
101-32.403 Procurement authority.  
101-32.403-1 Automatic data processing  
equipment.  
101-32.403-2 Software.  
101-32.403-3 Maintenance services.  
101-32.404 Request for procurement  
action.  
101-32.404-1 Automatic data processing  
equipment.  
101-32.404-2 Software and maintenance.  
101-32.405 GSA action on procurement  
requests.  
101-32.406 Procurement of supplies.  
101-32.407 Use of Federal Supply Sched-  
ules for ADPE, software, and  
maintenance services.  
101-32.408 Procurement guidance.  
101-32.409 Assistance by GSA.

AUTHORITY: The provisions of this Sub-  
part 101-32.4 issued under sec. 205(c), 63  
Stat. 390; 40 U.S.C. 486(c).

Part 101-32 is amended by the addition  
of new § 101-32.001 and new Subpart  
101-32.4, as follows:

##### § 101-32.001 Review of proposed deter- minations by the Bureau of the Budget.

The authority conferred upon the Ad-  
ministrator of General Services and the  
Secretary of Commerce by Public Law  
89-306 shall be exercised subject to di-  
rection by the President and to fiscal and  
policy control exercised by the Bureau of  
the Budget. Authority so conferred upon  
the Administrator shall not be construed  
as to impair or interfere with the de-  
termination by agencies of their individ-  
ual automatic data processing equipment  
requirements, including the development  
of specifications for and the selection of  
the types and configurations of equip-  
ment needed. The Administrator shall  
not interfere with, or attempt to control  
in any way, the use made of automatic  
data processing equipment or compo-  
nents thereof by any agency. The Ad-  
ministrator shall provide adequate notice  
to all agencies and other users con-  
cerned with respect to each proposed de-  
termination specifically affecting them  
or the automatic data processing equip-  
ment or components used by them. In  
the absence of mutual agreement be-  
tween the Administrator and the agency  
or user concerned, such proposed de-  
termination shall be subject to review  
and decision by the Bureau of the Budget  
unless the President otherwise directs.  
When an agency submits these matters  
to the Bureau of the Budget for resolu-  
tion, copies of the submission and all  
relevant data and information (other  
than that previously furnished by the  
agency) shall be furnished the Commis-  
sioner, Federal Supply Service, General  
Services Administration, Washington,  
D.C. 20405. Copies of data or information  
submitted to the Bureau of the Budget

by GSA in this connection will be fur-  
nished the agency concerned.

#### Subpart 101-32.4—Procurement and Contracting

##### § 101-32.400 Scope of subpart.

This subpart set forth policies and pro-  
cedures governing the procurement of  
all automatic data processing equipment,  
software, maintenance services, and sup-  
plies by Federal agencies.

##### § 101-32.401 Applicability.

The provisions of this subpart apply  
to all Federal agencies. These provisions  
are not applicable to Government con-  
tractors when the items governed by the  
provisions of this Subpart 101-32.401 are  
to be acquired by such contractors.

##### § 101-32.402 Definitions.

As used in this Subpart 101-32.4, the  
following terms shall have the meaning  
set forth in this § 101-32.402.

##### § 101-32.402-1 Automatic data process- ing equipment.

"Automatic data processing equip-  
ment" (ADPE) means general purpose  
commercially available, mass produced  
automatic data processing components  
and the equipment systems created from  
them, regardless of use, size, capacity,  
or price, that are designed to be applied  
to the solution or processing of a variety  
of problems or applications and are not  
specially designed (not configured) for  
any specific application. It includes:

(a) Digital, analog, or hybrid com-  
puter equipment; and/or

(b) Auxiliary or accessorial equipment  
such as plotters, communications termi-  
nals, tape cleaners, tape testers, source  
data automation recording equipment  
(optical character recognition equipment,  
paper tape typewriters, magnetic tape  
cartridge typewriters, and other data ac-  
quisition devices), etc., to be used in  
support of digital, analog, or hybrid  
computer equipment, either cable con-  
nected, wire connected, or self-standing  
and whether selected or acquired with  
a computer, or separately; and/or

(c) Punched card accounting machines  
(PCAM) used in conjunction with or in-  
dependently of digital, analog, or hybrid  
computers.

##### § 101-32.402-2 Software.

"Software" means the programs and  
routines used to extend the capabilities  
of ADPE. For the purposes of this sub-  
part, the types and examples of software  
are categorized as follows:

(a) *Basic software.* Software, the re-  
quirements of which are taken into ac-  
count in the design of the data process-  
ing hardware with which it is used. This  
software is usually provided by the origi-  
nal equipment manufacturer and nor-  
mally is not separately priced from ADPE  
in Federal Supply Schedule contracts.  
Examples of software included in this  
category are symbolic languages, as-  
semblers (including, but not limited to  
COBOL, FORTRAN, and JOVIAL), utili-  
ty programs, operating systems, and  
sort/merge programs.



(b) *Nonfunctional packages.* General purpose software which permits the user to handle his particular applications requirements with little or no additional programs or systems design work, or to perform certain specialized computational functions. Examples of software included in this category are demand-deposit accounting systems, hospital data processing systems, PERT systems, file management systems, report program generators, linear programs, various mathematical function programs, and flow charting programs.

#### § 101-32.402-3 Maintenance services.

"Maintenance services" means those examination, testing, repair, or part replacement functions performed to: (a) reduce the probability of ADPE malfunction (commonly referred to as "Preventive Maintenance"), (b) restore a component of ADPE which is not functioning properly to its proper operating status (commonly referred to as "Remedial Maintenance"), and (c) modify the ADPE in a minor way (commonly referred to as "Field Engineering Change," or "Field Modification").

#### § 101-32.402-4 Supplies.

"Supplies" means consumable items designed specifically for use with ADPE, such as computer tape, ribbons, punch cards, and tabulating paper.

#### § 101-32.402-5 Procurement.

"Procurement" means the acquisition of ADPE, software, maintenance service, or supplies by purchase or lease.

#### § 101-32.402-6 Agency procurement request.

"Agency procurement request" (APR) means a request by a Federal agency for GSA to procure ADPE or for GSA to delegate the authority to procure ADPE. It includes applicable requests for proposals (RFP), invitations for bids (IFB), or requests for quotations (RFQ), and amendments thereto or, if before preparation of any solicitation document, the data systems specifications and/or the equipment performance requirements as available and the attendant software requirements.

#### § 101-32.402-7 Data systems specifications.

"Data systems specifications" means: (a) The delineation of the objectives which the system is intended to accomplish, and (b) the data processing requirements underlying that accomplishment. The latter includes a description of the data output and its intended uses, the data input, the data files and record content, the volumes of data, the processing frequencies, timing, and such other facts as may be necessary to provide for a full description of the system.

#### § 101-32.402-8 Equipment performance requirements.

"Equipment performance requirements" means a statement of those hardware factors such as, cycle time, computing speed, tape read or write speed,

printer speed, size of memory, expandability (modularity) etc., and the related software which are a measure of the operating capability of equipment and which, when applied to the data systems specifications, provide a measure of the operating time required to process the applications involved on that equipment.

#### § 101-32.402-9 Federal agency.

"Federal agency" means any executive agency (executive department or independent establishment in the executive branch including any wholly owned Government corporation) or any establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction).

#### § 101-32.403 Procurement authority.

To allow for the orderly implementation of a program for the economic and efficient procurement of ADPE, software, and maintenance services, agencies are authorized to procure these items in accordance with the provisions of this § 101-32.403 and under certain circumstances as provided in § 101-32.404. In those instances where agencies are authorized to procure ADPE, software, or maintenance services under the provisions of this § 101-32.403, two copies of the solicitation document (RFP, IFB, or RFQ), as applicable, and any subsequent amendments thereto shall be forwarded to the Director ADP Procurement Division, Office of Automated Data Management Services—FTP, Federal Supply Service, General Services Administration, Washington, D.C. 20405, as soon as available but in no event later than the date issued to industry. In addition, one copy of the resulting purchase/delivery order or contract shall be forwarded upon issuance.

#### § 101-32.403-1 Automatic data processing equipment.

Agencies may procure ADPE without prior review and approval of GSA when:

(a) The procurement will occur by placing a purchase/delivery order against an applicable Federal Supply Schedule under the terms of the schedule; or

(b) The procurement will fall within the limitations prescribed in the Scope of Contract clause of the Federal Supply Schedule as it relates to the Maximum Order Limitations, but as a result of negotiations with a company having a Federal Supply Schedule contract, a separate contract rather than a general amendment to the Federal Supply Schedule contract is the desired contractual vehicle. Such separate contract, however, must contain some better terms and/or conditions with all other terms and conditions at least equal to those in the applicable Federal Supply Schedule contract; or

(c) The value of the procurement is within specified dollar limitations or other criteria related to types of equipment as may be determined and announced by GSA.

#### § 101-32.403-2 Software.

Agencies may procure software for use with ADPE available from a Federal Supply Schedule contract in accordance with the applicable provisions of the contract. Agencies may procure software for use with ADPE from any other source without prior review and approval of GSA provided that the composition and structure of the software is such that the potential for substantial use elsewhere in the Government is not readily identifiable.

#### § 101-32.403-3 Maintenance services.

Agencies may procure maintenance services available from a Federal Supply Schedule contract without prior review and approval of GSA.

#### § 101-32.404 Request for procurement action.

Immediately upon determination that the conditions of the contemplated procurement are not covered by the provisions of § 101-32.403, or where the conditions of the contemplated procurement change at any time during the procurement cycle in such manner as to remove it from these provisions, appropriate documentation as required by this § 101-32.404 shall be forwarded to the Commissioner, Federal Supply Service, General Services Administration, Washington, D.C. 20405. It will be presumed that the policies and guidance stated in applicable Bureau of the Budget directives have been complied with prior to forwarding such documentation to GSA.

#### § 101-32.404-1 Automatic data processing equipment.

When the contemplated procurement involves ADPE, two copies of the APR and such other documents as may be applicable shall be forwarded to GSA.

#### § 101-32.404-2 Software and maintenance.

When the contemplated procurement involves software or maintenance services, the solicitation (RFP, IFB, or RFQ) or such other documents as may be applicable shall be submitted to GSA.

#### § 101-32.405 GSA action on procurement requests.

(a) After review of an APR and the documentation submitted pursuant to § 101-32.404, and subject to the right of the agency to determine its individual software, maintenance, and ADPE requirements, including the development of specifications for and the selection of the types and configurations of equipment needed, the Commissioner, Federal Supply Service, shall:

(1) Delegate to the agency the authority to conduct the procurement; or

(2) Delegate to the agency the authority to conduct the procurement and provide for participation in the procurement with the agency to the extent deemed necessary under the circumstances; or

(3) Provide for the procurement by GSA, or otherwise obtain the requirement on behalf of the agency.



(b) If no action is taken by GSA within 20 workdays after receipt of full information from an agency involving a request for procurement as provided in § 101-32.404, the agency concerned may proceed with the procurement as if a delegation of authority had, in fact, been granted. (In order to establish a common understanding of the 20-workday period, GSA will provide written verification to the agency concerned which identifies the date of receipt of an APR. This date is subject to written modification by GSA in the event that, after review, it is found that the APR does not contain the full information required, or in the event that unusual circumstances surrounding the procurement dictate that a longer period of time is required for GSA to complete its appraisal.)

**§ 101-32.406 Procurement of supplies.**

Supplies, required in connection with automatic data processing, shall be acquired from GSA supply sources in accordance with Subparts 101-26.3 through 101-26.5 when such items are available from these sources. Such supplies not available from GSA supply sources shall be procured through Government Printing Office sources, if available. Requirements for such supplies not available from GSA or GPO sources may be satisfied either by procurement directly from commercial sources or through GSA pursuant to § 101-26.102.

**§ 101-32.407 Use of Federal Supply Schedules for ADPE, software and maintenance services.**

Nothing in this § 101-32.407 is intended to preclude or otherwise detract from the procurement of the several components, including peripheral equipment, of a system, or augmenting an existing system, from a number of different sources, if such action will be in the best interests of the Government. Suitable equipment not on a Federal Supply Schedule contract, as well as that which is on such a contract, must be considered.

(a) Purchase orders issued against Federal Supply Schedule contracts should delineate specifically both the hardware and/or the software contained in the offer submitted by the successful vendor. Care should be taken to ensure that specific requirements and commitments are included in the purchase orders.

(b) In any case where ADPE, software, or maintenance services are procured under a Federal Supply Schedule contract at other than the lowest available delivered price, agencies should justify such action fully as required by § 101-26.408 and should retain such justification and all relevant supporting data.

(c) The existence of a Federal Supply Schedule contract does not preclude or waive the requirement for full and complete competition in obtaining

ADPE, software, or maintenance services.

(d) Except in those instances where a determination as to lowest overall cost can be reached and documented without further solicitation or negotiation, proposals or bids should be solicited to determine the ADPE, software, or maintenance services which would satisfy agency requirements at the lowest overall cost to the Government, price and other factors considered. The preparation of such solicitations and subsequent negotiations thereunder shall conform generally with the principles and policies contained in Subpart 1-3.1 and in the instance of negotiated procurements with the specific instructions relating to late proposals contained in § 101-32.408.

**§ 101-32.408 Procurement guidance.**

The procurement of ADPE, software, maintenance services, and supplies shall be accomplished in conformance with the policy, guidance, or provisions in:

(a) Applicable procurement regulations, except with respect to proposals or modifications thereof which are received in the office designated in the request for proposals after the time specified for their submission. These are late proposals. (Such proposals shall not be considered unless the contracting officer determines that such action would not unduly delay the procurement and would be in the interest of the Government. Normally, only late proposals lower in price or offering other more favorable factors which do not require a technical reevaluation will be considered. The contracting officer's decision is final and conclusive. Except as otherwise expressly stated in a modification, a late modification, if rejected, shall not be deemed a withdrawal of the offeror's timely proposal.)

(b) Appropriate provisions of the Federal Property Management Regulations (FPMR); and

(c) The policies and guidance stated in applicable Bureau of the Budget directives.

**§ 101-32.409 Assistance by GSA.**

Assistance in any phase of the procurement process covered by this Subpart 101-32.4 may be obtained by contacting the General Services Administration, Federal Supply Service, Office of Automated Data Management Services, ADP Procurement Division—FTP, Washington, D.C. 20405.

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

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

Dated: January 17, 1969.

LAWSON B. KNOTT, Jr.,  
Administrator of General Services.  
[F.R. Doc. 69-1035; Filed, Jan. 24, 1969;  
8:46 a.m.]

## Title 42—PUBLIC HEALTH

### Chapter II—Children's Bureau, Social and Rehabilitation Service, Department of Health, Education, and Welfare

#### PART 208—SPECIAL PROJECT GRANTS FOR FAMILY PLANNING SERVICES

Notice of proposed regulations for the special project grants for family planning services administered under section 508 of the Social Security Act was published in the FEDERAL REGISTER of September 4, 1968 (33 F.R. 12384). The views of interested persons were requested, received, and considered. Certain changes in the proposed regulations have been made, including provisions of § 208.12 concerning State accountability for interest earned on Federal funds. Accordingly, a new Part 208 is added to Chapter II of Title 42 of the Code of Federal Regulations as set forth below.

Federal financial assistance extended under this part is subject to the regulations in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d).

Sec.	Purpose.
208.1	Definitions.
208.2	Eligibility for grants.
208.3	Application.
208.4	Matching requirements.
208.5	Personnel and facilities standards.
208.6	Availability of services.
208.7	Provision of services.
208.8	Payment for services.
208.9	Confidentiality of information.
208.10	Project expenditures.
208.11	Interest and other income.
208.12	Equipment.
208.13	Control of project funds or services.
208.14	Effect of State or local law.
208.15	Termination.
208.16	Records and reports.
208.17	Copyright.
208.18	Effect of payment.

**AUTHORITY:** The provisions of this Part 208 issued under sec. 1102, 49 Stat. 647, 42 U.S.C. 1302; sec. 508, 81 Stat. 926, 42 U.S.C. 708.

**§ 208.1 Purpose.**

In order to provide families the freedom of choice to determine the number and spacing of their children, to promote the health of mothers and children, and to help reduce maternal and infant mortality, the Children's Bureau is authorized to make grants for projects for the provision of family planning services.

**§ 208.2 Definitions.**

As used in this part:

(a) "State" means the several States, the District of Columbia, Puerto Rico, the Virgin Islands, and Guam.



(b) "Department" means the U.S. Department of Health, Education, and Welfare.

(c) "Bureau" means the Children's Bureau of the Social and Rehabilitation Service.

#### § 208.3 Eligibility for grants.

The Bureau is authorized to make grants under this part:

(a) To the State health agency of any State;

(b) With the consent of such agency, to the health agency of any political subdivision of the State; and

(c) To any other public or nonprofit private agency, institution, or organization.

#### § 208.4 Application.

(a) Any applicant for a grant under this part may file application therefor with the Regional Commissioner of the Social and Rehabilitation Service, for the region of the Department in which the project is to be conducted, on such forms and containing such information as the Bureau may prescribe. The application shall contain a budget and a narrative plan of the way the applicant intends to conduct the project and carry out the requirements of this part. A revision of the budget and project plan is required whenever there is to be a significant change in the scope of project activities.

(b) The application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of the grant, including this part and the policies and procedures for these grants.

(c) The applicant will be notified of action taken on his application. If a grant is made, the initial award will specify the project period for which support is contemplated if the activity is satisfactorily carried out and Federal funds are available. For continuation support, grantees must make separate application annually.

#### § 208.5 Matching requirements.

Federal funds will be granted on the basis of project applications and will not exceed 75 percent of the cost of the project. The non-Federal participation may be derived from a variety of sources, including: (a) new State or local appropriations or other new grantee funds, and (b) existing funds and time of personnel used for the on-going activities of the grantee agency which are made a part of the project. Services or space donated to the project may not be included as a grantee contribution. Grantee funds or services derived from other Federal funds or used for matching any other Federal grant may not be used to match the Federal funds in this program except as otherwise specifically allowed by Federal statute.

#### § 208.6 Personnel and facilities standards.

The application shall describe the standards required for personnel and facilities utilized in the provision of serv-

ices under the program. These standards for personnel and facilities must be those which: (a) are found, upon investigation by the grantee, to be best adapted for the attainment of the specific purpose, (b) will assume a reasonably high standard of care, and (c) are in substantial accordance with national standards as accepted by the Social and Rehabilitation Service or standards prescribed by the Social and Rehabilitation Service. However, if a project is planned for an area in which it is not possible to meet such standards, the best available resources must be used, and steps must be taken to improve the care. The application must include a description of such steps.

#### § 208.7 Availability of services.

Services in the project must be available:

(a) Without any requirement for legal residence except that the person or family is currently living in the area served by the project;

(b) Upon referral from any source including the patient's own application;

(c) With respect for the dignity of the individual;

(d) With efficient administrative procedures for registration, avoiding prolonged waiting and multiple visits for registration;

(e) Without regard to race, religion, national origin, or maternity or marital status; and

(f) Only to persons who are of low income or who for other reasons beyond their control could not obtain services comparable to those provided under the project. However, if specific income standards are used, they must be applied flexibly, with due regard for total family needs in the particular case. Determinations of eligibility for services under the project shall be made by the project director or someone on the project staff designated by him, and shall be made in accordance with this section, policies and procedures governing the project, and the project plan and budget as approved.

#### § 208.8 Provision of services.

(a) Acceptance of services under the project must be voluntary, and individuals must not be subjected to any coercion to receive services, or to employ or not to employ any particular method of family planning. Acceptance of family planning services shall not be a prerequisite to eligibility for or receipt of any other services.

(b) Measures must be taken to promote community understanding of the objectives of the program, to make the availability of services known to the community, and to encourage and facilitate attendance in the program.

(c) The project must be coordinated with related services of the local health and welfare departments, hospitals and related voluntary agencies, and health projects supported by the Office of Economic Opportunity. Where appropriate, there should be referral arrangements with local welfare departments for serv-

ices to persons under the Aid to Families With Dependent Children Program.

(d) The program must include counseling, and interpretation to individuals of the services provided.

(e) Family planning medical services should be under the direction and responsibility of a physician with special training or experience in family planning.

(f) Projects are to be designed to assure comprehensiveness and continuity in the health management and supervision of project patients with respect to family planning services.

(g) A variety of medically approved methods of family planning, including the rhythm method, must be available to persons to whom family planning services are offered and provided.

(h) Diagnostic and treatment services for infertility must be provided for in the family planning project.

#### § 208.9 Payment for services.

(a) Project plans shall set forth the methods utilized by the grantee in establishing the rates of payment for medical care, and in substantiating that the rates are reasonable and necessary to maintain standards relating to the provision of services established pursuant to § 208.6. Grantees will maintain a schedule of rates for such services.

(b) All services purchased for project patients must be authorized by the project director or his designee on the project staff.

(c) No charge shall be made to any person or family for services under the project, except for inpatient hospital care and physicians' services rendered in hospitals, and then only to the extent that payment will be made by a third party (including a government agency) which is authorized or is under legal liability to pay such charges.

#### § 208.10 Confidentiality of information.

All information as to personal facts and circumstances obtained by the project staff shall constitute privileged communications, shall be held confidential, and shall not be divulged without the individual's consent except as may be necessary to provide services to the individual. Information may be disclosed in summary, statistical, or other form which does not identify particular individuals.

#### § 208.11 Project expenditures.

(a) Project funds (Federal and matching) are available for the direct costs of operating and maintaining the project approved in the plan and budget.

(b) Funds may not be used for the following:

- (1) Construction of buildings;
- (2) Depreciation of existing building or equipment;
- (3) Dues to societies, organizations, or federations;
- (4) Entertainment costs;
- (5) General agency overhead;
- (6) Fund raising material and activities;
- (7) Consultants or other personnel paid from other Federal grant funds;



(8) Any other costs not approved in the plan and budget.

**§ 208.12 Interest and other income.**

(a) Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (Public Law 90-577), a State, as defined in section 102 of that Act, will not be held accountable for interest earned on grant funds, pending their disbursement for program purposes. A State, as defined in the Intergovernmental Cooperation Act, section 102, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All other grantees must return to the Social and Rehabilitation Service all interest earned on grant funds.

(b) All grantees must return to the Social and Rehabilitation Service a part of any other project income proportionate to the grant contribution to the support of the project.

**§ 208.13 Equipment.**

Items of equipment purchased with project funds are to be used for the purposes of the project, and the grantee shall maintain complete equipment inventory and adequate property controls.

**§ 208.14 Control of project funds or services.**

Funds or services made available to the project for project purposes, whether or not utilized to meet the grantee's share of the costs, shall be under the control of the grantee and expended and utilized in accordance with this part, policies and procedures governing the project, and the project plan and budget as approved.

**§ 208.15 Effect of State or local law.**

Except as otherwise authorized, where the grantee is a public agency, administrative provisions of State or local law applicable to the moneys appropriated to the public agency shall apply to the project funds.

**§ 208.16 Termination.**

A grant may be terminated in whole or in part at any time at the discretion of the Administrator of Social and Rehabilitation Service. Noncancellable obligations of the grantee properly incurred prior to the receipt of the notice of termination will be honored. The grantee shall be promptly notified of such termination in writing and given the reasons therefor.

**§ 208.17 Records and reports.**

(a) The grantee shall maintain such records, including medical, fiscal, and other health records, and make such reports, as the Bureau may prescribe.

(b) All fiscal transactions by a grantee relating to grants under this part are subject to audit by the Department to determine whether expenditures have been made in accordance with this part, policies and procedures governing the project, and the project plan and budget as approved.

**§ 208.18 Copyright.**

The Government of the United States reserves a royalty free, nonexclusive license to use and authorize others to use all copyrightable or copyrighted material resulting from a project.

**§ 208.19 Effect of payment.**

Neither the approval of a project plan nor any certification of funds or payment to a grantee pursuant thereto shall be deemed to waive the obligation of the grantee to observe before or after such action any Federal requirements, or to waive the right or duty of the Administrator of Social and Rehabilitation Service to withhold funds for noncompliance with Federal requirements.

*Effective date.* The regulations in this part shall be effective on the date of their publication in the FEDERAL REGISTER.

Dated: January 15, 1969.

JOSEPH H. MEYERS,  
Acting Administrator, Social  
and Rehabilitation Service.

Approved: January 18, 1969.

WILBUR J. COHEN,  
Secretary.

[P.R. Doc. 69-1068; Filed, Jan. 24, 1969;  
8:50 a.m.]

## Title 45—PUBLIC WELFARE

### Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

#### PART 226—PURCHASE OF SERVICES UNDER PUBLIC ASSISTANCE PROGRAMS

Chapter II of Title 45 of the Code of Federal Regulations is amended by adding a new Part 226 as set forth below. This part is added to provide regulations for the provision of services by purchase from public, nonprofit or proprietary private agencies, or individuals, in the programs administered under Title I, IV—Part A, X, XIV, or XVI of the Social Security Act, pursuant to the 1967 amendments to the Act.

Sec.

226.1 State plan requirements.

226.2 Federal financial participation.

*AUTHORITY:* The provisions of this Part 226 issued under sec. 1102, 49 Stat. 647, 42 U.S.C. 1302.

**§ 226.1 State plan requirements.**

(a) A State plan under Title I, IV—Part A, X, XIV, or XVI of the Social Security Act, which authorizes the provision of services by purchase from other State or local public agencies, from nonprofit or proprietary private agencies or organizations, or from individuals, must, with respect to services which are purchased:

(1) Include a description of the scope and types of services which may be purchased under the State plan;

(2) Provide that the State or local agency will retain continuing, basic responsibility for determination as to:

(i) The eligibility of individuals for services; and

(ii) The authorization, selection, quality, effectiveness, and execution of a plan or program of services suited to the needs of an individual or of a group of individuals;

(3) Provide that the State agency will work with established and newly organized suppliers of purchased services to provide consultation and technical assistance, to assure satisfactory performance in providing such services, including periodic review, and to develop new and more effective approaches and methods of delivering purchased services;

(4) In the case of services authorized under the Vocational Rehabilitation Act, provide that such services will be obtained from the State vocational rehabilitation agency when that agency is willing and able to provide them, and that such services will be purchased from another source only when they are not obtainable from the State vocational rehabilitation agency;

(5) Assure progressive development of arrangements with a number and variety of agencies and other sources which meet applicable standards as to quality of services and rates of payment, with the aim of providing opportunities for individuals to exercise choice with regard to the source of purchased service;

(6) Assure that the sources from which services are purchased are licensed, approved as meeting State licensing standards, meet applicable accrediting standards, or in the absence of licensing or accrediting standards, meet standards or criteria established by the State agency to assure quality of service, including standards appropriate for services provided by new self-help groups and other organizations for which licensing or accrediting do not exist; and

(7) (i) Provide for the establishment of rates of payment for such services which:

(a) Do not exceed the amounts reasonable and necessary to assure quality of services, and in the case of services purchased from other public agencies, are in accordance with the cost reasonably assignable to such services; and

(b) Whenever possible are based on consideration of full cost of the services;

(ii) Describe the methods used in establishing and maintaining such rates; and

(iii) Indicate that information to support such rates of payment will be maintained in accessible form.

(b) In the case of services provided, by purchase, as emergency assistance to needy families with children under Title IV—Part A, the State plan may provide for an exception from the requirements in subparagraphs (5), (6), and (7) of paragraph (a) of this section, but only to the extent and for the period necessary to deal with the emergency situation.

(c) All other requirements governing the State plans listed in paragraph (a)



of this section are applicable to the purchase of services, including:

(1) General provisions such as those relating to single State agency, fair hearings and grievances, safeguarding of information, civil rights, and financial control and reporting requirements; and

(2) Specific provisions as to the programs of services such as those on required services, State-wideness and maximum utilization of other agencies providing services, to the extent feasible.

#### § 226.2 Federal financial participation.

(a) Federal financial participation is available in expenditures for purchase of services under the State plans listed in § 226.1 to the extent that payment for purchased services is in accordance with rates of payment established by the State which do not exceed the amounts reasonable and necessary to assure quality of service and, in the case of services purchased from other public agencies, the cost reasonably assignable to such services.

(b) Services which may be purchased with Federal financial participation are those for which Federal financial participation is otherwise available under Title I, IV—Part A, X, XIV, or XVI of the Social Security Act and which are included under the approved State plan.

(c) Payments for subsistence (including payments for foster care), other items of individual or family need normally included in assistance payments, and medical or remedial care or services are not considered to be service costs. However, Federal financial participation is available in expenditures for the purchase of services which include subsistence or medical care items (as contrasted with payments made to provide financial or medical assistance), such as:

(1) Subsistence and medical care when they are included as an essential component of the furnishing of services in an institutional setting and cannot be separately identified, such as in a comprehensive rehabilitation center; and

(2) Under Title IV—Part A of the Act, medical care, for such items as:

(i) Family planning services; and  
(ii) Medical examinations required for child care staff, when not otherwise available.

(For details as to these and other special conditions, see the pertinent regulations, such as those for emergency assistance to needy families with children, § 233.120 of this chapter, and services to children and families under Title IV—Part A of the Act, to be published at a later date.)

**Effective date.** The regulations in this part shall be effective on the date of their publication in the FEDERAL REGISTER.

Dated: January 15, 1969.

JOSEPH H. MEYERS,  
Acting Administrator, Social  
and Rehabilitation Service.

Approved: January 18, 1969.

WILBUR J. COHEN,  
Secretary.

[F.R. Doc. 69-1057; Filed, Jan. 24, 1969;  
8:49 a.m.]

## PART 250—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

### Subpart A—General Administration

#### REASONABLE CHARGES

Interim Policy Statement No. 6 setting forth regulations to implement section 1902(a) (30) of title XIX of the Social Security Act, with respect to reasonable charges for medical services in the medical assistance program, was published in the FEDERAL REGISTER of July 17, 1968 (33 F.R. 10233). The views of interested persons were requested, received, and considered, and, in the light thereof, certain changes in the regulation were made.

(a) **Drugs.** Comments were received concerning the use of the term "actual acquisition cost" in the Interim Policy Statement. In its place, other definitions were suggested such as invoice price, Red Book/Blue Book price, etc. The policy has been changed to permit flexibility in a State's operational definition of drug cost.

Comments were received concerning the policy statement which based the upper limit for payment on a "fixed fee." In its place, there was suggested a policy based on usual and customary charges or on a percentage markup. The policy has been changed to permit a State to set the upper limit for payment based on a dispensing fee for individual pharmacies, by categories based on size, geographic or economic area, and factors such as physician, clinic, etc. A State may also use a second method based on customary charges which are reasonable.

Comments were received concerning the policy statement requiring the upper limit of payment to be based on the lower of cost plus a fee or the charge to the public. The usual comment was that such a policy would have an inflationary effect on all drug charges. The policy has been changed by deleting the requirement and inserting language that will promote the same end of economy.

Comments were received concerning the policy statement requiring the upper limit of payment for over-the-counter drugs (nonlegend items) to be based on the pharmacist's price to the public. It was stated that a billing allowance should be permitted for handling and administrative costs. The policy has been changed to permit a State some leeway in the matter.

(b) **Other services.** Comments were received concerning the policy statement requiring States to determine the upper limit of reasonable charges by determining the usual payments received by providers from private patients, from intermediaries and carriers for the Social Security Administration, and from other third-party insuring organizations. It was stated that payment should be on the basis of usual and customary charges. The policy in effect recognizes such a method to the extent that it is the basis for settlement recognized by other third-party payers. However, in the interest of enlisting the widest acceptance by medical providers of the title XIX program, policy has been changed to provide for an upper limit for payment on the basis

of customary charges which are reasonable.

Accordingly, such regulations are hereby codified by adding a new § 250.30 to Part 250 of Chapter II of Title 45 of the Code of Federal Regulations as set forth below.

#### § 250.30 Reasonable charges.

(a) **State plan requirements.** A State plan for medical assistance under title XIX of the Social Security Act must:

(1) Include a description of the policy and the methods to be used in establishing payment rates for each type of care or service listed in section 1905(a) of the Act that is included in the State's medical assistance program.

(2) Provide that payments for care or service are not in excess of the upper limits described in paragraph (b) of this section.

(3) Provide that the single State agency will take whatever measures are necessary to assure appropriate audit of records wherever reimbursement is based on costs of providing care or service, or fee plus costs of materials.

(b) **Upper limits.** The upper limits for payments for care and services under a medical assistance plan are as follows: The State agency may pay less than the upper limit except for services described in subparagraph (1) of this paragraph.

(1) **Inpatient hospital services.** (i) For each hospital also participating in the Health Insurance for the Aged program under title XVIII of the Social Security Act, apply the same standards, cost reporting period, cost reimbursement principles, and method of cost apportionment currently used in computing reimbursement to such hospital under title XVIII of the Act.

(ii) For each hospital not participating in the program under title XVIII of the Social Security Act, apply the standards and principles described in sections 1-1 through 1-12 of "Principles of Reimbursement for Provider Costs" (Health Insurance Manual-5 Revised) (Code of Federal Regulations, Title 20, Chapter III, Part 405) and the related §§ 405.415-405.429 in Health Insurance Regulations-4 (9/67) (Code of Federal Regulations, Title 20, Chapter III, Part 405) issued by the Social Security Administration and either (a) one of the acceptable cost apportionment methods in section 2-2 of HIM-5 (Revised) or (b) the "Gross RCC Method" of cost apportionment applied as follows: The total allowable annual inpatient cost of operating a hospital is divided by the total annual charges for inpatients; the resulting percentage is applied to the bill of each inpatient under the medical assistance program.

(2) **Drugs.** (i) The upper limit for payment for prescribed drugs—whether legend items (for which a prescription is required under Federal law) or non-legend items—shall be based on the following methods:

(a) Cost as defined by the State agency plus a dispensing fee. The dispensing fee should be ascertained by analysis of pharmacy operational data which includes such components as overhead, professional services, and profit.



Indices to be considered should include payment practices of other third-party organizations, including other Federal programs. Both the cost and the dispensing fee may vary according to the size and location of the pharmacy and according to whether the dispensing is done by a physician or by an outpatient drug department of an institution, and according to whether the drug is a legend or a nonlegend item. In evaluating a dispensing fee by analysis of operational data, the objective of the State agency should be to insure that the average prescription price paid by the State agency does not exceed the average prescription price paid by the general public.

(b) The method described for Other Services in subparagraph (3)(i) of this paragraph.

(ii) The provisions of subdivision (i) of this subparagraph do not apply to payment for drugs in institutions where drugs are included in a reimbursement formula.

(iii) The provisions of subdivision (i) of this subparagraph do not apply where a public agency makes bulk purchases of drugs. In such cases, payment will be made in accordance with the governmental statutes and regulations governing such purchases.

(iv) The use of a formulary is optional, as are provisions for use of generic drugs. Where either is employed, there must be standards for quality, safety, and effectiveness under the supervision of professional personnel.

(3) *Other services.* The upper limit for payment for other services shall be the following:

(i) *Non-institutional services.* Customary charges which are reasonable. The prevailing charges in the locality for comparable services under comparable circumstances shall set the upper limit of payments. In reviewing prevailing charges for reasonableness, the State agency should consider the combined payments received by providers (for furnishing comparable services under comparable circumstances) from the carriers under title XVIII and beneficiaries under title XVIII of the Social Security Act and the combined payments received from other third-party insuring organizations and their regular policy holders and subscribers, using whichever of these criteria or other criteria are appropriate to the specific provider service.

(ii) *Institutional services.* Reasonable costs as defined by the standards and principles for computing reimbursement currently applicable to such institutions under title XVIII of the Social Security Act.

(4) *Prepaid capitation arrangements.* The upper limit for payment for services provided on a prepaid capitation basis shall be established by ascertaining what other third parties are paying for comparable services under comparable circumstances. The cost for providing a given scope of services to a given number of individuals under a capitation arrangement shall not exceed the cost of providing the same services while paying for them under the requirements imposed for specific provider services.

(c) *Waiver for experiments.* Any limitations on reimbursement imposed by the provisions of this section may be waived by the Secretary with respect to experiments conducted under the provisions of section 402, Public Law 90-248, Incentives for Economy Experimentation.

(d) *Federal financial participation.* Federal financial participation is available for payments, within the upper limits described in paragraph (b) of this section, in accordance with the provisions of the State plan.

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302)

*Effective date.* The regulations in this section are effective on the date of their publication in the FEDERAL REGISTER.

Dated: January 18, 1969.

JOSEPH H. MEYERS,  
Acting Administrator, Social  
and Rehabilitation Service.

Approved: January 19, 1969.

WILBUR J. COHEN,  
Secretary.

[F.R. Doc. 69-1058; Filed, Jan. 24, 1969;  
8:49 a.m.]

#### Chapter IV—Social and Rehabilitation Service (Rehabilitation Programs), Department of Health, Education, and Welfare

#### PART 407—NATIONAL CENTER FOR DEAF-BLIND YOUTHS AND ADULTS

Notice of proposed regulations was published in the FEDERAL REGISTER of December 4, 1968 (33 F.R. 18045) pertaining to the entry into an agreement for and payment of the costs of establishment of a center for vocational rehabilitation of handicapped individuals who are both deaf and blind, to be known as the National Center for Deaf-Blind Youths and Adults, authorized by section 16 of the Vocational Rehabilitation Act.

No objections have been received and the proposed regulations are hereby adopted without change. Accordingly, Chapter IV of Title 45 of the Code of Federal Regulations is amended by adding a new Part 407 as set forth below.

Federal financial assistance extended under this part is subject to the regulations in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d).

Sec.

407.1 Terms.

407.2 Purpose.

407.3 Proposals.

407.4 Agreement.

407.5 Right of Government to recover funds.

407.6 Selection of grantee.

**AUTHORITY:** The provisions of this Part 407 issued under sec. 7(b), 68 Stat. 658, 29 U.S.C. 37(b); sec. 16, 81 Stat. 251, 82 Stat. 304, 29 U.S.C. 42a.

#### § 407.1 Terms.

For the purposes of this part—

(a) "Administrator" means the Administrator, Social and Rehabilitation Service;

(b) The terms "Secretary" and "Act" have the same meanings as set forth in § 401.1 of this chapter;

(c) "Center" means the National Center for Deaf-Blind Youths and Adults;

(d) "Construction" means construction of new buildings, acquisition of existing buildings, and expansion, remodeling, alteration, and renovation of existing buildings, and initial equipment of such new, newly acquired, expanded, remodeled, altered, or renovated buildings; and includes the cost of architects' fees and acquisition of land in connection with any of the foregoing, but does not include the cost of off-site improvements;

(e) "Deaf-blind" and "deaf and blind" refer to persons who have substantial visual and hearing losses, such that the combination of the two causes extreme difficulty in learning;

(f) "Grantee" means the public or nonprofit private agency or organization selected as the party to the agreement to receive funds for the construction and operation of the National Center for Deaf-Blind Youths and Adults.

#### § 407.2 Purpose.

An agreement is authorized for the purpose of paying all or part of the costs of the establishment and operation, including construction and equipment, of a center for the vocational rehabilitation of handicapped individuals who are both deaf and blind and to accomplish the purposes of section 16(a) of the Act, which shall be known as the National Center for Deaf-Blind Youths and Adults.

#### § 407.3 Proposals.

The scope of the commitment in the proposal for an agreement under section 16 of the Act shall extend at least to the following areas of activity:

(a) The construction of a facility for the vocational rehabilitation of handicapped individuals who are deaf and blind, which will be especially adapted to the needs of the deaf-blind and in compliance with appropriate safety standards, and which in its construction and operation will meet applicable labor standards and other pertinent Federal statutory and regulatory requirements;

(b) The provision of services, particularly specialized intensive services, for vocational rehabilitation of the deaf-blind;

(c) The provision of training for professional personnel and allied personnel needed to staff facilities specially designed to provide such services;

(d) The conduct of research with respect to the problems of the deaf-blind and their rehabilitation;

(e) Aid in activities for the expansion and improvement of services for the deaf-blind; and

(f) Aid in activities for improvement of public understanding about the problems of the deaf-blind.

#### § 407.4 Agreement.

The agreement shall:

(a) Provide that Federal funds paid to the grantee for the Center will be used only for the purposes for which paid and



in accordance with the applicable provisions of section 16 of the Act, these regulations, and the terms and conditions of the agreement;

(b) Provide that the grantee will make an annual report to the Administrator;

(c) Provide that any laborer or mechanic employed by any contractor or subcontractor in the performance of work in the construction of the Center will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5); with the Secretary of Labor having, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Number 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c);

(d) Include such other terms and conditions as the Administrator may deem necessary to carry out the purposes of section 16 of the Act.

#### § 407.5 Right of Government to recover funds.

(a) If within 20 years after the completion of any construction (except minor remodeling or alteration) for which funds have been paid pursuant to the agreement the facility constructed ceases to be used for the purposes for which it was constructed or the agreement is terminated, the United States, unless the Administrator determines that there is good cause for releasing the grantee from its obligation, shall be entitled to recover from the grantee or other owner of the facility an amount which bears the same ratio to the then value of the facility as the amount of such Federal funds bore to the cost of the portion of the facility financed with such funds. Such value shall be determined by agreement of the parties or by action brought in the U.S. district court for the district in which the facility is situated.

(b) In determining whether there is good cause for releasing the grantee or other owner of the facility from its obligation, the Administrator shall take into consideration the extent to which:

(1) The facility will be devoted by the grantee or other owner to use for another public or nonprofit purpose which will promote the purposes of section 16(a) of the Act; or

(2) There are reasonable assurances that for the remainder of the 20-year period other public or nonprofit facilities not previously utilized for the purpose for which the facility was constructed will be so utilized and are substantially equivalent in nature and extent for such purposes.

#### § 407.6 Selection of grantee.

Fully developed proposals submitted to the Administrator will be presented to the Study Section on the National Center for Deaf-Blind Youths and Adults for advice and recommendation. Final selection of the grantee will be made by the

Administrator. In evaluating proposals, preference will be given to those which:

(a) Give promise of maximum effectiveness in the organization and operation of the Center, and

(b) Give promise of offering the most substantial skill, experience and capability in providing a broad program of service, research, training, and related activities in the field of rehabilitation of the deaf-blind.

**Effective date.** The regulations in this part shall be effective on the date of their publication in the FEDERAL REGISTER.

Dated: January 14, 1969.

JOSEPH H. MEYERS,  
Acting Administrator, Social  
and Rehabilitation Service.

Approved: January 17, 1969.

WILBUR J. COHEN,  
Secretary.

[F.R. Doc. 69-1059; Filed, Jan. 24, 1969;  
8:49 a.m.]

## Title 49—TRANSPORTATION

### Chapter III—Federal Highway Administration, Department of Transportation

#### SUBCHAPTER A—MOTOR VEHICLE SAFETY REGULATIONS

#### PART 371—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

##### Motor Vehicle Safety Standard No. 112; Headlamp Concealment Devices—Passenger Cars, Multipurpose Passenger Vehicles, Trucks, Buses, and Motorcycles

Motor Vehicle Safety Standard No. 112, published in the FEDERAL REGISTER on April 27, 1968 (33 F.R. 6469), specifies requirements for headlamp concealment devices for passenger cars, multipurpose passenger vehicles, trucks, buses and motorcycles manufactured after December 31, 1968.

Paragraph S4.1 requires that each fully opened headlamp concealment device remain fully opened whenever either or both of the following occur—

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

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

The purpose of S4.1 is to prevent a malfunctioning headlamp concealment device from inadvertently covering an illuminated headlamp. However, the Administrator has concluded that this paragraph may be construed to prohibit the closing of headlamp concealment devices while the headlamps are not illuminated. Consequently, paragraph S4.1 is being amended to clarify that its requirements

apply only while the headlamps are illuminated.

Since this amendment provides clarification and imposes no additional burden on any person, notice and public procedure hereon are unnecessary. It is therefore found, for good cause shown, that an effective date earlier than 180 days after issuance is in the public interest and in the interest of motor vehicle safety.

In consideration of the foregoing, § 371.21 of Part 371, Federal Motor Vehicle Safety Standards, Motor Vehicle Safety Standard No. 112 (33 F.R. 6469), paragraph S4.1 is amended, effective January 25, 1969, to read as follows:

S4.1 While the headlamp is illuminated, its fully opened headlamp concealment device shall remain fully opened whenever either or both of the following occur—

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

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

This amendment is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and pursuant to the delegation of authority from the Secretary of Transportation, Part 1 of the regulations of the Office of the Secretary (49 CFR 1.4(c)).

Issued on January 22, 1969.

JOHN R. JAMIESON,  
Deputy Federal  
Highway Administrator.

[F.R. Doc. 69-1073; Filed, Jan. 24, 1969;  
8:50 a.m.]

[Dockets Nos. 28-1, 28-2, 28-6; Notice 4]

#### PART 375—CONSUMER INFORMATION REGULATIONS

Notice was published in the FEDERAL REGISTER of December 11, 1968 (33 F.R. 18382),<sup>1</sup> that the Federal Highway Administration was giving consideration to issuing regulations requiring manufacturers of motor vehicles to provide information to purchasers related to the safety characteristics of motor vehicles.

The notice specified seven areas of information manufacturers would be required to supply, Vehicle Stopping Distance (Docket No. 28-1); Tire Reserve Load (Docket No. 28-2); Side Intrusion

<sup>1</sup>The notice of proposed rule making appearing in the Dec. 11, 1968, issue of the FEDERAL REGISTER (33 F.R. 18382) was issued under 23 CFR Part 275. Parts of the Code of Federal Regulations relating to motor vehicle safety were transferred from Title 23 to Title 49 by notice issued in Part II of the FEDERAL REGISTER of Dec. 25, 1968 (33 F.R. 19700).



Protection for Occupants of Passenger Compartments (Docket No. 28-3); Field of View of the Driver (Docket No. 28-5); Acceleration and Passing Ability (Docket No. 28-6); Overall Steering Ratio (Docket No. 28-7); and Flammability of Materials in Vehicle Interiors (Docket No. 28-9).

The notice provided that comments should be received by the Federal Highway Administration by the close of business January 8, 1969. Requests that the time to file comments be extended were received and a 60-day extension was granted (34 F.R. 17) with respect to four of the proposed items of consumer information. However, the time to file comments was not extended for vehicle stopping distance, tire reserve load, and acceleration and passing ability.<sup>2</sup>

All comments received in response to the advance notice of proposed rule making published October 5, 1968 (33 F.R. 14971) and all comments received in response to the notice of proposed rule making concerning vehicle stopping distance, tire reserve load, and acceleration and passing ability have been considered, in addition to relevant data and material available to the National Highway Safety Bureau.

As proposed in the notice the vehicle stopping distance section would have required information with respect to passenger cars, multipurpose passenger vehicles, trucks, buses, and motorcycles. The section as issued (§ 375.101) requires information with respect to passenger cars and motorcycles only.

The definition subsection of Vehicle Stopping Distance defined "dry pavement" as a surface having a skid number of 75 to 85 as determined by the American Society for Testing and Materials Method E-274, at 40 m.p.h. Several comments requested that only a maximum skid number be specified. Generally, the higher the skid number of the surface, the more favorably a vehicle will perform the demonstration required. Therefore, a minimum skid number is not necessary as manufacturers will seek to conduct demonstrations on surfaces having a high skid number, and the regulations have been modified to provide that demonstrations shall be conducted on a surface having a skid number not higher than 80.

It has also been requested that alternative methods be provided to determine the skid number. This alternative method has been authorized provided the equivalent tests are approved by the National Highway Safety Bureau.

Some comments requested that the term "brake power assist system" referred to in § 375.101 be defined. A definition of the power assist system has been

included in paragraph (1)(5) of this section as requested.

The proposed section on vehicle stopping distance required vehicle manufacturers to supply to the consumer the precise maximum and lightly loaded vehicle weights of the vehicle to which the stopping distance information applied. Comments requested that this requirement be modified to allow a range of vehicle weights to be given for groups of substantially similar vehicles allowing some latitude for reporting vehicle weights in similar ranges. This may be considered less confusing to the consumer and the section has been revised to allow ranges of vehicle weights to be reported with the vehicle stopping distance applicable to the range, rather than the specific vehicle.

Some comments suggested that a description of how to measure vehicle stopping distance be specified in the section on vehicle stopping distance. This suggestion has been accepted and the method of measuring stopping distance is given in the section.

As proposed, the section on vehicle stopping distance required the demonstration procedures to be conducted at an ambient temperature of 40° F. to 90° F., and that there be a maximum wind velocity of 5 m.p.h. Several comments requested that the temperature range and wind velocity be increased. Maintaining the temperature range and the wind velocity requirements in the demonstration procedures would limit the number of days of the year the tests could be performed. Therefore changes have been made to expand the temperature and wind velocity conditions in the demonstration procedures.

Some comments were received recommending that the title of § 375.102, Tire reserve load, be changed. However, the changes suggested are considered to be less meaningful and more confusing than the present title and therefore these suggestions have been rejected.

Several comments requested that the method of determining the load on each tire be calculated by determining the load on the axle and dividing by two instead of determining the load on each tire separately. The Administrator considers it important to calculate the weight on each tire separately due to possible variations that could be significant.

Comments suggested that the tire reserve load be given for the maximum loaded vehicle weight only, instead of separately providing the maximum loaded vehicle weight and the normal vehicle weight. Both methods of supplying the tire reserve load separately were maintained because in some instances the tire reserve load at normal load conditions may be lower than the tire reserve load under maximum vehicle loading conditions.

Several comments requested that a grouping of vehicles be allowed in providing the tire reserve load information. The Administrator considers that the requested change would make the requirement more workable. Therefore, § 375.102(d) has been changed to permit

a weight range so that an individual calculation will not be necessary for each specific vehicle.

Comments were received recommending that the normal vehicle weight stated for the vehicle and supplied the consumer not include cargo and luggage. Since the definition of "normal vehicle weight" in the standards does not include those items, § 375.103(d) has been changed to expressly exclude cargo and luggage from the normal vehicle weight supplied.

As originally proposed the acceleration and passing ability section applied to manufacturers of passenger cars, multipurpose passenger vehicles, trucks, buses, and motorcycles. The section as issued below (§ 375.106) applies to only passenger cars and motorcycles, to conform to the extension of time to file the comments.

Section 375.106, as originally proposed, allowed for demonstration procedures to be conducted only within a specified range of ambient conditions. A change has been made in the final rule to accommodate the request that the rule provide for increased use of existing test facilities and additional testing days. This change is achieved by requiring standard ambient conditions but allowing all test results not obtained under these conditions to be corrected to the standard conditions following a prescribed procedure.

As in the case of the definition of skid number. For the reasons previously § 375.101 discussed above, several manufacturers requested that "skid number" be changed to specify only a maximum skid number. For the reasons previously indicated, the regulations have been modified to provide that demonstrations be conducted on a surface having a skid number not higher than 80.

The notice required demonstrations to be conducted a total of four times without interruption, reversing roadway direction each time. Because not all manufacturers have facilities available which enable the demonstration to be held in exactly this manner, and because the consistency of variable conditions can be recreated with different types of test facilities, an approved substitute test facility or demonstration technique is allowed.

Several comments indicated that the proposed passing ability test results could be satisfactorily, and in some situations more readily, obtained through mathematical calculation rather than the demonstration of vehicles. The Administrator has determined that test results obtained through mathematical calculation will reasonably duplicate those obtained from actual test demonstrations, and accordingly a change has been made to allow the results of the passing maneuver test to be obtained either by mathematical calculation or actual demonstration.

This regulation is intended to be the initial part of a comprehensive program to supply the consumer with information concerning safety and other performance characteristics of motor vehicles.

<sup>2</sup> However, for consumer information items Vehicle Stopping Distance and Acceleration and Passing Ability, the time to file comments was extended 60 days with regard to these items' effect on multipurpose passenger vehicles, trucks, and buses. In addition, the time to file comments relating to Vehicle Stopping Distance on wet pavements or with wet brakes; and for Vehicle Stopping Distance for cars traveling at 80 miles, or more, and at maximum speed was extended.



In consideration of the above, Part 375—Consumer Information Regulations, set forth below is added to Title 49—Transportation, Chapter III, Federal Highway Administration, Department of Transportation, Subchapter A—Motor Vehicle Safety Regulations. This regulation becomes effective September 30, 1969.

Issued: January 17, 1969.

LOWELL K. BRIDWELL,  
Federal Highway Administrator.

#### Subpart A—General

Sec.	
375.1	Scope.
375.2	Definitions.
375.3	Matter incorporated by reference.
375.4	Applicability.
375.5	Separability.
375.6	Requirements.

#### Subpart B—Consumer Information Items

375.101	Vehicle stopping distance.
375.102	Tire reserve load.
375.106	Acceleration and passing ability.

**AUTHORITY:** The provisions of this Part 375 issued under secs. 112(d) and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1401(d), 1407), and the delegation of authority contained in Part 1 of the regulations of the Office of the Secretary of Transportation (49 CFR 1.4(c)).

#### Subpart A—General

##### § 375.1 Scope.

This part contains Federal Motor Vehicle Consumer Information Regulations established under section 112(d) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1401(d)) (hereinafter "the Act").

##### § 375.2 Definitions.

(a) **Statutory definitions.** All terms used in this part that are defined in section 102 of the Act are used as defined in the Act.

(b) **Motor Vehicle Safety Standard definitions.** Unless otherwise indicated, all terms used in this part that are defined in the Motor Vehicle Safety Standards, Part 371 of this subchapter (hereinafter "The Standards"), are used as defined in the Standards without regard to the applicability of a standard in which a definition is contained.

##### § 375.3 Matter incorporated by reference.

The incorporation by reference provisions of § 371.5 of this subchapter apply to this part.

##### § 375.4 Applicability.

(a) **General.** Except as provided in paragraphs (b) through (d) of this section, each section set forth in Subpart B of this part applies according to its terms to all manufacturers of motor vehicles manufactured after the effective date of the section.

(b) **Military vehicles.** This part does not apply to manufacturers of vehicles sold directly to the Armed Forces of the United States in conformity with contractual specifications.

(c) **Export.** This part does not apply to a motor vehicle intended solely for export and so labeled or tagged.

(d) **Import.** This part does not apply to importers of motor vehicles for purposes other than resale.

##### § 375.5 Separability.

If any section established in this part or its application to any person or circumstances is held invalid, the remainder of the part and the application of that section to other persons or circumstances is not affected thereby.

##### § 375.6 Requirements.

Every manufacturer of motor vehicles manufactured after September 30, 1969, shall provide in writing in the English language the information specified in Subpart B of this part at the time of original purchase to the first person who purchases the motor vehicle for purposes other than resale. Additionally, the information specified in Subpart B of this part shall be submitted to the Administrator, Federal Highway Administration, 400 Sixth Street SW., Washington, D.C. 20591.

#### Subpart B—Consumer Information Items

##### § 375.101 Vehicle stopping distance.

(a) **Purpose and scope.** This section requires manufacturers of passenger cars and motorcycles to provide information on passenger car and motorcycle vehicle stopping distance from specified speeds, under specified pavement conditions, brake conditions, and vehicle weights.

(b) **Application.** This section applies to manufacturers of passenger cars and motorcycles.

(c) **Definitions.** (1) "Initial brake temperature" means the temperature of the hottest service brake of a vehicle immediately prior to the brake application.

(2) "Cool brakes" means service brakes with an initial brake temperature of 130° F. to 150° F.

(3) "Skid number" means the frictional resistance obtained in accordance with (i) American Society for Testing and Materials Method E-274 at 40 m.p.h. omitting water delivery as specified in paragraph 7.1, or (ii) an approved equivalent.

(4) "Lightly loaded vehicle weight" means:

(i) The curb weight of a motor vehicle (other than a motorcycle) plus 300 pounds (including driver and instrumentation), with the added weight distributed in the front seat area.

(ii) The curb weight of a motorcycle plus 200 pounds, including driver, with added weight distributed on saddle and in saddle bags or other carrier.

(5) "Brake power assist unit" means a mechanism or device installed in a motor vehicle braking system which has a primary purpose of reducing the effort required by the motor vehicle operator to actuate the braking system, and which, if it should become inoperative, will allow the operator to control the braking system function through muscular effort by a continued application of force on the service brake control.

(d) **Required information.** Each passenger car and motorcycle manufac-

turer shall provide the following information in accordance with § 375.6 and Table 1, in the format shown in Figure 1 or its equivalent, except that a manufacturer whose total motor vehicle production does not exceed 500 annually does not have to supply lightly loaded vehicle weight, or data derived from demonstrations conducted at such weight.

(1) **Vehicle identification.** (i) Vehicle make, model, year, and manufacturer.

(ii) Vehicle tire size.

(iii) Service brakes with which vehicle is equipped:

(a) Size and type (drum, disc, combination, or other).

(b) Actuation (hydraulic, air vacuum, other).

(c) Auxiliary equipment (power assist, skid control devices, other).

(iv) Maximum loaded vehicle weight and lightly loaded weight (or range of weights if demonstrations have been conducted on more than one vehicle pursuant to paragraph (e)(1)(i) of this section).

(2) **Fully operational service brake system minimum stopping distances.** Minimum stopping distances in feet using fully operational service brake system from 30 m.p.h. and 60 m.p.h. at both lightly loaded and maximum loaded vehicle weight.

(3) **Emergency brake system minimum stopping distances.** Minimum stopping distance in feet from 60 m.p.h., at maximum loaded vehicle weight, using emergency brake system (describe mode of failure). Report longest average stopping distance obtained on the separate subsystem tests. Identify subsystem(s) operative during the test which is reported (as front only, rear only, etc.).

(4) **Inoperative brake power assist unit stopping distance.** Minimum stopping distance in feet, from 60 m.p.h., at maximum loaded vehicle weight, with inoperative brake power assist unit.

(5) **Exception.** If a manufacturer is unable to provide an item of information required by subparagraph (2), (3), or (4) of this paragraph because of the inability of the vehicle to reach a specified demonstration speed, he shall provide the notation "Not capable", the maximum sustained vehicle speed attained, and the minimum stopping distance in feet from such speed.

(6) **Notice.** A notice which states: "The information presented has been derived from testing procedures performed by skilled drivers under optimum vehicle and road conditions. The information is not necessarily representative either of a used or improperly maintained vehicle or of many road conditions".

(e) **Demonstration conditions and procedures.** (1) **Demonstration conditions.** (i) A manufacturer may provide a single set of figures derived from demonstrations conducted on one or more vehicles for a group of vehicles that includes varying models and equipment options provided that all vehicles in the group can perform at least as well as the stated figures indicate.



(ii) Vehicle stopping distance shall be measured from the start of the application of force on the brake control to a point at which the vehicle reaches zero velocity.

(iii) Brake pedal force shall not exceed 150 pounds for any brake application.

(iv) Cool brake condition shall be established prior to start of all stops in demonstration sequence.

(v) Fuel tank shall be filled to at least 75 percent of capacity during each demonstration.

(vi) Vehicle weight, except for the demonstrations specified in subparagraph (2)(f) of this paragraph shall be maximum loaded vehicle weight. Vehicle's load distribution shall be in accordance with manufacturer's published recommendation.

(vii) Tires for demonstration passenger cars shall be the smallest size and type original equipment tires recommended by the manufacturer for the vehicle being tested and shall be inflated to the applicable pressures specified on the placard installed in the vehicle in accordance with applicable standards.

(viii) Passenger car brakes shall be adjusted in accordance with manufacturer's recommendations prior to start of demonstration sequence and then shall be burnished in accordance with section C of SAE Recommended Practice J-843a—"Brake System Road Test Code—Passenger Car". Motorcycle brakes shall be adjusted and burnished in accordance with manufacturer's recommendations prior to start of demonstration sequence. No adjustments shall be made to the brakes (except as required before and after above burnish) during the series of brake demonstrations, except such bleeding of the brake system as is required for the emergency brake system demonstrations.

(ix) Transmission shall be in neutral during all decelerations. This requirement will be met if the clutch is disengaged during the entire deceleration on any vehicle equipped with a manual transmission.

(x) Demonstration roadway lane shall be 12 feet wide, with 1 percent or less grade, having a skid number of not higher than 80.

(xi) Demonstrations shall be conducted on a 12-foot-wide lane with the vehicle in the center of the lane at the

start of the brake application. Vehicle must remain in the lane during the deceleration cycle for three consecutive stops. If the vehicle leaves the lane prior to or upon the completion of the three stops required for any demonstration, stopping distance information must be discarded for such demonstration and the three demonstration stops must be repeated. No more than nine stops (total) shall be allowed for each demonstration.

(xii) Engine shall be adjusted prior to demonstration sequence in accordance with the manufacturer's published recommendations.

(xiii) All demonstrations for any given vehicle shall be conducted on the same vehicle and with the same set of brakes, with all vehicle openings (doors, windows, hood, trunk, cargo doors, etc.) in a closed position. A convertible top vehicle shall have the top in the raised and closed position.

(xiv) Demonstrations shall be performed in the sequence listed in subparagraph (2) of this paragraph, as shown in Table I.

(xv) Demonstrations shall be conducted at an ambient temperature of 32° F. to 100° F.

(xvi) Maximum wind velocity component in a direction opposing vehicle travel shall not exceed 5 m.p.h. during any demonstration.

(xvii) Plug type thermocouples installed as specified in the SAE Recommended Practice J-843a—"Brake System Road Test Code—Passenger Cars" shall be used to determine brake operating temperatures.

(2) *Demonstration procedures*—(1) *Cool brakes performance.* (a) In order to obtain the required cool brakes temperature for the first stop, brakes shall be preheated by making not more than 10 stops at a deceleration rate not greater than 10 f.p.s.p.s.

(b) Accelerate to 30 m.p.h. and stop vehicle in minimum stopping distance. Record stopping distance, repeat demonstration twice for a total of three stops. Report the average of the three stopping distances.

(c) Repeat demonstration in (a) and (b) of this subdivision, except substitute "60 m.p.h." for "30 m.p.h."

(d) Repeat demonstrations in (a) and (b) of this subdivision, except at lightly loaded vehicle weight.

(e) Repeat demonstration in (d) of this subdivision, except substitute "60 m.p.h." for "30 m.p.h."

(ii) *Vehicle stopping distance with power failure in brake power assist unit systems.* (a) Render inoperative the brake power assist unit, or one of the brake power assist unit systems if entirely independent duplicated systems are provided, by disconnecting the relevant power supply. Any residual power assist reserve capability of the disconnected system must also be exhausted prior to demonstration.

(b) Stop from 60 m.p.h. in a minimum stopping distance by application of the service brake control. Repeat demonstration twice for a total of three stops. Report the average of the three stopping distances.

(c) In the case of duplicated power assist systems, repeat the demonstration in (a) and (b) of this subdivision, after restoring first power system to normal, with other power assist systems disconnected in turn. For reporting in Figure I, use the largest average stopping distance obtained on the separate power assist subsystem tests.

(iii) *Emergency brake demonstration—vehicle stopping distance with service brake system failure.* (a) Alter service brake system to produce a failure resulting in a complete loss of braking in any one subsystem of the service brake system. Example—Front system inoperative, or rear system inoperative, or diagonal system (left front and right rear) inoperative.

(b) Stop by a continuous application of the service brake control from 60 m.p.h. in a minimum stopping distance. Repeat demonstration twice. Report the average of the three stopping distances.

(c) Repeat demonstrations in (a) and (b) of this subdivision after restoring first subsystem to normal condition and altering a second subsystem.

(d) Repeat demonstrations in (a) and (b) of this subdivision after restoring second subsystem to normal condition and altering the remaining subsystem(s) as applicable.

(e) The stopping distance to be reported is the largest of the average values obtained on the separate subsystem demonstrations.

TABLE I—STOPPING DISTANCE—PASSENGER CARS AND MOTORCYCLES

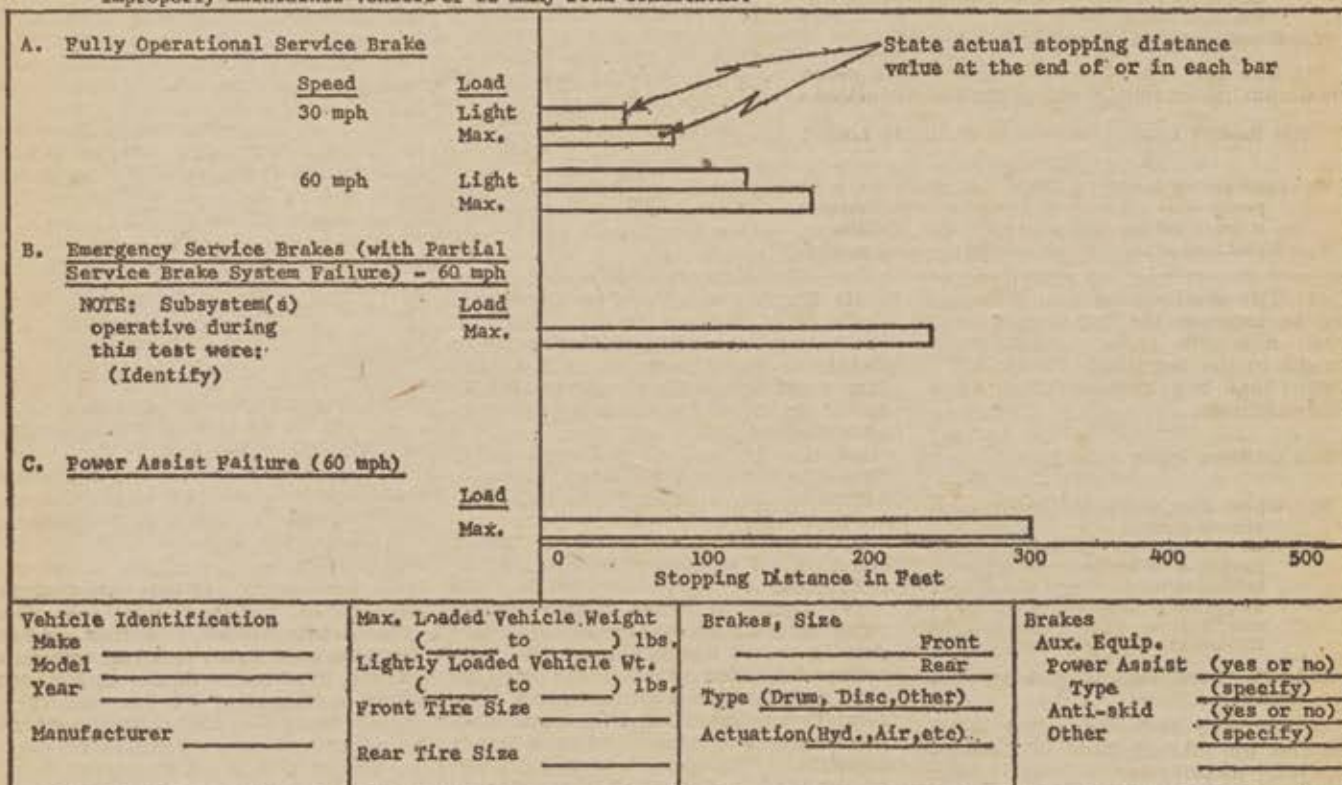
Brake system condition	Minimum stopping distance from speed of	Vehicle load		Passenger car	Motorcycle	Test sequence
		Maximum	Light			
Service brake system fully operational, burnished, dry brakes.	30 m.p.h.	X		X	X	1
	60 m.p.h.	X	X	X	X	3
Power assist brake failure.			X	X	X	2
	60 m.p.h.	X		X	X	4
		X		X	X	5
	60 m.p.h. (1)*	X		X	X	6
	(2)	X		X	X	7
Emergency brake (partial service brake system failure)—burnished, dry brakes.		X		X	X	8
	(3)	X		X	X	8

NOTE: All tests to be conducted at an ambient temperature of 32° to 100° F with an initial brake temperature of 130° to 150° F.  
 \* Number in brackets refers to emergency brake failure in subsystem noted.  
 + Run as applicable to vehicle braking system.  
 X Indicates stopping distance is required.



FIGURE I - VEHICLE MINIMUM STOPPING DISTANCE ON DRY PAVEMENT - 375.01

NOTE: The information presented has been derived from testing procedures performed by skilled drivers under optimum road and vehicle conditions. The information is not necessarily representative of a used or improperly maintained vehicle or of many road conditions.



#### § 375.102 Tire reserve load.

(a) *Purpose and scope.* This section specifies requirements for informing the consumer of the difference between the load imposed on a tire by the vehicle and the maximum load rating which is specified for that tire at a given inflation pressure as indicated in Table I of Appendix A of Federal Motor Vehicle Safety Standard No. 109. Further, this section requires the manufacturer to describe to the consumer the importance of maintaining the proper tire inflation pressure for the vehicle loading condition.

(b) *Application.* This section applies to passenger cars.

(c) *Definitions.* "Load rating" as defined in S3 of FMVSS No. 109.

"Maximum loaded vehicle weight" as defined in S3 of FMVSS No. 110.

"Maximum permissible inflation pressure" as defined in S3 of FMVSS No. 109.

"Normal vehicle weight" means the sum of the "curb weight," "accessory weight," and "normal occupant weight" as they are defined in S3 of FMVSS No. 110.

"Tire reserve load" means the difference between the wheel load on a tire and the maximum load rating specified at a given inflation in Table I of Appendix A of FMVSS No. 109 for that same tire size.

"Wheel load" means the load determined at each wheel position on the vehicle at the appropriate loaded vehicle weight.

(d) *Required information.* Each manufacturer of passenger cars, in accordance with § 375.6, shall furnish the following information based on the lowest tire reserve load, expressed as a percentage, of all wheel positions as calculated in paragraph (e) (2) and (3) of this section. A warning statement, in the form of item "3" below, shall be included when the tire and vehicle combination results in an overload as calculated in paragraph (e) (4) of this section; in the event there is no overload, item "4" shall be substituted for item "3". If one inflation pressure is recommended to the consumer for all loading conditions, then only items "2" and "4" below shall be furnished:

1. *Tire reserve load at normal vehicle weight.* This vehicle when loaded with \* \* \* (manufacturer to indicate number of passengers for normal vehicle weight) and no cargo or luggage weighs between \_\_\_\_\_ and \_\_\_\_\_ pounds (manufacturer may indicate a vehicle weight range of not more than 100 pounds). When so loaded, and when equipped with \* \* \* (manufacturer to indicate size of installed tires) tires inflated to \_\_\_\_\_ p.s.i. front and \_\_\_\_\_ p.s.i. rear (manufacturer to indicate minimum cold tire operating inflation pressure at the normal vehicle weight), there is a tire reserve load capacity of not less than \_\_\_\_\_ percent. Tire reserve load is the difference between the wheel load on a tire and the maximum safe load specified at a given inflation for that same tire size as prescribed in the Federal Motor Vehicle Safety Standards.

2. *Tire reserve load at maximum loaded vehicle weight.* This vehicle when loaded with \* \* \* (manufacturer to indicate number of passengers, cargo and luggage loading for maximum loaded vehicle weight) weighs between \_\_\_\_\_ and \_\_\_\_\_ pounds (manufacturer may indicate a vehicle weight range of not more than 100 pounds). When so loaded, and when equipped with \* \* \* (manufacturer to indicate size of installed tires) tires inflated to \_\_\_\_\_ p.s.i. front and \_\_\_\_\_ p.s.i. rear (manufacturer to indicate minimum cold tire operating inflation pressure at the maximum loaded vehicle weight), there is a tire reserve load capacity of not less than \_\_\_\_\_ percent. Tire reserve load is the difference between the wheel load on a tire and the maximum safe load specified at a given inflation for that same tire size as prescribed in the Federal Motor Vehicle Safety Standards.

3. *Warning.* Failure to increase inflation pressure to \_\_\_\_\_ p.s.i. front and \_\_\_\_\_ p.s.i. rear when changing from the loading described in paragraph "1" above to the loading described in paragraph "2" will result in a tire overloading of as much as \_\_\_\_\_ percent which could result in unsafe vehicle operation due to such things as premature tire failure, less desirable vehicle handling characteristics, and excessive tire wear. Minimum inflation pressure needed to offset the overload condition is \_\_\_\_\_ p.s.i. front and \_\_\_\_\_ p.s.i. rear.

4. *Warning.* Failure to maintain tire pressures or failure to stay within the capacities specified on the vehicle tire placard may result in overloading the tires. This could result in unsafe vehicle operation due to such things as premature tire failure, less desirable vehicle handling characteristics, and excessive tire wear.

(e) *Determination of tire reserve loads and tire overload.* (1) The static weight on the vehicle manufacturer's installed size tire at each wheel position shall be determined at the normal vehicle weight and at the maximum loaded vehicle weight.

(2) The tire reserve load expressed as a percentage of the wheel load at the normal vehicle weight shall be calculated for each wheel position as follows:

(3) The tire reserve load expressed as a percentage of the wheel load at the maximum loaded vehicle weight shall be calculated for each wheel position as follows:



$$\text{Tire Reserve Load Percentage at Normal Vehicle Weight} = 100 \times \frac{W_2 - W_1}{W_1}$$

$W_2$  = Load rating found in Table I of Appendix A of FMVSS No. 109 at the vehicle manufacturer's recommended inflation pressure for the normal vehicle weight for the tire installed in that position.

$W_1$  = Wheel load at the normal vehicle weight.

(3) The tire reserve load expressed as a percentage of the wheel load at the maximum loaded vehicle weight shall be calculated as follows:

$$\text{Tire Reserve Load Percentage at Maximum Loaded Vehicle Weight} = 100 \times \frac{W_3 - W_4}{W_4}$$

$W_3$  = Load rating found in Table I of Appendix A of FMVSS No. 109 at the maximum permissible inflation pressure or manufacturer's recommended inflation pressure, if lower, for the tire installed in that position.

$W_4$  = Wheel load at the maximum loaded vehicle weight.

(4) Tire overload resulting from failure to increase the inflation pressure when changing from normal vehicle weight to the maximum loaded vehicle weight shall be calculated for each position as follows:

$$\text{Tire Overload Percentage} = 100 \times \frac{W_5 - W_6}{W_6}$$

$W_5$  = Wheel load at the maximum loaded vehicle weight.

$W_6$  = Load rating found in Table I of Appendix A of FMVSS No. 109 at the vehicle manufacturer's recommended inflation pressure for the normal vehicle weight for the tire installed in that position.

#### § 375.106 Acceleration and passing ability.

(a) *Purpose and scope.* This section requires the manufacturer of passenger cars and motorcycles to provide information on the acceleration and passing ability of passenger cars and motorcycles under low and high speed conditions.

(b) *Application.* This section applies to manufacturers of passenger cars and motorcycles.

(c) *Definitions.* "Skid number" means the frictional resistance obtained in accordance with (1) American Society for Testing and Materials Method E-274 at 40 miles per hour omitting water delivery as specified in paragraph 7.1, or (2) an approved equivalent.

(d) *Required information.* Every manufacturer of passenger cars and motorcycles shall provide the following information in accordance with § 375.6, except those manufacturers whose total motor vehicle production does not exceed 500 annually do not have to supply the information required by subparagraph (2) of this paragraph.

(1) *Acceleration time.* Under the conditions outlined in paragraph (e) of this section, and in the format of Table I, the time in seconds required for a vehicle to go:

(i) From a constant speed of 20 m.p.h. to 35 m.p.h.; and

(ii) From a constant speed of 50 m.p.h. to 80 m.p.h.

(2) *Passing time and distance (low and high speed).* Under the conditions outlined in paragraph (e) of this section and in the format of Table II, the time in seconds, and the distance in feet required for the vehicle to accelerate and pass a 55-foot-long vehicle traveling at a constant speed of:

(i) 20 miles per hour; and  
(ii) 50 miles per hour

(3) *Exception.* If a manufacturer is unable to provide an item of information required by subparagraph (1) or (2) of this paragraph because of the inability of the vehicle to complete a demonstration, he shall provide the notation "Not Capable" and the maximum sustained vehicle speed attained.

(4) *Vehicle weight.* The weight of the vehicle as loaded under demonstration conditions prescribed in paragraph (e) of this section.

(5) *Notice.* A notice which states: "The information presented has been derived from testing procedures performed by skilled drivers under optimum road and vehicle conditions and the information is not necessarily representative either of a used or an improperly maintained vehicle, or of many road conditions."

(e) *Demonstration Conditions and Procedures.*—(1) *General.* A manufacturer may provide a single set of figures derived from demonstrations conducted on one or more vehicles for a group of vehicles which includes varying models and equipment options, provided that all vehicles in the group can perform at least as well as the stated figures indicate.

(2) *Demonstration vehicle condition.*

(i) *Weight:*  
(a) The vehicle shall be loaded to the maximum loaded vehicle weight.

(b) Vehicle fuel tank shall be filled to at least 75 percent of capacity during any demonstration.

(ii) Fuel and lubricants shall be those recommended by the manufacturer.

(iii) All adjustments shall be those recommended by the manufacturer.

(iv) The break-in period shall have been completed, with the vehicle having been driven in accordance with the manufacturer's recommendations.

(v) Normal engine operating temperature shall have been attained prior to recording any performance data.

(vi) The following power accessories and equipment shall be operated at maximum power consuming conditions throughout the demonstrations:

(a) Passenger cars: Air conditioner or heater if car is not equipped with air conditioner, windshield wipers, radio or other sound system, lighting equipment including headlamps using high beam, and dashboard lights.

(b) Motorcycles: Headlamps using high beam, and radio, if any.

(vii) Four-wheel drive vehicles may be operated in either two- or four-wheel drive.

(viii) When a vehicle begins a demonstration from a constant speed it shall begin such demonstration with the transmission in gear and the clutch (if applicable) engaged.

(3) *Demonstration procedures.*—(1) *General.* (a) Ambient conditions: Standard demonstration ambient conditions shall be:

Temperature—85° F., Vapor Pressure 0.38 in. Hg.,

Dry Barometric Pressure—29.00 in. Hg.

When demonstrations are conducted under ambient conditions other than standard, a correction factor shall be applied in accordance with Standard SAE J816a "Engine Test Code—Nonturbocharged Spark Ignition and Diesel," June 1963, and demonstration results computed accordingly.

(b) Each demonstration roadway lane shall be 12 feet wide, with 1 percent or less grade, having a skid number of not higher than 80.

(c) Each demonstration in subdivisions (ii) and (iii) of this subparagraph shall be conducted at least four times without interruption reversing roadway direction each time, and the average of the four shall be the figure reported pursuant to paragraph (d) (1) and (2) of this section. An approved equivalent may be substituted for this procedure.

(ii) *Acceleration demonstration.* (a) Accelerate the vehicle as rapidly as possible from a constant speed of 20 miles per hour to at least 35 miles per hour.

(b) Accelerate the vehicle as rapidly as possible from a constant speed of 50 miles per hour to at least 80 miles per hour.

(c) Record the time in seconds necessary for the vehicle to go from 20 miles per hour to 35 miles per hour, and from 50 miles per hour to 80 miles per hour.

(iii) *Passing demonstration.* (a) *General:*

(1) Pace vehicle shall be a vehicle 55 feet in overall length.

(2) Pace vehicle shall operate in the center of the right hand roadway lane, at constant speed, during each demonstration.

(3) Brakes shall not be applied on the passing vehicle during the demonstration.

(4) Using the leading edge of the demonstration vehicle as a reference point, the passing distance to be reported is the distance in feet, measured along the length of the right hand roadway lane, from the beginning of the demonstration in (b) (3) and (c) (3) of this subdivision to the completion of the demonstration in (b) (6) and (c) (6) of this subdivision.

(5) The passing time to be reported is the time, in seconds, required to traverse the passing distance.

(b) *Low speed pass:*

(1) The pace vehicle shall proceed at 20 miles per hour.

(2) The passing vehicle shall follow the pace vehicle in the same lane at a



## RULES AND REGULATIONS

distance of 40 feet at a constant speed of 20 miles per hour.

(3) The passing vehicle shall overtake the pace vehicle by accelerating not to exceed 35 m.p.h. and proceeding from the center of the right hand roadway lane to the center of the left hand roadway lane before its leading edge is abreast of the trailing edge of the pace vehicle.

(4) The passing vehicle shall pass the vehicle by remaining in the center of the left hand roadway lane at a speed of not more than 35 miles per hour.

(5) When the trailing edge of the passing vehicle has passed the leading edge of the pace vehicle, the passing vehicle, at a speed of not more than 35 miles per hour, returns to the center of the right hand roadway lane.

(6) The demonstration is concluded when the trailing edge of the passing vehicle precedes the pace vehicle by 40 feet.

(c) High speed pass: Repeat (b) of this subdivision except change "20 miles per hour" to "50 miles per hour," "40 feet" to "100 feet," and "35 miles per hour" to "80 miles per hour."

(d) As an alternative to a demonstration conducted with actual vehicles according to the procedures of (b) and (c) of this subdivision, the results of both passing time and distance demonstrations may be computed if each step of the demonstration otherwise required by (b) and (c) of this subdivision is taken into account in the computation.

TABLE 1—ACCELERATION PERFORMANCE FOR (VEHICLE)

Performance range	Time
From a constant speed of 20 m.p.h. to 35 m.p.h.	-----seconds.
From a constant speed of 50 m.p.h. to 80 m.p.h.	-----seconds.

TABLE 2.—PASSING PERFORMANCE FOR (VEHICLE)

Performance range	Total distance to pass 55-foot truck	Total time to pass 55-foot truck
Low speed pass (starting at 20 m.p.h.)	-----feet	-----seconds
High-speed pass (starting at 50 m.p.h.)	-----feet	-----seconds

[F.R. Doc. 69-1008; Filed, Jan. 24, 1969; 8:45 a.m.]



# Proposed Rule Making

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### [ 36 CFR Part 7 ]

### BLUE RIDGE PARKWAY, VIRGINIA-NORTH CAROLINA

#### Fishing, Bicycles, and Boating

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), the Act of June 30, 1936 (49 Stat. 2041; 16 U.S.C. 460a-2 as amended), 245DM.1 (27 F.R. 6395), National Park Service Order No. 34 (31 F.R. 4255), Regional Director, Southeast Region Order No. 4 (31 F.R. 8135), as amended, it is proposed to revise § 7.34 of Title 36 of the Code of Federal Regulations as is set forth below.

The purpose of this amendment is to delete materials which are duplicated in the general regulations applicable to the areas of the National Park System, to amend the regulations on fishing, and to add regulations concerning bicycles and boating.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Superintendent, Blue Ridge Parkway, Post Office Box 1710, Roanoke, Va. 24008.

Section 7.34 is amended as follows:

#### § 7.34 Blue Ridge Parkway.

- (a) *Speed*. [Revoked]
- (b) *Fishing*. (1) Fishing is prohibited from one-half hour after sunset until one-half hour before sunrise.
- (2) Fishing from the dam at Price Lake or from the footbridge in Price Lake picnic area in Watauga County, N.C., and from the James River Parkway Bridge, Bedford and Amherst Counties, Va., is prohibited.
- (3) Native trout waters: The following waters are designated as native trout waters and are subject to the restrictions indicated:
- (i) *North Carolina*. (a) Price, Trout, Bass, and Sims Lakes, Watauga County.
- (b) Boone Fork, Watauga County, from Price Lake Dam downstream to the Parkway boundary; and Basin Creek and its tributaries, Doughton Park. The use of bait other than artificial flies is prohibited.
- (c) On all of the above designated waters in North Carolina, the daily catch, creel limit and size shall be in accordance with North Carolina laws and regulations affecting native trout waters.
- (ii) *Virginia*. Peaks of Otter Lake, Bedford County. The creel, possession limit

and size limit shall be as posted on the shore line of the lake. The use of bait other than artificial lures having one single hook is prohibited.

(4) *Prohibited bait*: The possession of live or dead minnows, chubs, other bait fish, nonpreserved fish eggs and fish roe or the use thereof as bait in fresh water, or the placing or depositing of preserved or fresh fish eggs, fish roe, food or other substance in any fresh waters for the purpose of attracting, catching, or feeding fish is prohibited in the above waters.

(c) *Fishing license*. [Revoked].

(e) [Revoked]

(i) [Revoked]

(j) [Revoked]

(k) *Bicycles*. The use of bicycles is prohibited on trails of the Blue Ridge Parkway, except on those trails designated for bicycle use by posted signs.

(l) *Boating*. (1) The use of any vessel, as defined in § 3.1, on the waters of the Blue Ridge Parkway is prohibited except on the waters of Price Lake.

(2) Vessels using Price Lake shall be restricted to vessels propelled solely by oars or paddles.

(3) Vessels using Price Lake may be launched only at established or designated ramps and must be removed from the water for the night. Campers must remove their vessels from the water to their campsites at night.

GRANVILLE B. LILES,  
Superintendent,  
Blue Ridge Parkway.

[F.R. Doc. 69-1021; Filed, Jan. 24, 1969; 8:45 a.m.]

#### [ 36 CFR Part 7 ]

### ISLE ROYALE NATIONAL PARK, MICH.

#### Aircraft, Designated Landing Areas; Underwater Diving; and Dogs, Cats and Other Pets

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended, 16 U.S.C. 3), the Act of March 3, 1931 (46 Stat. 1514, 16 U.S.C. 408), 245 DM-1 (27 F.R. 6395), National Park Service Order No. 34 (31 F.R. 4255), Regional Director, Northeast Region Order No. 5 (31 F.R. 8135), as amended, it is proposed to revise § 7.38 of Title 36 of the Code of Federal Regulations as set forth below.

The purpose of this revision is to eliminate material which is duplicated in the general regulations contained in this chapter; to designate authorized landing areas for aircraft; to control underwater diving in the waters of the park, when such diving is accomplished with

underwater breathing apparatus; to control pets; and to define areas where pets are prohibited at the park.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit comments, suggestions, or objections to the Superintendent, Isle Royale National Park, 87 North Ripley Street, Houghton, Mich. 49931, within 30 days of the publication of this notice in the FEDERAL REGISTER.

Section 7.38 is revised to read as follows:

#### § 7.38 Isle Royale National Park.

(a) *Aircraft, designated landing areas*.

(1) The portion of Tobin Harbor located in the NE¼ of sec. 4, T. 66 N., R. 33 W.; the SE¼ of sec. 33, T. 67 N., R. 33 W., and the SW¼ of sec. 34, T. 67 N., R. 33 W.

(2) The portion of Rock Harbor located in the SE¼ of sec. 13, the N½ of sec. 24, T. 66 N., R. 34 W., and the W½ of sec. 18, T. 66 N., R. 33 W.

(3) The portion of Washington Harbor located in the N½ of sec. 32, all of sec. 29, SE¼ of sec. 30, and the E½ of sec. 31, T. 64 N., R. 38 W.

(b) *Underwater diving*. No person shall undertake diving in the waters of Isle Royale National Park with the aid of underwater breathing apparatus, without first registering with the Superintendent.

(c) *Dogs, cats and other pets*. (1) Dogs, cats and other pets are prohibited in concessioner operated facilities, in campsites not accessible by boat from Lake Superior, and on trails more than one quarter mile from campsites accessible by boat from Lake Superior.

(2) Dogs, cats and other pets shall not be left unattended at any time.

BRUCE J. MILLER,  
Superintendent,  
Isle Royale National Park.

[F.R. Doc. 69-1022; Filed, Jan. 24, 1969; 8:45 a.m.]

## DEPARTMENT OF AGRICULTURE

### Consumer and Marketing Service

#### [ 7 CFR Part 912 ]

[Docket No. AO-333-A3]

### GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

#### Notice of Hearing With Respect to Proposed Amendment to Amended Marketing Agreement and Order

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs.



1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and in accordance with applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Community Building, 21st Street and 14th Avenue, Vero Beach, Fla., beginning at 10 a.m., local time, February 25, 1969, with respect to proposed amendment of the amended marketing agreement and Order No. 912 (7 CFR Part 912), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of grapefruit grown in the Indian River District in Florida. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and to any appropriate modifications thereof.

The following amendments to the marketing agreement and order have been proposed by the Indian River Grapefruit Committee, the administrative agency established pursuant to the marketing agreement and order.

1. Revise § 912.48 *Prorate bases* by revising paragraph (d) thereof to read as follows and by deleting paragraph (e) thereof:

§ 912.48 *Prorate bases.*

(d) Each week during the marketing season when volume regulation is likely to be recommended for the following week, the committee shall compute a prorate base for each handler who has made application in accordance with the provisions of this section. The prorate base for each such handler shall be computed by adding together the handler's shipments of grapefruit in the current season and his shipments in the immediately preceding seasons, if any, within the representative period, in which he shipped grapefruit and dividing such total by a divisor computed by adding together the number of weeks elapsed in the current season and 50 weeks for each of such immediately preceding seasons within the representative period in which the handler shipped grapefruit. For purposes of this section "representative period" means the three preceding seasons together with the current season; the term "season" means the 50-week period beginning with the first full week in August of any year; and the term "current season" means the period beginning with the first full week in August of the current fiscal period through the fourth full week preceding the week of regulation.

(e) [Deleted]

2. Revise § 912.50 *Overshipments* to read as follows:

§ 912.50 *Overshipment.*

During any week for which the Secretary has fixed the total quantity of

grapefruit which may be handled, any person who has received an allotment may handle, in addition to the total allotment available to him, an amount of grapefruit equivalent to 10 percent of such allotment or 500 boxes, whichever is greater: *Provided*, That handlers may overship the entire 500 boxes or any portion of it during the period when regulations continue in effect for two or more successive weekly periods until such accumulative overshipments total but do not exceed 500 boxes: *Provided however*, That the Secretary, on the basis of a recommendation of the committee or other available information, may increase the quantity from 500 boxes to 1,000 boxes. The quantity of grapefruit so handled in excess of the total allotment which such person has available for use during such week (but not exceeding an amount equivalent to the excess shipments permitted under this section) shall be deducted from such person's allotment for the next week. If such person's allotment for such week is in an amount less than the excess shipments permitted under this section, the remaining quantity shall be deducted from succeeding weekly allotments issued to such person until such excess has been entirely offset: *And provided further*, That any time there is no volume regulation in effect it shall be deemed to cancel all requirements to undership allotment because of previous overshipments pursuant to this part.

3. Revise § 912.52 *Allotment loans* to read as follows:

§ 912.52 *Allotment loans or transfers.*

(a) (1) A person to whom allotments have been issued may lend or transfer all or part of such allotment to another person. In connection with a loan of allotment, each party to any such loan agreement shall, prior to completion of the agreement, notify the committee of the proposed loan, the date of repayment, and obtain the committee's approval of the agreement.

(2) In connection with transfer of allotment, each party shall promptly notify the committee so that proper adjustment of records can be made.

(b) (1) The committee may act on behalf of persons desiring to arrange allotment loans or participate in the transfer of allotment.

(2) In each case, the committee shall confirm all such transactions immediately after the completion thereof by memorandum addressed to the parties concerned, which memorandum shall be deemed to satisfy the requirements of paragraph (a) of this section as to an approval of the loan agreement.

The Fruit and Vegetable Division, Consumer and Marketing Service, has proposed that consideration be given to making such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing may be obtained from the Director, Fruit and

Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, or from M. F. Miller, Lakeland Marketing Field Office, Florida Citrus Mutual Building, Post Office Box 9, Lakeland, Fla. 33802.

Dated: January 22, 1969.

JOHN C. BLUM,  
Deputy Administrator,  
Regulatory Programs.

[F.R. Doc. 69-1072; Filed, Jan. 24, 1969;  
8:50 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 405]

### FEDERAL HEALTH INSURANCE FOR THE AGED

#### Certification and Recertification; Requests for Payment

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 552 et seq.) that the regulations set forth in tentative form are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations (§§ 405.1660-405.1694) set forth policies and procedures for requesting payment under the programs for hospital insurance benefits and supplementary medical insurance benefits for the aged pursuant to title XVIII of the Social Security Act.

Prior to the final adoption of the proposed regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

The proposed regulations are to be issued under the authority contained in sections 1102, 1814, 1815, 1833, 1835, 1842, and 1871, 49 Stat. 647, as amended, 79 Stat. 294, as amended, 79 Stat. 297, 79 Stat. 302, 303, 309, and 331, as amended; section 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 1302, 1395 et seq.

Dated: January 16, 1969.

ROBERT M. BALL,  
Commissioner of Social Security.

Approved: January 18, 1969.

WILBUR J. COHEN,  
Secretary of Health,  
Education, and Welfare.

Subpart P of Regulations No. 5 (20 CFR 405.1601 et seq.) is amended by revising the heading and adding §§ 405.1660-405.1694 to read as follows:



Subpart P—Certification and Recertification;  
Requests for Payment

- Sec. 405.1660 Payment on behalf of the individual; general.
- 405.1662 Form used for claiming payment.
- 405.1663 Individual's request for payment.
- 405.1664 Persons authorized to request payment.
- 405.1665 Evidence of authority to execute a request for payment.
- 405.1666 Signature by representative of the participating provider or hospital.
- 405.1667 Submitting claim for payment and request for payment.
- 405.1672 Individual's request for direct payment; general.
- 405.1674 Individual's request for direct payment; evidence describing services.
- 405.1675 Assignment of right to receive payment under the supplementary medical insurance benefits plan.
- 405.1678 Direct payment or assignment of payment; prescribed form.
- 405.1679 Execution of claim for payment.
- 405.1680 Payment pursuant to physician's authorization to accept assignment and receive payment on his behalf.
- 405.1683 Payment on the basis of a paid bill; individual dies before receiving direct payment.
- 405.1684 Payment on the basis of an unpaid bill; individual dies before receiving direct payment or assigning payment.
- 405.1685 Payment to qualified organizations that pay bills on behalf of enrollees.
- 405.1686 Organizations qualified to receive payment for benefits on behalf of enrollee.
- 405.1692 Time limitation for claiming payment.
- 405.1693 Definition of claim for purposes of time limitation.
- 405.1694 Extension of time limitation.

§ 405.1660 Payment on behalf of the individual; general.

(a) *Hospital insurance benefits.* Where an individual is entitled to hospital insurance benefits, payment based on reasonable cost is made on his behalf to a participating provider of services (or in some cases to a nonparticipating hospital for emergency services) for covered inpatient hospital services (see §§ 405.116, 405.152, and 405.153), post-hospital extended care services (see § 405.125), post-hospital home health services (see § 405.131), and outpatient hospital diagnostic services furnished before April 1968 (see §§ 405.145 and 405.152). Effective with respect to services furnished on or after April 1, 1968, coverage of outpatient hospital diagnostic services is included as "medical and other health services" under the supplementary medical insurance benefits plan.

(b) *Supplementary medical insurance benefits.* Where an individual is entitled to supplementary medical insurance benefits, payment based on reasonable cost is made on his behalf to a participating provider of services (or to a hospital which has elected to claim payment for emergency services) for covered home health services (see § 405.233 et seq.) and medical and other health services (see §§ 405.231 and 405.249) furnished by, or

under arrangements made by, such provider of services or hospital. (See § 405.1680 relating to billing for services furnished by a physician.)

(c) *Claim for payment.* A claim for payment for services described in paragraph (a) or (b) of this section must be submitted by the participating provider or the hospital which has elected to claim payment for emergency services, and the individual or an authorized person acting on his behalf must request, in writing, that such payment be made (see §§ 405.1663 and 405.1667).

§ 405.1662 Form used for claiming payment.

A claim for payment under the hospital insurance benefits program or the supplementary medical insurance plan shall be submitted by a participating provider of services or a hospital which has elected to claim payment for emergency services on a form designated by the Social Security Administration and executed in accordance with such instructions as are prescribed by the Administration (see § 422.510 of Part 422 of this chapter).

§ 405.1663 Individual's request for payment.

Except as provided in paragraph (a), (b), or (c) of this section or § 405.1664, before payment may be made on behalf of an individual, a written request for payment must be executed by the individual or an authorized person acting on his behalf. The individual or the authorized person may do this by signing the request for payment statement on the form designated by the Social Security Administration (see § 405.1662) or any statement which evidences an intent to claim payment for authorized services. A participating provider of services, or the hospital which has elected to claim payment for emergency services, shall have the individual or an authorized person sign the request for payment before the claim is submitted for payment (see § 405.1667).

(a) In the case of inpatient hospital services (see §§ 405.116 and 405.152) a request for payment is not required for the second or subsequent claim submitted on behalf of such individual by the same participating provider of services (or hospital claiming payment for emergency services) during the same continuous period of inpatient hospital services.

(b) In the case of home health services (see §§ 405.131 and 405.236), a request for payment is not required for the second or subsequent claim submitted on behalf of such individual by the same participating provider of services under the same home care plan (see §§ 405.131 and 405.236).

(c) In the case of post-hospital extended care services (see § 405.125), a request for payment is not required for the second or subsequent claims submitted on behalf of such individual by the same participating provider of services during the same continuous period of extended care services.

§ 405.1664 Persons authorized to request payment.

The Social Security Administration determines who is a proper party to execute a request for payment, as described in § 405.1663, for services furnished to an individual by a participating provider of services, or a hospital which has elected to claim payment for emergency services, under the following rules:

(a) If the individual is mentally and physically capable, he shall execute the request for payment.

(b) If it is impracticable for the individual to execute a request for payment because his physical or mental condition is such that he should not be asked to transact business, the request for payment may be executed by one of the following, without any order of priority: his legal guardian, a relative or other person receiving social security or other governmental benefits on behalf of the individual, a relative or other person who arranged for his admission, a representative of an institution (other than the institution providing the services) furnishing him care, or a representative of a governmental entity providing him welfare assistance.

(c) Where an individual is deceased, the request for payment may be executed by one of the following, without any order of priority: The legal representative of his estate, a relative or other person who had been receiving social security or other governmental benefits on behalf of an individual, a relative or other person who arranged for his admission, a representative of an institution (other than the institution providing the services) which had been furnishing him care, or a representative of a governmental entity which had been providing him welfare assistance.

(d) Where the participating provider of services, or the hospital which has elected to claim payment for emergency services is unable to have a request for payment executed in accordance with paragraph (a), (b), or (c) of this section, an official of the provider or hospital (e.g., a hospital administrator) may execute a request for payment at the time the claim is forwarded for payment (see § 405.1667). The provider or hospital should not, except as provided in paragraph (e) of this section, routinely sign the request for payment on behalf of any individual. (See § 405.1665 for information regarding explanatory statement required.)

(e) Where the individual does not visit the institution providing the services (e.g., in connection with an outpatient diagnostic blood test), the provider or hospital may execute the request for payment but the absence of the individual's signature must be explained (e.g., "Patient not physically present for tests").

(f) For good cause shown the Social Security Administration may accept a request for payment executed by a person other than one described in paragraph (a), (b), (c), (d), or (e) of this section.



**§ 405.1665 Evidence of authority to execute a request for payment.**

Where a person other than the individual (see § 405.1664) executes a written statement requesting payment to be made to a participating provider of services or to a hospital claiming payment for emergency services on behalf of the individual, such person shall submit a brief statement (to be forwarded by the provider or hospital with the claim for payment except where the individual's request is retained in accordance with the provisions of § 405.1667(b)) that:

(a) Describes the relationship of such person to the individual; and

(b) Explains the circumstances that make it impracticable for the individual to execute a request for payment.

**§ 405.1666 Signature by representative of the participating provider or hospital.**

A claim form (see § 405.1662) submitted by a participating provider of services or a hospital which has elected to claim payment for emergency services, for the purpose of claiming payment under the hospital insurance benefits program or the supplementary medical insurance benefits plan for covered items and services furnished to an individual, must be signed by an authorized representative of such provider or hospital.

**§ 405.1667 Submitting claim for payment and request for payment.**

(a) *Submitting a claim.* A participating provider of services, or a hospital which has elected to claim payment for emergency services, shall forward claims for payment under the hospital insurance plan and the supplementary medical insurance plan to its designated intermediary or carrier, as appropriate (where physician services are involved, the claim is forwarded directly, or through the intermediary, to the carrier), or to the Social Security Administration where the provider or hospital is dealing directly with the Government.

(b) *Filing request for payment.* A participating provider of services, or a hospital which has elected to claim payment for emergency services, shall file an individual's request for payment (see § 405.1663) with its intermediary or the Social Security Administration, as applicable, prior to, or in connection with, the forwarding of a claim for payment on behalf of the individual; except that, the provider or hospital that has entered into an arrangement to do so with its intermediary (or the Social Security Administration where the provider or hospital deals direct) may retain an individual's request for payment as part of its files.

**§ 405.1672 Individual's request for direct payment; general.**

(a) *Hospital insurance benefits.* Payment under the hospital insurance benefits program, on the basis of an itemized bill, may be made to the entitled individual in accordance with section 142 of the Social Security Amendments of 1967

(Public Law 90-248) and § 405.156 (in amounts determined in accordance with § 405.158) for a nonparticipating hospital's reasonable charges for covered inpatient hospital services which are furnished by, or under arrangements made by, such nonparticipating hospital. This provision applies only with respect to admissions before 1968 where the nonparticipating hospital is not entitled to receive payment for such services under the hospital insurance benefits program and where a claim for payment is made before January 1969. Payment under the hospital insurance benefits program on the basis of an itemized bill, may also be made to the entitled individual in accordance with section 1814(d) of the Act, as amended by section 143 of the Social Security Amendments of 1967, and in accordance with § 405.157 (in amounts determined in accordance with § 405.158) for a nonparticipating hospital's reasonable charges for covered emergency outpatient hospital diagnostic services which are furnished after 1967 and before April 1, 1968, by, or under arrangements made by, such nonparticipating hospital, where the hospital has not elected to receive payment for such services under the hospital insurance benefits program. Effective with respect to services furnished on or after April 1, 1968, outpatient hospital diagnostic services are included as "medical and other health services" under the supplementary medical insurance benefits plan (see section 1861(s)(2)(C) of the Act) and not included as covered services under the hospital insurance benefits program.

(b) *Supplementary medical insurance benefits.* Payment under the supplementary medical insurance benefits plan (excluding payment for services furnished by, or under arrangements made by, a participating provider of services (or in some cases by a nonparticipating hospital for emergency services)—see § 405.1660), on the basis of reasonable charges, may be made to the entitled individual for covered "medical and other health services" discussed in § 405.231, and for services which would constitute emergency outpatient services, if payment cannot be made under the provisions of § 405.249 solely because the nonparticipating hospital furnishing such services has not elected to claim such payment.

(c) *Payment on the basis of an itemized bill.* Payment due on the basis of an itemized bill for items and services described in paragraph (a) or (b) of this section may be made to the entitled individual after he (or his authorized representative) submits a claim (see § 405.1678) and evidence adequately describing the services (see § 405.1674). (For assignment of the right to supplementary medical insurance benefits payment, see § 405.1675; for payment to organizations that pay bills on behalf of enrollees, see § 405.1685.)

(d) *Payment to legal representative.* Pursuant to section 1872 of the Act, when it appears that the interest of an entitled individual may be served thereby, payment under paragraphs (a), (b), and

(c) of this section may be made on behalf of the entitled individual to his legal guardian, committee, or other legal representative, or to the representative payee of such individual selected under the provisions of §§ 404.1601-404.1610 of Part 404 of this chapter.

**§ 405.1674 Individual's request for direct payment; evidence describing services.**

Before payment may be made to an individual under the hospital insurance benefits program or the supplementary medical insurance benefits plan for covered items and services furnished him (see § 405.1672 (a) or (b)), the individual (or his authorized representative (see § 405.1679)) shall, in addition to filing a claim form as described in § 405.1678, meet the requirements of either paragraph (a) or (b) of this section.

(a) The individual must submit an itemized bill substantially in accordance with the following:

(1) The name and address of the person or organization furnishing the covered items or services (if provided in an independent laboratory, its name and address must be shown—if the items or services are not furnished by a physician, the name and address of the physician who prescribed the items or services must be shown);

(2) The name and address of the individual receiving the items or services;

(3) The place the items or services are provided (home, office, independent laboratory, hospital, etc.);

(4) The date(s) the items or services were furnished;

(5) An itemization of the items or services sufficient to permit determination of the reasonable charge (if the bill is for ambulance service, it must show the pickup and delivery points);

(6) The charges for each service or item supplied.

(b) In lieu of submitting an itemized bill as described in paragraph (a) of this section, the individual may, with respect to a claim for payment under the supplementary medical insurance benefits plan, have the person or organization providing the covered items or services, complete the "Report of Services" portion of the appropriate claim form (using a separate form for each such person or organization) in accordance with such instructions as are prescribed by the Social Security Administration.

**§ 405.1675 Assignment of right to receive payment under the supplementary medical insurance benefits plan.**

(a)(1) When an individual is furnished covered medical or other health services for which he may receive direct payment on the basis of reasonable charges (see § 405.1672(b)), excluding payment for services which would constitute emergency outpatient services, he may assign the right to receive the supplementary medical insurance benefit payment for such services to the person or organization that furnished the services if such person or organization agrees to the assignment. The claim for such payment should be completed in



accordance with the instructions prescribed by the Social Security Administration (see § 405.1678). In accepting an assignment, such person or organization agrees that the reasonable charge, as determined by the intermediary, shall be the full charge and such person or organization shall not charge the individual any amount in excess of the applicable unmet deductible (see §§ 405.245 and 405.246) applied to the reasonable charge and 20 percent of the remaining reasonable charge. Where, however, a physician has executed a written authorization enabling a qualified person or organization (such as a hospital where he furnished his services) to accept assignment and receive payment on his behalf, payment under the supplementary medical insurance benefits plan is made to such person or organization (see § 405.1680).

(2) The enrolled individual may assign the supplementary medical insurance benefits payment due in accordance with subparagraph (1) of this paragraph if less than the full reasonable charge for such services has been paid. The person or organization will be paid whichever of the following is less: (1) The reasonable charge minus the amount of the bill already paid; or (2) the full supplementary medical insurance benefit due for the services furnished. Any amount of the supplementary medical insurance benefit which, on this basis, is not payable to the person or organization will be paid to the individual.

*Example 1:* An assigned bill of \$300 on which partial payment of \$100 has been paid is submitted to the intermediary. The intermediary determines that \$300 is the reasonable charge for the services furnished, and \$25 of the supplementary medical insurance benefits deductible (see § 405.245) has previously been met. Total payment due is 80 percent of \$275 (\$300 minus the remaining \$25 of the deductible), or \$220. Of this amount, \$200 will be paid to the person or organization that furnished the services (the difference between the \$100 partial payment which the person or organization has already received, and the \$300 amount of the reasonable charge). The \$20 will be paid to the enrolled individual.

*Example 2:* An assigned bill of \$325 on which partial payment of \$250 has been paid is submitted to the intermediary. The intermediary determines that \$250 is the reasonable charge for the services furnished, and no part of the supplementary medical insurance benefits deductible has been previously met. Total payment due is 80 percent of \$200 (\$250 reasonable charge minus the \$50 deductible), or \$160. The \$160 is payable to the enrolled individual since any payment to the person or organization when added to the amount of the partial payment, will exceed the reasonable charge for the services furnished. In this situation, the assignment is not valid and the person or organization may bill the individual for the balance of the bill, \$75.

(b) A separate claim is required for each person or organization accepting an assignment unless physicians' services are billed in accordance with the provisions of § 405.1680.

**§ 405.1678 Direct payment or assignment of payment; prescribed form.**

Before payment may be made for services described in §§ 405.1672 and 405.1675, a claim for such payment shall

be filed on a form prescribed by the Social Security Administration and in accordance with the instructions as are prescribed by the Administration (see § 422.510 of Part 422 of this chapter). With respect to the time limitation for claiming payment, see § 405.1692.

**§ 405.1679 Execution of claim for payment.**

A claim as described in § 405.1678 for payment on the basis of an itemized bill or an assignment shall be executed by the individual receiving the services or by a proper party on his behalf under the following rules:

(a) If the individual is mentally and physically capable of executing the statement, he shall execute the claim.

(b) If it is impracticable for the individual to execute a claim because his physical or mental condition is such that he should not be asked to transact business, the claim may be executed by one of the following, without any order of priority: his legal guardian, a relative or a person receiving social security or other governmental benefits on behalf of the individual; the person who arranged for his treatment; a representative of an institution furnishing him care; or a representative of a governmental entity providing him welfare assistance.

(c) If the individual is deceased, the claim for payment may be executed by a person filing under the provisions of § 405.1683 or § 405.1684.

(d) For good cause shown, the Social Security Administration may authorize a person other than one described in paragraph (a) or (b) of this section to execute a claim for payment.

**§ 405.1680 Payment pursuant to physician's authorization to accept assignment and receive payment on his behalf.**

(a) Payment due under an assignment of the right to receive payment (see § 405.1675) for covered physician services furnished under the supplementary medical insurance program on the basis of reasonable charges may be made on behalf of a physician to an organization or institution, if:

(1) The organization or institution has on file and in effect such physician's written authorization, enabling the organization or institution or a duly authorized representative of such organization or institution (e.g., a hospital administrator or medical clinic representative), (i) to accept on his behalf any assignment made by any individual who receives medical treatment from him of the amount payable to such individual under Part B of title XVIII of the Social Security Act and (ii) to receive, subject to the provisions of § 405.1675(a), any payment which could be made to him pursuant to such assignment;

(2) The organization or institution establishes to the satisfaction of the Administration, the Part A intermediary, or the Part B carrier (as appropriate) that it is qualified to receive such payment; and

(3) The organization agrees to submit such information as the Administration, the Part A intermediary, or the Part B carrier (as appropriate) may require in order to apply the requirements for payment of supplementary medical insurance benefits.

(b) For purposes of this section, the types of organizations and institutions qualified to receive such payment include, but are not limited to, the following:

(1) A hospital, extended care facility, or home health agency (whether or not such institution or agency is qualified to enter into an agreement, pursuant to § 1866 of the Act, to participate in the health insurance program), for services for which the physician is paid salary or other non-fee-for-service remuneration by the agency or institution;

(2) An organized medical clinic, for services performed by the physician as an employee, partner, or as proprietor of the clinic;

(3) A hospital, for services of an attending physician in a teaching setting in such hospital;

(4) A medical, osteopathic, or dental school, for services of an attending physician in a teaching setting, if the physician is a member of the faculty of such school.

**§ 405.1683 Payment on the basis of a paid bill; individual dies before receiving direct payment.**

(a) *Persons to whom payment can be made.* If an individual who received covered services for which he may receive direct payment (see § 405.1672 (a) and (b)) dies before any payment due him under title XVIII of the Act and this Part 405 has been completed, and such services have been paid for, payment of the amount due (including the amount of any unnegotiated check(s) issued for purposes of making direct payment to the individual) shall, subject to the provisions of paragraph (b) of this section, be made as follows:

(1) If the services were paid for (before or after such individual's death) by a person other than the deceased individual, payment will be made to the person or persons who, without a legal obligation to do so, paid for such services. (If such person is himself deceased, see subparagraph (2) of this paragraph (a).) If the services were paid for by the deceased individual before his death or from funds of his estate, payment will be made to the legal representative of the estate (including a representative under a small estate statute) of such deceased individual.

(2) If the deceased individual or his estate paid for the services and no legal representative of the estate has been appointed or, if the person(s) who paid for the services is other than the deceased individual and is himself deceased, payment will be made in the following order of priority:

(i) To the person, if any, who is found by the Administration to be the surviving spouse of the deceased individual, if such spouse was either living in the same household with the deceased at the



time of his death, or was, for the month in which the deceased individual died, entitled to monthly social security or railroad retirement benefits on the basis of the same wages and self-employment income as the deceased individual;

(ii) To the child or children, if any, of the deceased individual who were, for the month in which the deceased individual died, entitled to monthly social security or railroad retirement benefits on the basis of the same wages and self-employment income as was the deceased individual (and, in case there is more than one such child, in equal parts to each such child);

(iii) To the parent or parents, if any, of the deceased individual who were, for the month in which the deceased individual died, entitled to monthly social security or railroad retirement benefits on the basis of the same wages and self-employment income as was the deceased individual (and, in case there is more than one such parent, in equal parts to each such parent);

(iv) To the person, if any, determined by the Administration to be the surviving spouse of the deceased individual who was neither living in the same household with the deceased individual at the time of his death nor was, for the month in which the deceased individual died, entitled to monthly social security or railroad retirement benefits on the basis of the same wages and self-employment income as the deceased individual;

(v) To the person or persons, if any, determined by the Administration to be the child or children of the deceased individual who were not entitled to monthly social security or railroad retirement benefits on the basis of the same wages and self-employment income as was the deceased individual (and, in case there is more than one child, in equal parts to each such child);

(vi) To the parent or parents, if any, of the deceased individual who were not entitled to monthly social security or railroad retirement benefits on the basis of the same wages and self-employment income as was the deceased individual (and, in case there is more than one such parent, in equal parts to each such parent).

(3) If the services were paid for by someone other than the deceased individual and that person died before the payment to him was completed, payment will not be made to such person's estate. Nor does the right to payment pass directly to the legal representative of the deceased individual's estate. In such a case, payment will be made to a surviving relative of the deceased individual in accordance with the priorities in subparagraph (2) of this paragraph (a). If none of such relatives survive, payment will then be made to the legal representative, if any, of the deceased individual's estate.

(d) *Claiming payment.* Payment due under paragraph (a) of this section shall be made to the person(s) qualified to receive such payment provided the conditions in subparagraphs (1) and (2) of this paragraph (b) are met.

(1) Such person submits a signed and properly completed request for payment (see § 405.1678) and evidence (i) that the services have been paid for and (ii) as to who paid for such services. If a claim form was submitted by the deceased individual prior to his death, the claimant need not submit another claim form; in such a situation, any written request for the payment will suffice. Evidence of payment may consist of:

(a) A receipted bill (or a properly completed "Report of Services" portion of a claim form (see § 405.1674)) showing who paid the bill;

(b) A canceled check;

(c) A written statement from the physician or authorized member of his staff; or

(d) Other probative evidence.

(2) There is evidence that the items or services were rendered.

**§ 405.1684 Payment on the basis of an unpaid bill; individual dies before receiving direct payment or assigning payment.**

If an individual, who received covered medical and other health services for which he may either receive direct payment (see § 405.1672(b)) or assign the right to receive payment (see § 405.1675), dies before receiving such direct payment and (a) no assignment of the right to payment was made by such individual before his death, and (b) payment for such services has not been made, payment for such services shall be made to the physician or other person who provided such services. However, payment shall be made only in such amount and subject to such conditions as would have been applicable (under title XVIII of the Act and this Part 405) if the individual who received the services had not died, and only if the person or persons who furnished the services files a claim for such payment (see § 405.1678) and agrees that the reasonable charge shall be the full charge for such services. They physician or other person shall, upon the request of the Social Security Administration or the intermediary, furnish corroborating evidence of rendition of the services for which reimbursement is being claimed.

**§ 405.1685 Payment to organizations that pay bills on behalf of enrollees.**

(a) Notwithstanding the provisions set forth in §§ 405.1672 and 405.1675, payment may be made to an organization to reimburse it for its payment for services covered by the supplementary medical insurance program furnished an enrollee (excluding services furnished by, or under arrangements made by, a participating provider of services or a hospital which has elected to claim payment for emergency services (see § 405.1660)), if:

(1) The organization has paid in full the amount of the charges for the services for which payment is being claimed (see § 405.1678);

(2) The organization has the enrollee's (or his authorized representative's) written authorization to receive reimbursement on the basis of bills paid in

full on his behalf by the organization for such services;

(3) The organization relieves the enrollee of liability for payment for the services specified in the claim, and will not seek any reimbursement from him or his survivors or estate for such services, if payment for such services is made to the organization on the claim;

(4) The organization establishes to the satisfaction of the Social Security Administration or Part B carrier that it meets the requirements of § 405.1686; and

(5) The organization submits such other information as the Social Security Administration or the Part B carrier may request in order to apply the requirements for payment for such services.

(b) An organization is not required to pay and claim reimbursement for all bills for services furnished an enrollee under the supplementary medical insurance program. The organization may establish criteria for determining at its discretion what bills it will pay on the enrollee's behalf.

**§ 405.1686 Organizations qualified to receive payment on behalf of enrollee.**

For the purpose of § 405.1685, the types of organizations which can qualify to receive payment for supplementary medical insurance benefits include, but are not limited to, employer, union, employer-employee, or other organizations which:

(a) Pay physicians' bills for employees (active and retired) or their dependents, either directly or utilizing the services of an insurer (an insurer that provides complementary insurance protection and pays bills for such an organization may act on behalf of the organization to claim and receive payment for supplementary medical insurance benefits under the conditions discussed in § 405.1680 with respect to such employees and their dependents); or

(b) Administer group practice prepayment plans with respect to medical bills for services which are provided to members by other than plan physicians or by physicians with whom arrangements have not been made under the plan for providing services (e.g., emergency physician services to a member when he is outside the service area of the plan).

**§ 405.1692 Time limitation for claiming payment.**

Effective with respect to claims submitted after April 1, 1968, a claim for payment under the supplementary medical insurance benefits plan submitted by, or on behalf of, any person(s) for the purpose of claiming payment, on a reasonable charge basis, for covered items and services furnished an individual entitled under such plan, must be filed with the Social Security Administration, a carrier, or an intermediary on or before December 31 of the calendar year following the calendar year in which such items and services were furnished. However, the time limitation on filing claims



for such items and services furnished in the last 3 months of a calendar year (i.e., October through December), is December 31 of the second calendar year following the year in which the items and services were furnished.

*Example:* An individual received surgery in August 1968. He (or the physician performing the surgery, if the right to claim payment has been assigned), must file a claim for payment for such services on or before December 31, 1969. If the surgery had been performed in November 1968, the claim must be filed on or before December 31, 1970.

#### § 405.1693 Definition of claim for purposes of time limitation.

For purposes of § 405.1692, a claim is any writing submitted by, or on behalf of, any person(s) which indicates the person's intent to claim payment under the supplementary medical insurance benefits plan in connection with specified covered services furnished to an identified individual. It is not necessary that such writing be on a form prescribed by the Social Security Administration, that the services be itemized, or that the information be complete (e.g., a claim could be filed by a note from the individual's spouse, a physician's bill, or an incomplete prescribed claim form). If a claim, as defined herein, is mailed or delivered to the Administration, a carrier, or an intermediary within the applicable time limitation, the claim is filed timely even though a prescribed claim form or additional required information is supplied or obtained after such time limitation.

#### § 405.1694 Extension of time limitation.

Notwithstanding the provisions of § 405.1692, where the last day of the time limitation falls on a nonworkday (Saturday, Sunday, legal holiday, or a day all or part of which is declared to be a nonworkday for Federal employees by statute or Executive order) a claim for payment will be considered filed timely if deposited in the U.S. postal system or received by the Social Security Administration, a carrier, or an intermediary on the first workday thereafter.

[F.R. Doc. 69-1061; Filed, Jan. 24, 1969; 8:49 a.m.]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of Interstate Land Sales Registration

#### [ 24 CFR Part 1710 ]

#### LAND REGISTRATION

#### Notice of Proposed Rule Making

Pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below, are proposed to be prescribed by the Office of Interstate Land Sales Registration, with the approval of the Secretary of Housing and Urban Development or his designee. The proposed regulations are to be issued under the

authority contained in section 1419 of the Housing and Urban Development Act of 1968, effective April 28, 1969, which may be cited as the "Interstate Land Sales Full Disclosure Act" (82 Stat. 598; 15 U.S.C. 1718). The Act gives the Secretary of Housing and Urban Development the authority to require full disclosure in the sale or lease of certain undeveloped land in interstate commerce or through the mails. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Office of Interstate Land Sales Registration, Department of Housing and Urban Development, Washington, D.C. 20411, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Issued at Washington, D.C., January 21, 1969.

PHILIP N. BROWNSTEIN,  
Assistant Secretary  
for Mortgage Credit.

In Title 24 a new Chapter V and Part 1710 are added as follows:

### Chapter V—Office of Interstate Land Sales Registration, Department of Housing and Urban Development

#### PART 1710—LAND REGISTRATION

##### Subpart A—General Requirements

Sec.	
1710.1	Definitions.
1710.5	General applicability.
1710.10	Exemptions.
1710.15	Exemption advisory opinions.
1710.20	Statement of record and property report.
1710.25	State filings.
1710.30	Amendments.
1710.35	Payment of fees.
1710.40	Early effective date for sales in progress.
1710.45	Suspensions.

##### Subpart B—Reporting Requirements

1710.101	Claim of exemption—Affirmation.
1710.105	Statement of record—Format and instructions.
1710.110	Property report and lease addendum.
1710.115	State property report disclaimer.
1710.120	Statement of record—State filing.
1710.125	Partial statement of record—Request for exemption.

AUTHORITY: The provisions of this Part 1710 issued under sec. 1419, 82 Stat. 598, 15 U.S.C. 1718.

##### Subpart A—General Requirements

###### § 1710.1 Definitions.

As used in this part, the following terms shall have the meaning indicated:

(a) "Act" means the Interstate Land Sales Full Disclosure Act, Title XIV of Public Law 90-448, 82 Stat. 590, enacted on August 1, 1968.

(b) "Blanket encumbrance" means a trust deed, mortgage, judgment, or any other lien or encumbrance, including an option or contract to sell or a trust agreement, affecting a subdivision or affecting more than one lot offered within a subdivision, except that such term shall not include any lien or other encum-

brance arising as the result of the imposition of any tax assessment by any public authority.

(c) "Developer" means any person who, directly or indirectly, sells or leases, or offers to sell or lease, or advertises for sale or lease any lots in a subdivision.

(d) "Development" means a subdivision or subdivisions, having common facilities for the use of purchasers of lots in the subdivision or subdivisions.

(e) "Interstate commerce" means trade or commerce among the several states.

(f) "Offer" means any inducement, solicitation, or attempt to encourage a person to acquire a lot in a subdivision.

(g) "Person" means an individual, or an unincorporated organization, partnership, association, corporation, trust, or estate.

(h) "Purchaser" means an actual or prospective purchaser or lessee of a lot in a subdivision or development.

(i) "Rules and regulations" refer to all rules and regulations adopted pursuant to the Act, including the general requirements and the report requirements published in this part.

(j) "Secretary" means the Secretary of Housing and Urban Development or his duly authorized representatives in the Office of Interstate Land Sales Registration.

(k) "State" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

(l) "Subdivision" means any land which is divided or proposed to be divided into 50 or more lots, whether contiguous or not, for the purpose of sale or lease as part of a common promotional plan and where subdivided land is offered for sale or lease by a single developer or a group of developers acting in concert, and such land is contiguous or is known, designated, or advertised as a common unit or by a common name, such land shall be presumed, without regard to the number of lots covered by each individual offering as being offered for sale or lease as part of a common promotional plan.

(m) "Unimproved land" means land on which there is no residential, commercial or industrial building.

###### § 1710.5 General applicability.

Except in the case of an exempt transaction as provided in § 1710.10, a developer may not sell or lease unimproved land in a subdivision or development, making use of any means or instruments of transportation or communication in interstate commerce or of the mails, unless a statement of record is in effect in accordance with the provisions of this part; and the developer furnishes each purchaser with a printed property report, meeting the requirements of the provisions of this part, in advance of the signing of any contract or agreement for sale or lease by the purchaser. As used in this part, "unimproved land" shall include lots located in a foreign country if the offer to sell or lease the lots is made from within a State.



### § 1710.10 Exemptions.

Unless a method of sale, lease or other disposition of land or an interest in land is adopted for the purpose of evasion of the Act, the rules and regulations in this part shall not apply to the following transactions:

(a) The sale or lease of real estate not pursuant to a common promotional plan to offer or sell 50 or more lots in a subdivision or in a development.

(b) The sale or lease of lots in a subdivision, or a development, all of which are 5 acres or more in size.

(c) The sale or lease of any improved land on which there is a residential, commercial, or industrial building, or to the sale or lease of land under a contract obligating the seller to erect such a building thereon within a period of 2 years.

(d) The sale or lease of real estate under or pursuant to court order.

(e) The sale of evidences of indebtedness secured by a mortgage or deed of trust on real estate.

(f) The sale of securities issued by a real estate investment trust.

(g) The sale or lease of real estate by any government or government agency.

(h) The sale or lease of cemetery lots.

(i) The sale or lease of lots to any person who acquires such lots for the purpose of engaging in the business of constructing residential, commercial, or industrial buildings or for the purpose of resale or lease of such lots to persons engaged in such business.

(j) The sale or lease of real estate which, at the time of sale or leasing, is free and clear of all liens, encumbrances, and adverse claims (except property reservations which land developers commonly convey or dedicate to local bodies or public utilities for the purpose of bringing public services to the land being developed and taxes and assessments which, under applicable State or local law, constitute liens on the property before they are due and payable), and where each and every purchaser of his or her spouse will have personally inspected the lot which he purchases prior to the signing of a contract to purchase or lease and where the developer files with the Secretary an affirmation in the form set forth in § 1710.101. The time of sale or leasing shall be deemed to be the date the sales contract or lease is signed except that the time of sale shall be deemed to be the effective date of the conveyance if each of the following requirements is met:

(1) That the contract of sale will require delivery of a deed to the purchaser within 120 days following the signing of the sales contract.

(2) That any earnest money deposit or other payment on account of the purchase price made by the purchaser prior to the effective date of the conveyance will be placed in a trust account fully protecting the interests of the purchaser with an established institution or organization having trust powers under the laws of the jurisdiction in which the property is located.

(k) The sale or lease of lots each of which exceeds 10,000 square feet and each of which will be sold for less than \$100.

(l) The sale or lease of lots where the offering is entirely or almost entirely intrastate.

(m) The lease of lots for a term not to exceed 5 years, provided the terms of the lease do not obligate the lessee to renew.

### § 1710.15 Exemption advisory opinions.

A developer may obtain an advisory opinion from the Secretary as to whether an offer is exempted from the Act and the regulations in this part. Such opinion may be obtained in either of the following ways:

(a) By filing a statement of record as provided in § 1710.20 and in the form prescribed in § 1710.105, accompanied by the filing fees required by § 1710.35 and a statement of facts and applicable law under which the developer believes the offer to be exempt. Unless the developer receives an opinion that the offer is exempted, the provisions of § 1710.20 shall apply with respect to the effective date of the statement of record.

(b) By filing a partial statement of record in the form prescribed in § 1710.125, accompanied by the filing fees required by § 1710.35.

### § 1710.20 Statement of record and property report.

(a) Except as otherwise provided in this section, the statement of record shall be in the form set forth in § 1710.105 and shall meet each of the following requirements:

(1) Include a property report in the form set forth in § 1710.110.

(2) Be supported by complete information and supporting documentation as indicated in the prescribed form.

(3) Be filed in duplicate with the Secretary by personal delivery or by certified mail, return receipt requested, addressed to the Office of Interstate Land Sales Registration, Department of Housing and Urban Development, Washington, D.C. 20411.

(b) The form of the statement of record and property report may be as required by State authorities if filed in accordance with the provisions of § 1710.25 and if the property report or similar instrument approved by the State is accompanied by a statement in the form set forth in § 1710.115. This statement shall be delivered to the purchaser simultaneously with the State property report.

(c) If an offering relates to lots which will be offered pursuant to the same common promotional plan as lots previously offered and covered by an effective statement of record, a developer shall file a new statement of record covering the additional lots. The developer may consolidate the new statement of record with the prior statement by incorporating by reference the information in the prior statement. The developer shall include in the consolidated statement of record any changes which have occurred since the original filing and the

consolidated statement of record must conform to all pertinent rules and regulations applicable to an original statement of record. Such consolidated statement of record shall be treated as a new statement of record for the purpose of determining the date of filing and the effective date thereof.

(d) The date of filing of a statement of record is the date the statement, accompanied by the required fee, is received by the Secretary.

(e) Except as provided in §§ 1710.40 and 1710.25 and unless the effective date is suspended by the Secretary in accordance with the provisions of § 1710.45, the effective date of the statement of record shall be the thirtieth day after the date of filing or such earlier date as the Secretary may determine.

### § 1710.25 State filings.

Except as provided in paragraph (c) of this section, if a developer complies with the requirements of § 1710.20 with respect to the property report and the requirements of § 1710.120 with respect to the statement of record, a copy of material filed with State authorities and allowed to become effective by such authorities shall be an effective statement of record, an effective amendment thereto, or an effective consolidation of a subsequent statement of record into an earlier statement of record, as of the date of filing such copy together with the required fee with the Secretary, as follows:

(a) With respect to a subdivision or development located in the State of California or in the State of Florida, where the material is filed in full compliance with the laws and requirements of the authorities in such State.

(b) With respect to a subdivision or development located outside of the State and covered by material filed with the State of California or the State of Florida, if all lots and tracts in such subdivision or development have been made the subject of the State filing and if there has been full compliance with the laws and requirements of the authorities in such State.

(c) A statement of record or similar instrument filed in a State which is not named in paragraph (a) or (b) of this section and which has been allowed to become effective as a filing by the authorities in a State named in paragraph (a) or (b) of this section may not be filed with the Secretary for the purpose of complying with this section.

### § 1710.30 Amendments.

(a) An amendment to a statement of record shall be filed if any change occurs affecting any material fact required to be contained in a statement of record filed with the Secretary except that additional lands offered for disposition pursuant to the same common promotional plan shall not be incorporated into an effective statement of record by amendment. A statement of record for such an offering may be consolidated with an effective statement of record as provided in § 1710.20.

(b) If an amendment to a statement of record is filed prior to the effective date



of the statement, the statement shall be deemed to have been filed when such amendment was filed unless such amendment is filed with the consent of or pursuant to an order of the Secretary.

(c) If an amendment to a statement of record is filed prior to the effective date of the statement and with the consent of or pursuant to an order of the Secretary, such amendment shall be treated as being filed as of the date of filing of the statement of record. Any such amendment shall be deemed to have been filed pursuant to the Secretary's consent or order only when the Secretary so advises.

(d) Any amendment to a statement of record shall be accompanied by a letter fully explaining its purpose. The letter shall identify the statement of record by OILSR filing number and shall include any and all changes to the original statement. Each change set forth in the letter shall be prefaced by an identification of the part or subpart of the statement of record to which the change relates. If the amendment requires a change in the property report, the developer shall also include a revised property report.

(e) The date of filing an amendment shall be the date the amendment is received by the Secretary.

(f) Except as provided in paragraph (c) of this section, and §§ 1710.25 and 1710.40, and unless the effective date is suspended by the Secretary in accordance with the provisions of § 1710.45, the effective date of the amendment shall be the thirtieth day after the date of filing or such earlier date as the Secretary may determine.

#### § 1710.35 Payment of fees.

(a) Except as provided in paragraphs (b) and (c) of this section, a filing fee, not to exceed \$1,000, shall be paid with the filing of a statement of record and shall be computed as follows:

(1) A basic fee in the amount of \$500, plus

(2) An additional fee of \$50 for each 50 lots or fraction thereof included in the offering.

(b) A filing fee, not to exceed \$1,000, shall be paid with the filing of a statement of record consolidating additional lots with a prior statement of record filed on lots in a subdivision or development and shall be computed as follows:

(1) A basic fee in the amount of \$250, plus

(2) An additional fee of \$50 for each 50 lots or fraction thereof included in the offering.

(c) If a developer files pursuant to § 1710.25, the filing fee, not to exceed \$1,000, shall be paid with the filing and shall be computed as follows:

(1) In the case of an initial filing:

(i) A basic fee in the amount of \$250, plus

(ii) An additional fee of \$25 for each 50 lots or fraction thereof included in the offering.

(2) In the case of a State filing pursuant to § 1710.25 which involves a statement of record consolidating additional lots with a prior statement of record filed in a State:

(i) A basic fee in the amount of \$125, plus

(ii) An additional fee of \$25 for each 50 lots or fraction thereof included in the offering.

(3) If a State will not permit a developer to consolidate a filing on additional lots into a previous statement of record filed in the State, the filing shall be treated as an initial filing and the filing fee shall be paid and computed in accordance with subparagraph (1) of this paragraph.

(d) No fee shall be required in connection with the filing of an amendment to a statement of record.

(e) Fees shall be paid by certified or cashier's check or postal money order made payable to the Treasurer of the United States.

(f) Except for the amount of \$250 or the amount of the filing fee, whichever is the lesser, the filing fee submitted by a developer shall be refunded if the Secretary advises that the offer is exempt.

#### § 1710.40 Early effective date for sales in progress.

(a) A developer, who is or will be selling lots in a subdivision or development which has been subdivided or platted of record and who is or will be engaged in an active sales program prior to May 28, 1969, may file a statement of record prior to that date. Such statement of record shall become effective on April 28, 1969, or on the date of its filing with the Secretary, whichever is the later, if the developer has complied with the requirements of paragraph (b) of this section. In no event may a developer subsequent to April 28, 1969, and prior to May 28, 1969, continue or begin a sales program until a statement of record has been filed with the Secretary.

(b) To qualify for an early effective date in accordance with the provisions of this section, the developer shall submit with the statement of record a letter stating that he is or will be selling lots in a subdivision or development which has been subdivided or platted of record and that he is or will be engaged in an active sales program prior to May 28, 1969.

(c) Qualification for an early effective date hereunder shall not preclude the Secretary from making a review of the statement of record subsequent to the effective date thereof to determine its completeness and accuracy nor does the acceptance of such statement of record constitute a waiver of the right of the Secretary to make such review and to require such additional information as may be necessary to bring the statement of record into conformity with the Act and these rules and regulations.

#### § 1710.45 Suspensions.

(a) *Suspension notice—prior to effective date.* (1) A suspension notice with respect to a statement of record or an amendment may be issued to a developer within 30 days after receipt by the Secretary if any of the following occurs:

(i) Prior to its effective date, the Secretary has reasonable grounds to believe that a statement of record is on its face

incomplete or inaccurate in any material respect.

(ii) Prior to its effective date, the Secretary has reasonable grounds to believe that an amendment is on its face incomplete or inaccurate in any material respect.

(iii) Upon receipt of an amendment to an effective statement of record, the Secretary has reasonable grounds to believe that in the public interest or for the protection of purchasers, the statement of record should be suspended.

(2) Suspension notices issued pursuant to this section shall suspend the effective date of the statement or the amendment until 30 days after the developer files such additional information as the Secretary shall require.

(b) *Notice of proceedings; suspension orders—subsequent to effective date.* (1) A notice of proceedings to suspend an effective statement of record may be issued to a developer if either of the following occurs:

(i) The Secretary has reasonable grounds to believe that an effective statement of record includes an untrue statement of a material fact, or omits a material fact required by the Act or the rules and regulations, or omits a material fact which is necessary to make the statements therein not misleading.

(ii) The Secretary undertakes an examination of a developer or his records to determine whether a suspension order should be issued and the developer fails to cooperate with the Secretary, or obstructs, or refuses to permit the Secretary to make such examination.

(2) The Secretary may, after notice, and after opportunity for a hearing, issue an order suspending the statement of record.

(3) In the event that a suspension order is issued, such order shall remain in effect until the developer has amended the statement of record or otherwise complied with the requirements of the order. When the developer has complied with the requirements of the order, the Secretary shall so declare and thereupon the suspension order shall cease to be effective.

#### Subpart B—Reporting Requirements

##### § 1710.101 Claim of exemption—affirmation.

A claim of exemption from the Interstate Land Sales Full Disclosure Act as provided in section 1403(a)(10) of the Act and pursuant to § 1710.10(j) shall be made to the Office of Interstate Land Sales Registration, Department of Housing and Urban Development and shall be supported by an affirmation as follows:

##### CLAIM OF EXEMPTION

I hereby affirm on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, as follows:

That, I am the legal owner, or the duly authorized agent of the legal owner, of the subdivision or development known as \_\_\_\_\_, located at \_\_\_\_\_, in the State of \_\_\_\_\_, County of \_\_\_\_\_.

That, each and every purchaser or lessee of a lot to be covered by this exemption, or



his or her spouse, will have personally inspected the lot which he purchases or leases prior to the time of sale or leasing of the lot.

That, at the time of sale or leasing, the lot will be free and clear of all liens, encumbrances, and adverse claims. The terms "liens," "encumbrances," and "adverse claims" are not intended to refer to property reservations which land developers commonly convey or dedicate to local bodies or public utilities for the purpose of bringing public services to the land being developed nor to taxes and assessments which, under applicable State or local law, constitute liens on the property before they are due and payable.

That, for the purposes of this claim of exemption, the undersigned agrees that the "time of sale or leasing" shall be deemed to be the date the sales contract or contract to lease is signed, except that the "time of sale" shall be deemed to be the effective date of the conveyance or lease if the following requirements are met:

(1) The contract of sale or contract to lease will require delivery of a deed to the purchaser or a lease to the lessee within 120 days following the signing of the sales contract or contract to lease, and

(2) Any earnest money deposit or other payment on account of the purchase price made by the purchaser prior to the effective date of the conveyance or lease will be placed in a trust account fully protecting the interests of the purchaser with an established institution or organization having trust powers under the laws of the jurisdiction in which the property is located.

(Title)

(If the affirmation is made by an agent of the legal owner of the subdivision or development, submit written authorization to act as agent.)

#### § 1710.105 Statement of record—format and instructions.

The statement of record required by § 1710.20 shall be prepared in accordance with the format and instructions as follows:

Employer's IRS No.: \_\_\_\_\_  
Developer: \_\_\_\_\_  
Owner: \_\_\_\_\_

#### STATEMENT OF RECORD

Name of subdivision or development: \_\_\_\_\_  
Location: \_\_\_\_\_  
Name of developer: \_\_\_\_\_  
Developer's address: \_\_\_\_\_

#### PART I. ADMINISTRATIVE INFORMATION

##### A. Identification and filing information:

1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_

##### B. General information:

1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_  
4. \_\_\_\_\_  
5. Acres owned \_\_\_\_\_  
Acres under option or other similar arrangement \_\_\_\_\_  
Total \_\_\_\_\_  
6. \_\_\_\_\_

##### C. Filings with State authorities:

1. \_\_\_\_\_  
2. \_\_\_\_\_

##### D. Supporting documentation:

1. \_\_\_\_\_  
2. \_\_\_\_\_

#### PART II. DEVELOPERS AND HOLDERS OF INTERESTS IN LAND

A. Holder of interest: \_\_\_\_\_  
Type of legal entity \_\_\_\_\_  
Extent and type of interest \_\_\_\_\_  
B. Holder of interest in developer: \_\_\_\_\_  
Type of legal entity \_\_\_\_\_  
Extent and type of interest \_\_\_\_\_  
C. Supporting documentation: \_\_\_\_\_

#### PART III. IDENTITY OF INTEREST IN MORE THAN ONE FILING

A. Subdivision/Development \_\_\_\_\_  
Location \_\_\_\_\_  
OILSR number \_\_\_\_\_  
Date of filing \_\_\_\_\_  
B. Suspensions: \_\_\_\_\_

#### PART IV. LEGAL DESCRIPTION, TOPOGRAPHY, CLIMATE, SUBDIVISION MAP

A. Legal description: \_\_\_\_\_  
B. Topography: \_\_\_\_\_  
1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_  
4. \_\_\_\_\_  
5. \_\_\_\_\_  
6. \_\_\_\_\_  
7. \_\_\_\_\_  
C. Climate and temperature: \_\_\_\_\_  
1. \_\_\_\_\_  
2. \_\_\_\_\_  
D. Environmental factors: \_\_\_\_\_  
1. \_\_\_\_\_  
2. \_\_\_\_\_  
E. Subdivision map: \_\_\_\_\_  
1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_  
4. \_\_\_\_\_  
5. \_\_\_\_\_  
6. \_\_\_\_\_  
F. Supporting documentation: \_\_\_\_\_  
1. \_\_\_\_\_  
2. \_\_\_\_\_

#### PART V. CONDITION OF TITLE, ENCUMBRANCES, DEED RESTRICTIONS, AND COVENANTS

A. \_\_\_\_\_  
B. \_\_\_\_\_  
C. \_\_\_\_\_  
D. \_\_\_\_\_

#### PART VI. GENERAL TERMS AND CONDITIONS OF OFFER, RANGE OF SELLING PRICES OR RENTS

A. Summary of general terms and conditions of offer: \_\_\_\_\_  
1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_  
B. Range of selling prices or rents. \_\_\_\_\_  
C. Supporting documentation: \_\_\_\_\_  
1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_

#### PART VII. ACCESS, NEARBY COMMUNITIES, ROAD SYSTEM WITHIN SUBDIVISION OR DEVELOPMENT

A. Access—Nearby communities: \_\_\_\_\_  
1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. Name of community \_\_\_\_\_  
Population \_\_\_\_\_  
Distance over paved roads \_\_\_\_\_  
Distance over unpaved roads \_\_\_\_\_  
Total \_\_\_\_\_  
B. Road system within subdivision or development: \_\_\_\_\_  
1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_  
C. Supporting documentation: \_\_\_\_\_  
1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_

#### PART VIII. UTILITIES

A. Water: \_\_\_\_\_  
1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_  
4. \_\_\_\_\_  
5. \_\_\_\_\_  
6. \_\_\_\_\_  
7. Supporting documentation: \_\_\_\_\_  
a. \_\_\_\_\_  
b. \_\_\_\_\_  
c. \_\_\_\_\_  
B. Electricity: \_\_\_\_\_  
1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_  
4. \_\_\_\_\_  
5. \_\_\_\_\_  
6. Supporting documentation: \_\_\_\_\_  
a. \_\_\_\_\_  
b. \_\_\_\_\_  
c. \_\_\_\_\_  
C. Gas: \_\_\_\_\_  
1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_  
4. \_\_\_\_\_  
5. \_\_\_\_\_  
6. Supporting documentation: \_\_\_\_\_  
a. \_\_\_\_\_  
b. \_\_\_\_\_  
c. \_\_\_\_\_  
D. Telephone: \_\_\_\_\_  
1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_  
4. \_\_\_\_\_  
5. \_\_\_\_\_  
6. Supporting documentation: \_\_\_\_\_  
a. \_\_\_\_\_  
b. \_\_\_\_\_  
c. \_\_\_\_\_  
E. Sewage disposal: \_\_\_\_\_  
1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_  
4. \_\_\_\_\_  
5. \_\_\_\_\_  
6. \_\_\_\_\_  
7. \_\_\_\_\_  
8. \_\_\_\_\_  
9. \_\_\_\_\_  
10. Supporting documentation: \_\_\_\_\_  
a. \_\_\_\_\_  
b. \_\_\_\_\_  
F. Drainage and flood control: \_\_\_\_\_  
1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_  
4. \_\_\_\_\_  
5. Supporting documentation: \_\_\_\_\_  
a. \_\_\_\_\_  
b. \_\_\_\_\_  
G. Television: \_\_\_\_\_  
1. \_\_\_\_\_  
2. \_\_\_\_\_

#### PART IX. RECREATIONAL AND COMMON FACILITIES

A. \_\_\_\_\_  
1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_  
4. \_\_\_\_\_  
B. \_\_\_\_\_

#### PART X. MUNICIPAL SERVICES

A. Fire protection: \_\_\_\_\_  
1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_  
B. Police protection. \_\_\_\_\_  
C. Garbage and trash collection: \_\_\_\_\_  
1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_



D. Public Schools:

1. Elementary school:

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_
- d. \_\_\_\_\_

2. Junior high school:

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_
- d. \_\_\_\_\_

3. High school:

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_
- d. \_\_\_\_\_

E. Medical and dental facilities:

1. Hospital facilities:

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_
- d. \_\_\_\_\_
- e. \_\_\_\_\_

2. Physicians and dentists:

- a. \_\_\_\_\_
- b. \_\_\_\_\_

F. Public transportation:

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_

PART XI. TAXES AND ASSESSMENTS—COMMON FACILITIES

- A. \_\_\_\_\_
- B. \_\_\_\_\_

PART XII. OCCUPANCY STATUS

- A. \_\_\_\_\_
- B. \_\_\_\_\_
- C. \_\_\_\_\_

PART XIII. SHOPPING FACILITIES

- A. \_\_\_\_\_
- B. \_\_\_\_\_

PART XIV. FINANCIAL STATEMENT

- A. \_\_\_\_\_
- B. \_\_\_\_\_

PART XV. AFFIRMATION

Affirmation

I hereby affirm that I am the developer of the lots herein described or will be the developer at the time lots are offered for sale or lease to the public, or that I am the agent authorized by such developer to complete this statement (if agent, submit written authorization to act as agent);

That the statements contained in this statement of record and any supplement thereto, together with any documents submitted herewith, are full, true, complete, and correct;

That I have complied or will comply with the land development and disclosure requirements of the State where the lots are located and of the State or States where the offer has been or will be made; and

That the fees accompanying this application are in the amount required by the rules and regulations of the Office of Interstate Land Sales Registration.

(Date) (Signature)

(Corporate seal if applicable) (Title)

WARNING: Section 1418 of the Housing and Urban Development Act of 1968 (Title XIV of Public Law 90-448, 82 Stat. 590, enacted on Aug. 1, 1968) provides: "Any person who willfully violates any of the provisions of this title or of the rules and regulations or any person who willfully, in a statement of record filed under, or in a property report issued pursuant to, this title, makes any untrue statement of a material fact or omits

to state any material fact \* \* \* shall upon conviction be fined not more than \$5,000 or imprisoned not more than 5 years, or both."

INSTRUCTIONS FOR COMPLETION OF STATEMENT OF RECORD

These instructions must be followed in completing the statement of record. All spaces in the specified format must be completed. The format must not be changed in any respect, except as follows:

a. Spaces provided in the format may be enlarged or extended for the purpose of providing a comprehensive explanation.

b. In addition to the information expressly required to be stated in the statement of record, there shall be added such further material information, if any, as may be necessary to make the required statements in the light of the circumstances under which they are made, not misleading.

c. If a filing is to be consolidated pursuant to § 1710.20(c), the present filing may incorporate by reference any of the material in the previous filing. This shall be accomplished by placing after the applicable Part or Subpart in the format the OILSR number of the previous filing and the appropriate part, subpart, or exhibit and page number.

Statements of record shall be filed on good quality, unglazed, white paper, approximately 8½ by 14 inches in size, with a 2-inch margin at the top and a 1½-inch margin on each side. They shall be in black ink in standard elite or pica type. They may be printed, lithographed, mimeographed, or typewritten; but the standard size of elite or pica type must be used. Deeds, title policies, subdivision maps or plats, and other supporting documents may be on different size paper but must be folded to the 8½ by 14-inch size. A copy of the property report in the form that it will be given to the purchaser must be attached to the statement of record.

Statements of record shall be filed in duplicate and at least one copy shall be signed.

In the upper right hand corner, the developer shall give his Employer's IRS number as well as that of the owner of the subdivision or development, if the developer is not the owner. The name at the heading of the statement of record shall be the common promotional name used for the subdivision or development.

The supporting documents required by the various parts of these instructions shall be attached as exhibits at the back of the statement of record. Each exhibit shall be identified by affixing a tab on the right side of the cover sheet of the exhibit and by identifying thereon the applicable part and subpart by Roman numeral, letter, and Arabic number. The pages of each exhibit shall be numbered beginning with the number one for the first page in each exhibit and numbering the remaining pages in the exhibit sequentially. If, at a later time, additional data is furnished to be incorporated into, or to amend, an exhibit, the pages of the additional data shall be numbered beginning with the number following the last page number in the exhibit and following sequentially therefrom. If the information in an exhibit is applicable to more than one part, the developer may incorporate that information by reference to the appropriate exhibit and to the applicable page or pages within that exhibit.

The developer shall mark the property report filed with the Office of Interstate Land Sales Registration with references to the appropriate information in the statement of record and in the exhibits attached thereto. If a statement in the property report is supported by both an item in the statement of record and in an exhibit, reference shall be made to both sources. This shall be accom-

plished by placing the appropriate part and subpart number or the appropriate exhibit number and page number in the right margin immediately adjacent to the applicable statement in the property report.

If an item in the statement of record is supported by information in an exhibit, place the appropriate exhibit and page number in the right margin immediately adjacent to the item.

The following instructions correspond to the part and subpart letters and numbers set forth in the statement of record format.

PART I. ADMINISTRATIVE INFORMATION

A. Identification and filing information:

1. State whether the filing is an original filing on a subdivision or development or an additional offering of lots to be consolidated with a statement of record previously filed for lots offered under the same common promotional plan. If the filing is to be consolidated, identify the OILSR filing number assigned to the original statement of record.

2. Do you intend to make subsequent filings for additional lots within the subdivision or development?

3. Are you submitting documentation to support a claim of exemption? If so, see instruction in D.1 of this part.

B. General information:

1. Name the State, Commonwealth, territory, or possession of the United States or the country in which the subdivision or development is located.

2. Name the county or counties or other political subdivision or subdivisions within which the development or subdivision is located.

3. State the number of lots in this offering.

4. If more than one offering of lots in the subdivision or development has been made or will be made, state the number of lots to be offered in the entire subdivision or development. See instruction D.2 of this part.

5. State the number of acres included in this offering.

6. If more than one offering of lots in the subdivision or development has been made or will be made, state the number of acres owned, the number of acres under option or other similar arrangement for acquisition of title to the land and the total number of acres to be offered pursuant to the same common promotional plan.

C. Filings with State authorities:

1. If a statement of record or similar instrument for the subdivision or development has been filed in any State or States, list the State or States.

2. If any of the States listed in answer to 1 above has not permitted the filing to become effective or has suspended the filing, give reasons.

D. Supporting documentation:

1. If you are requesting an Exemption Advisory Opinion pursuant to section 1710.15 of these rules and regulations, your request should be entitled "Request for Exemption" and include a statement of applicable facts and law. The statement shall include all information necessary for the consideration of the merits of the proposed offering in relation to the Interstate Land Sales Full Disclosure Act. Except for requests for exemption made prior to April 28, 1969, relating to sales programs that are in progress, the offering must be prospective; and the information submitted must affirmatively disclose that both the offering and the operations contemplated thereunder will not be inconsistent with the provisions of the Interstate Land Sales Full Disclosure Act.

2. If the present offering is part of a development, submit the general plan or total plan for the entire development. Include a map showing the total land owned or under



option or other similar arrangement for acquisition of title to the land; and delineate thereon the land included in this offering.

#### PART II. DEVELOPERS AND HOLDERS OF INTERESTS IN LAND

A. List the name and address and the type and extent of interest of each holder of any interest in the land included in this offering. (Individual lot owners or lessees who have purchased or leased lots from the developer need not be listed.) If the holder is other than an individual, name the type of legal entity and list the interest, and the extent thereof, of each principal. For the purposes hereof, "principal" shall mean any person or entity having a 25 percent or more financial interest.

B. If the developer does not own an interest in the land, list name and address of each individual or entity having an ownership interest in the developer. If the developer is other than an individual, name the type of legal entity and list the interest, and the extent thereof, of each principal. For the purposes hereof, "principal" shall mean any person or entity having a 25 percent or more financial interest.

C. If the developer is a corporation, submit a copy of the Articles of Incorporation, with all amendments thereto; and a list of the officers and directors of the corporation.

If the developer is a trust, submit copies of the instruments creating the trust.

If the developer is a partnership, unincorporated association, joint stock company, or any other form of organization, submit copies of articles of partnership or association and all other documents relating to its organization.

If the holder of any interest in the land being offered is a person or entity other than the developer, submit copies of the above documents for such holder.

#### PART III. IDENTITY OF INTEREST IN MORE THAN ONE FILING

A. Are any of the holders of interest in the land or the developer, or any principals in the holder or developer, directly or indirectly involved in any other subdivision or development which has been filed with the Office of Interstate Land Sales Registration? If so, identify by subdivision or development name, location, OILSR number or numbers, and date of filing. If not applicable, state "None."

B. Has a suspension order been issued with respect to any statement of record identified in Subpart A? If so, give reasons. (Do not include the suspension of a statement of record prior to its effective date or the suspension of an amendment prior to its effective date.)

#### PART IV. LEGAL DESCRIPTION, TOPOGRAPHY, CLIMATE, SUBDIVISION MAP

A. *Legal description.* Include an adequate legal description acceptable in the political subdivision for conveyancing of the land included in this offering; and if additional offerings have been made or will be made pursuant to a common promotional plan, include a legal description of the total area offered or to be offered pursuant to the common promotional plan.

##### B. Topography:

1. Describe the general topography of the subdivision or development; for example, level, hilly, rocky, etc.

2. State whether any of the lots in the offering are covered by water at any time of the year.

3. Is the property subject to a flood control easement?

4. What percentage of the land will require corrective work before construction? If any, describe plans for correction and state any cost to buyer or lessee.

5. Will any unusual construction techniques be necessary to build on any part of land? If so, describe.

6. What percentage of the land will require fill before construction? If any, describe plans for fill, including composition, and cost to lot buyer or lessee.

7. State elevation of the highest and lowest lots in the subdivision.

##### C. Climate and temperature:

1. State whether the area is subject to sandstorms, windstorms, or any other unusual weather phenomena.

2. State temperature ranges for summer and winter, including high, low, and mean.

##### D. Environmental factors:

1. Is the land subject to any unpleasant odors, noises, pollutants, or other nuisances? If so, describe.

2. Do you know of any proposed plans, private or governmental, for construction of any facility which may create a nuisance or adversely affect the use of the land?

##### E. Subdivision map:

1. State whether a subdivision map has been filed with and accepted for recording by local authorities. If so, give recording data.

2. Has each lot in the subdivision or development been surveyed?

3. Has each individual lot been staked or marked so that the buyer can identify the boundary lines of his lot? If not, state cost to purchaser or lessee to obtain a survey and to have boundary lines staked or marked.

4. Will all streets shown on the tract map, if any, be public streets?

5. Has legal access been provided to each of the individual lots within the subdivision or development?

6. State minimum width of legal access to the lots.

##### F. Supporting documentation:

1. Copy of an accurate map prepared to scale showing the dimensions of the lots and their relation to existing streets and roads. (To comply with this requirement, supply a map or maps which have been submitted to local authorities, if available.) If the land has not been divided, include a map showing the proposed division, lot dimension, and their relationship to existing streets and roads.

2. Copy of the current Geological Survey Topographic Map or Maps of the largest scale available from the U.S. Geological Survey, Washington, D.C., with an outline of the subdivision area clearly indicated thereon.

#### PART V. CONDITION OF TITLE, ENCUMBRANCES, DEED RESTRICTIONS, AND COVENANTS

A. State condition of the title to the land comprising the subdivision, including all encumbrances, easements, covenants, conditions, reservations, limitations, or restrictions applicable thereto. This requirement may be met only by submission of title evidence in the form of (1) copy of the deed or other instrument establishing title to the subdivision or development and a copy of any instrument or instruments creating a lien, encumbrance, easement, covenant, condition, reservation, limitation, or restriction on the title; or (2) an original or copy of a fee or owners policy of title insurance, a guaranty or guarantee of title, or a certificate of title issued by a title company, duly authorized by law to issue such instruments in the State in which the subdivision is located; or (3) a legal opinion, stating the condition of title, prepared and signed by an attorney at law experienced in the examination of titles and a member of the Bar in the State in which the property is located.

The title evidence shall be dated as of a date no later than 5 business days preceding the date of this filing and shall include:

a. A legal description of all of the property included in this offering together with a legal description of the property upon which there is or will be located any common areas or facilities which will be advertised as being available for the benefit or use of purchasers of lots. (Where the legal description does not specifically describe as individual parcels each of the lots included in this offering, an affirmative statement, to the effect that each of the lots included in the offering is encompassed by the description, is required.)

b. The name of the person(s) or other legal entity(ies) holding fee title to the property described.

c. The name of any person(s) or other legal entity(ies) holding a leasehold estate or other interest of record in the property described.

d. A listing of any and all exceptions or objections to the title, estate or interest of the person(s) or legal entity(ies), referred to in (b) or (c) above, including any encumbrances, easements, covenants, conditions, reservations, limitations, restrictions of record. (Any reference to exceptions or objections to title shall include specific references to the instruments in the public records upon which the exception or objection is based.) When an objection or exception to title affects less than all of the property included in this offering, the title evidence should specifically note which lots are affected.

e. Copies of all instruments in the public records specifically referred to in (d) above. (Abstracts of such instruments are acceptable if prepared by an attorney or professional or official abstractor qualified and authorized by law to prepare and certify to abstracts and if the abstracts contain a sufficient summary of the material portion of the recorded instrument to determine the nature and effect of such instruments.)

B. Describe and furnish copies of any instrument, not of public record, known to the developer which, if recorded, would affect the condition of title.

C. State the consequences for an individual purchaser of a failure by the person or persons bound to fulfill obligations under any instrument or instruments, referred to under A or B, above, which create a blanket encumbrance upon the property, or any portion thereof, described under A, above.

D. Describe and furnish copy(ies) of any trust deed(s), deed(s) in trust, escrow agreement(s), or other instrument(s) which purport to protect the purchaser in the event of default by the person or persons bound to fulfill obligations under any instrument or instruments, referred to under A or B, above, which create a blanket encumbrance upon the property or any portion thereof, described under A, above.

#### PART VI. GENERAL TERMS AND CONDITIONS OF OFFER, PROPOSED RANGE OF SELLING PRICES OR RENTS

A. Summarize the terms and conditions of the offer and of the contract of sale or lease. The summary must include:

1. A statement of the terms of release of lots from the blanket encumbrance if the subdivision or development, or any portion thereof, is subject to a blanket encumbrance. If there is no provision for release, describe any legal steps taken to protect the purchaser or lessee in the event the obligor on the blanket encumbrance defaults.

2. A statement of the disposition which will be made of earnest money or good faith deposits and downpayments received from buyers or lessees including and steps taken to protect the buyer or lessee in the event the seller or lessor does not perform his obligations under the contract.



3. A statement of the disposition which will be made of earnest money or good faith deposits and downpayments received from buyers or lessees who default under the terms of the contract.

B. State the range of selling prices or rents for lots in the subdivision or development.

C. Supporting documentation:

1. A copy of all forms of contracts or agreements to be used in selling or leasing lots. (The contracts or agreements must contain language (a) giving the purchaser the option to void the contract or agreement if he does not receive a property report prepared pursuant to the rules and regulations of the Office of Interstate Land Sales Registration, U.S. Department of Housing and Urban Development, in advance of, or at the time of, his signing the contract or agreement; and (b) giving the purchaser the right to revoke the contract or agreement within 48 hours after signing the contract or agreement if he did not receive the property report at least 48 hours before signing the contract or agreement.)

2. A copy of the agreement, if not included in the sales contract, in which seller agrees with buyer to release lots from any blanket encumbrance.

3. Copies of deeds and leases by which the developer will lease or convey title to the lots to purchasers or lessees.

PART VII. ACCESS, NEARBY COMMUNITIES, ROAD SYSTEM WITHIN SUBDIVISION OR DEVELOPMENT

A. Access—Nearby communities:

1. Describe present condition of access routes to the subdivision or development, including type and width of road surface and number of lanes.

2. Are any improvements proposed to access routes? If so, state who will bear the cost of the improvements and the estimated completion date. If the improvements are to be made by a local governmental authority, state the name of the authority, and the source of funds to complete the improvements. If lot owners will be subject to a special assessment or similar charge, for such improvements which shall be a lien on the lots in the subdivision, so state.

3. List nearest large cities and the county seat. If the geographical center of the subdivision or development is located more than 50 miles from a large city or the county seat, list also the nearest established community or communities. If a portion of the roadway from the city, county seat or community is not paved, indicate the distance of the unpaved portion to the center of the development.

B. Road system within subdivision or development:

1. Describe the present condition of the road system within the subdivision or development, including the type and width of road surface, number of lanes and approximate dedicated width of roads. State whether all of the lots in the subdivision or development can be reached by conventional automobile.

2. State any proposed improvements to the road system within the subdivision or development, the percentage completed, and the estimated schedule for completion. State who will bear the cost of the improvements; and if any of the cost is to be borne by the purchaser, state the approximate cost to the purchaser.

3. Will the roads within the subdivision or development be dedicated to, and maintained by a public authority? If not, who will be responsible for maintenance? If the lot owners will be responsible for maintenance, state the approximate cost to the owners.

C. Supporting Documentation:

1. If the developer is to complete access routes, submit copies of contracts and copy of any bonds or escrow agreements to guarantee completion thereof. If the access routes are to be completed by the local government, a copy of a letter from the local authorities setting forth the plan for the completion of access routes and maintenance thereof.

2. Copies of contracts for the completion of the road system within the development and copy of the bond or escrow agreements to assure completion thereof.

3. Copy of letter from local authority setting forth the plan for maintenance of the road system within the development.

PART VIII. UTILITIES

A. Water:

1. State the capacity of the water supply to sustain the entire community when all the lots have been developed.

2. Is the water supplied or to be supplied by a public or private utility company? If so, state the name and address of and whether the company is regulated by the State. If not, is there any other means of assurance of continuous service at reasonable rates?

3. State whether the water lines will be extended to the individual lots. If they are to be extended, state the estimated schedule for the extension and the assurance of completion.

4. State cost of installation or construction to be borne by the purchaser, if any.

5. Is the water supply to be obtained from private well? If so, indicate (1) probable depth and (2) results of test borings or other data establishing that a sufficient quantity of potable water is available to each buyer or lessee.

6. If water is provided by a public or private company, state the rate schedule.

7. Supporting documentation:

a. Copy of a letter from water company stating that it will supply the water.

b. Copy of the contract for construction, if any, and the bond or escrow agreement to assure completion of the facility, if any.

c. If available, copy of engineer's report or geological report or any other data indicating the source and quantity of water.

B. Electricity:

1. State whether electricity is available and, if so, the name and address of the supplier from which it may be obtained.

2. Is the supplier a public or private utility company? State whether the supplier is regulated by the State. If not, is there any other means of assurance of continuous service at reasonable rates?

3. Have the electrical facilities been extended to the individual lots?

4. If the electrical facilities have not been extended to the individual lots, what is the estimated schedule for installation and what costs, if any, will be borne by the purchaser?

5. State the assurance of completion if the electrical facilities are to be installed by the developer.

6. Supporting documentation:

a. Copy of a letter from the electric company stating that it will supply the electricity.

b. Copy of the rate schedule for electrical service.

c. Copy of the contract for construction of electrical facilities, if any, and any bond or escrow arrangements to assure completion of the facilities.

C. Gas:

1. State the availability of gas including the name and address of the supplier.

2. Is the supplier a public or private utility company? State whether the supplier is regulated by the State. If not, is there any other means of assurance of continuous service at reasonable rates?

3. Have gas lines been extended to the individual lots?

4. If the gas facilities have not been extended to the individual lots, what is the estimated schedule for installation and what cost will be borne by the purchaser?

5. State the assurance of completion if the gas facilities are to be installed by the developer.

6. Supporting documentation:

a. Letter from the gas supplier stating that it will provide the service.

b. Copy of rate schedule for the service.

c. Copy of the contract for construction of the gas facilities, if any, and any bond or escrow arrangements to assure completion of the facilities.

D. Telephone:

1. State the availability of telephone service including the name and address of the supplier.

2. Is the supplier a public or private utility company? State whether the supplier is regulated by the State. If not, is there any other means of assurance of continuous service at reasonable rates?

3. Have the telephone facilities been extended to the individual lots?

4. If the telephone facilities have not been extended to the individual lots, what is the estimated schedule for installation and what cost will be borne by the purchaser?

5. State the assurance of completion of the telephone facilities if those facilities are to be installed by the developer.

6. Supporting documentation:

a. Copy of a letter from the telephone company stating that the company will supply the service.

b. Copy of the rate schedule for the telephone service.

c. Copy of the contract for the construction of the telephone services, if any, and any bond or escrow arrangements to assure completion of the facilities.

E. Sewage disposal:

1. State whether sewers are available and if so, the name and address of the entity responsible for installation and maintenance.

2. Is the entity a public or private utility company? State whether entity is regulated by the State. If not, is there any other means of assurance of continuous service at reasonable rates?

3. Have the sewage facilities been extended to the individual lots?

4. If the sewage facilities have not been extended to the individual lots, what is the estimated schedule for their installation and what costs will be borne by the purchaser, including construction, installation, and connection costs?

5. State the assurance of completion if the sewage facilities are to be installed by the developer.

6. If public sewers are not now installed and are not to be installed, state the alternate sewage disposal method to be used, such as septic tanks or cesspools.

7. If a public sewer is not or will not be installed state the approximate cost of installing the alternate method of sewage disposal.

8. Will the local health authorities approve the use of an alternate method of sewage disposal? Has such approval been obtained?

9. If use of septic tanks is contemplated, state whether the land is suitable for the use of septic tanks; include in your statement the results of any percolation tests.

10. Supporting documentation:

a. Copy of the contract for construction of the sewage disposal facilities, if any, and any bond or escrow arrangements to assure the completion of the facilities.

b. Copy of a letter from local health authorities stating the methods of sewage disposal which will or will not be permitted.



**F. Drainage and flood control:**

1. State whether there has been or will be any drainage required to render any of the lots suitable for construction purposes. If so, list the lots, and state cost to purchaser.

2. Have artificial drains, storm sewers, or flood control channels been installed?

3. If these facilities have not been installed, what is the estimated schedule for completion, if any, and what costs or other assessments will the purchaser be expected to pay?

4. If the developer is to install these facilities state the assurance of completion.

**5. Supporting documentation:**

a. Copy of the contract for the construction of the artificial drains, storm sewers, or flood control channels, if any, and any bonds or escrow agreements to assure completion of the facilities.

b. If drainage is provided or to be provided by a public or private company, submit a letter from the company stating that it will provide the service.

**G. Television:**

1. Is television reception available to the lots within the subdivision without reception cost?

2. If not, state cost to user.

**PART IX. RECREATIONAL AND COMMON FACILITIES**

List any common or recreational facilities which have been or are to be installed for the beneficial use and enjoyment of the owners of lots in the subdivision or development which have not been discussed in the previous parts of the statement of record. Identify each facility and answer the following questions for each:

**A. (Name of facility):**

1. If the facility has not been installed, what is the percentage of completion, the estimated schedule for completion and what costs will the purchaser have to pay?

2. What provisions have been made for the maintenance and operation of the facility and what is the estimate of the assessments or other recurring charges to be paid by the purchaser?

3. Include a statement of the assurance of completion of the facility if the developer is responsible for construction.

4. Supporting documentation. Copy of the contract for construction of the facilities, if any, and any bond or escrow arrangements to assure completion of the facilities.

**B. (Name of facility):****PART X. MUNICIPAL SERVICES****A. Fire protection:**

1. State the availability of fire protection and list the name and address of the particular force exercising jurisdiction over the subdivision or development.

2. State whether the service is provided by the municipality or by a volunteer organization.

3. State the distance in terms of road miles from the geographical center of the subdivision or development to the nearest fire station or substation.

**B. Police protection:**

State the availability of police protection and list the name and address of the particular force exercising jurisdiction over the subdivision or development.

**C. Garbage and trash collection:**

1. State the availability of garbage and trash collection service and the name and address of the company which presently furnishes the service. If garbage and trash collection service is not presently available, state whether such service is proposed; and

if it is, give the date on which it will become effective.

2. State whether the cost of the service is to be paid directly by the lot owner or whether the service is to be provided by a municipal agency.

3. If the cost of the service is to be paid directly by the lot owners, state the approximate monthly cost per lot.

**D. Public schools:****1. Elementary school—**

a. State name and address of the nearest elementary school available to residents of the subdivision or development.

b. State the distance to the school in terms of road miles from the geographical center of the subdivision or development.

c. State whether school bus transportation will be provided.

d. State whether public transportation is available to the school.

**2. Junior high school—**

a. State name and address of the nearest junior high school available to residents of the subdivision or development.

b. State the distance to the school in terms of road miles from the geographical center of the subdivision or development.

c. State whether school bus transportation will be provided.

d. State whether public transportation is available to the school.

**3. High school—**

a. State name and address of the nearest high school available to residents of the subdivision or development.

b. State the distance to the school in terms of road miles from the geographical center of the subdivision or development.

c. State whether school bus transportation will be provided.

d. State whether public transportation is available to the school.

**E. Medical and dental facilities:****1. Hospital facilities—**

a. State the availability of hospital facilities and the name and address of the particular hospitals available to residents of the subdivision or development.

b. State whether the hospital is publicly or privately owned and whether the services are general or specialized.

c. State the bed capacity of the hospital.

d. State the distance in terms of road miles from the geographical center of the subdivision or development to the nearest general hospital.

e. State the availability of ambulance service and specify whether this service is furnished by the hospital(s) or by a volunteer organization.

**2. Physicians and dentists—**

a. State the distance in terms of road miles from the geographical center of the subdivision or development to physicians' and dentists' offices.

b. State whether or not public transportation is available from the subdivision or development to the general physicians' and dentists' offices.

**F. Public Transportation:**

1. State whether public transportation is available from the subdivision to nearby municipalities including the frequency and cost of service.

2. If no such transportation is available, state whether it will be available and give estimated date of availability.

3. Include in your statement the proposed frequency of service and proposed cost.

4. If public transportation is not presently available from the subdivision or development, state the distance in road miles to nearest public transportation.

**PART XI. TAXES AND ASSESSMENTS—COMMON FACILITIES**

A. Is the buyer or lessee to pay taxes, special assessments, or to make payments of any kind for the maintenance of common facilities in the development before taking title or signing the lease? If so, state the amount and to whom they must be paid.

B. Is the buyer or lessee to pay taxes, special assessments, or to make payments of any kind for the maintenance of common facilities in the development after taking title? If so, state the amount and to whom they must be paid.

**PART XII. OCCUPANCY STATUS**

A. State the number of dwellings in the subdivision or development at the time of filing.

B. State the number of dwellings which are proposed and the estimated completion date of those dwellings.

C. State the number of dwellings presently occupied, if any.

**PART XIII. SHOPPING FACILITIES**

A. State what shopping facilities are available to the subdivision or development. Include available types of stores and consumer services and the distance in terms of road miles from the geographical center of the subdivision or development to the facilities.

B. State whether public transportation is available to the facility, the frequency of the service and the cost.

**PART XIV. FINANCIAL STATEMENT**

A. Submit a copy of the latest financial statement of the developer. Such financial statement shall not be more than 16 months old.

B. State whether or not the developer has the financial ability to perform any and all of the obligations he has undertaken and as set forth in this statement of record and property report. A statement of past performance in completing obligations undertaken by the developer may be included.

**PART XV. AFFIRMATION****§ 1710.110 Property report and lease addendum.**

The property report and, if applicable, the lease addendum to be filed with the Office of Interstate Land Sales Registration, Department of Housing and Urban Development, as a part of the statement of record, and as provided in § 1710.20 shall be prepared in accordance with the instructions and format as follows:

**INSTRUCTIONS FOR COMPLETING PROPERTY REPORT AND LEASE ADDENDUM**

These instructions must be followed in completing the property report and lease addendum. All spaces must be completed. This format may not be changed in any respect, except as follows:

a. All references to leases, lessees, and rents should be deleted if no leasing is proposed and the offering is exclusively for sales. In this event, the lease addendum may be disregarded.

b. Spaces provided in the format may be enlarged or extended for the purpose of providing a summary explanation of the subject under discussion but may not be used to insert promotional or advertising matter designed to counteract facts adverse to the interests of the buyer or lessee.

c. If this filing is made pursuant to the provisions of section 1710.40 of these regulations, then the following paragraph shall



be added as a new paragraph immediately after the fourth paragraph of the notice and disclaimer:

"Although a statement of record has been filed with the Office of Interstate Land Sales Registration, U.S. Department of Housing and Urban Development, the filing has not been examined or verified."

d. Questions on the property report must be answered in concise, plain language but should disclose all pertinent facts.

e. The property report shall contain information in addition to that elicited by the questions appearing therein if at any time it appears to the Secretary that the inclusion of additional information is necessary or appropriate in the public interest, and the Secretary so advises the developer.

The instructions below correspond to the numbered paragraph in the property report:

Paragraph 3. List the nearest large city or county seat. If the development is located more than 50 miles from either, list also the nearest established community or communities. If a portion of the roadway from the city, county seat, or community is not paved, indicate the distance of the unpaved portion to the center of the development.

Paragraph 4. If the buyer or lessee is exposed to the risk of losing his investment in the event of the developer's failure or bankruptcy, this fact must be made unmistakably clear in this paragraph. Explanations should include any measures designed to protect the buyer's interests, and they must disclose any circumstances under which the buyer would lose his investment either because of his own default or the developer's inability to perform under the sales contract. If there is any prohibition or penalty against the buyer recording the sales contract or lease, so state. A statement can be included by the developer describing his past performance in conveying free and clear titles to buyers upon their payment of the full purchase price.

Paragraph 5. Whether the offering includes only cash sales, or installment contracts and leases, explain fully how the buyer or lessee is to be protected against loss of his investment. If a blanket mortgage or other lien is foreclosed against the developer, will the holder of such mortgage or other lien be obligated to perform the agreement with the purchaser or lessee? If not, are the buyer's or lessee's payments and investments in improving the property protected through an escrow or by other means? The buyer or lessee must be told of the possible consequences in the explanation of the answer to this question.

Paragraph 7. Buyers and lessees must be told when their obligation to pay taxes, special assessments and similar charges begins. They should also be made aware of the approximate amount of buyer's or lessee's annual payments, but the items for indicating the amount of taxes and special assessments may be answered by the statement "Consult local taxing authorities."

Paragraph 8(b). Include all limitations upon the buyer's use or enjoyment of the property, including mineral rights reservations.

Paragraph 10. Describe arrangements made (contracts supported by completion bonds or escrows, for example) designed to assure completion of the improvements. If no arrangements have been made, state "None." If it later becomes evident that an improvement will not be completed on or before the specified date, amendments of the statement of record and property report are required. If no sewage disposal arrangements are contemplated, state if land is suitable for the use of septic tanks, describing the results of any percolation tests. State cost to buyer for septic tank.

Paragraph 11. If water is to be provided by private well, indicate (1) probable depth and (2) results of test borings or other data establishing that a sufficient quantity of potable water is available to each buyer or lessee. If water is to be provided by a private utility, describe assurances for continuous service at reasonable rates.

Paragraph 14. The number of homes occupied can be amended to reflect periodic increases subsequent to the initial filing date.

Paragraph 15. Include statement as to nature of terrain (flat, rolling, hilly, mountainous, etc.), type of soil (sandy, swampy, rocky, etc.) and vegetation (cactus, trees, grass, etc.).

# PROPERTY REPORT

## NOTICE AND DISCLAIMER BY OFFICE OF INTERSTATE LAND SALES REGISTRATION, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

This report is not a recommendation or endorsement of the offerings herein by the Office of Interstate Land Sales Registration, nor has that office made an inspection of the property nor passed upon the accuracy or adequacy of this report or any promotional or advertising materials used by the seller.

It is in the interest of the buyer or lessee to inspect the property and carefully read all sale or lease documents.

Prospective buyers and lessees are notified that unless they have received this property report prior to, or at the same time they enter into a contract, they may void the contract by notice to the seller.

Unless a buyer or lessee acknowledges in writing that he has read the report and personally inspected the lot prior to signing his contract, he may revoke his contract within 48 hours from the signing of his contract, if he has received the property report less than 48 hours prior to signing such contract.

1. Name(s) of developer.....  
Address.....
2. Name of development.....  
Location..... County, State of.....
3. List names and populations of surrounding communities and list distances over paved roads to the development.

Name of community	Population	Distance over paved roads	Unpaved roads	Total
a. ....	.....	.....	.....	.....
b. ....	.....	.....	.....	.....
c. ....	.....	.....	.....	.....
d. ....	.....	.....	.....	.....

4. If periodic payments are to be made by a buyer (as in the case of installment sales contracts) complete all items under this paragraph 4. If not, enter "Not Applicable."

a. Will the sales contract be recordable? Yes or No?

b. In the absence of recording, could the developer's creditors or others acquire title to the property free of any obligation to deliver a deed to the buyer when final payment has been made under the sales contract? Yes or No? If yes, explain.

c. What provision, if any, has been made for refunds if buyer defaults?

5. Is there a blanket mortgage or other lien on the development or portion thereof in which the subject property is located? Yes or No? If yes, list below and describe arrangements, if any, for protecting interests of the buyer or lessee if the developer defaults in payment of the lien obligation. If there is such a blanket lien, describe arrangements for release to a buyer of individual lots when the full purchase price is paid.

(Type of lien) (Effect on buyers if developer defaults)

- a. ....
- b. ....
- c. ....

6. Does the offering contemplate leases of the property in addition to, or as distinguished from, sales? Yes or No? If yes, a lease addendum must be completed, attached, and made a part of the property report.

7. Is buyer or lessee to pay taxes, special assessments, or to make payments of any kind for the maintenance of common facilities in the development (a) before taking title or signing of lease or (b) after taking title or signing of lease? If either answer is yes, complete the schedule below:

Approximate amount of buyer's or lessee's annual payments

Taxes.....  
Special assessments.....  
Payments to property owner's association.....  
Other.....  
Specify.....

8. (a) Will buyer's downpayment and installment payments be placed in escrow or otherwise set aside? Yes or No? If yes, with whom? If not, will title be held in trust or in escrow?

(b) Except for those property reservations which land developers commonly convey or dedicate to local bodies or public utilities for the purpose of bringing public services to the land being developed, will buyer receive a deed free of exceptions? Yes or No? If no, list all restrictions, easements, covenants, reservations, and their effect upon buyer.

(c) Buyer should determine permissible uses of the property from local zoning authorities.

9. (a) List all recreational facilities currently available (e.g., television, sports, beaches, etc.). State any costs or assessments to buyer or lessee.

(b) If facilities are proposed or partly completed, state promised completion date, provisions to insure completion, and all costs or assessments to buyer or lessee.

10. State whether the following are now available in the subdivision: Garbage and trash collection, sewage disposal, paved streets, electricity, gas, water, telephone. If yes, state any costs to buyer or lessee. If proposed or partly completed, state promised completion date, provisions to insure completion and all costs including maintenance costs to buyer or lessee.

11. State source and capacity of water supply when all of the lots in the development have been sold or leased.

12. Is any drainage of surface water, or use of fill necessary to make lots suitable for construction of a home? Yes or No? If yes, state whether any provision has been made for drainage or fill and specify any costs buyer would incur.

13. State whether any of the following are currently available in the subdivision: Schools; medical facilities (hospitals, doctors, dentists); shopping facilities. List availability of public transportation to, and distance of facility from, geographical center of subdivision.

If facility is proposed or partly completed, state promised completion date and any provisions to insure completion.

14. How many homes were occupied as of..... (insert date of filing)?

15. State elevation of the highest and lowest lots in the subdivision and briefly describe topography and physical characteristics of the property.

16. Will any subsurface improvement, or special foundation work be necessary to construct one story residential or commercial



structures on the land? Yes or No? If yes, state if any provision has been made and specify any costs buyer would incur.

17. Are all lots and common facilities legally accessible by public road or street? Yes or No? If not, explain.

18. Has land in development been platted of record? Yes or No? If not, has it been surveyed? Yes or No? If not, state cost to buyer to obtain a survey.

19. Are lots staked or marked so that buyer can locate his lot(s)? Yes or No?

#### LEASE ADDENDUM

1. State term of lease.

2. Will the lease be recordable? Yes or No?

3. Is there any prohibition or penalty against the lessee for recording the lease? Yes or No? If yes, explain.

4. Can the owner's or developer's creditors or others acquire title to the property free of any obligation to continue the lease? Yes or No? Explain.

5. Describe whether rental payments are flat sums or graduated. Describe any provisions for increase or rental payments during the term of the lease.

6. Are there any provisions in lease prohibiting assignment and/or subletting? Yes or No? If yes, describe.

7. Summarize termination provisions in the lease.

8. Does the lease prohibit the lessee from mortgaging or otherwise encumbering the leasehold? Yes or No?

9. Will lessee be permitted to remove improvements when lease expires?

#### § 1710.115 State property report disclaimer.

If the developer is filing with the Office of Interstate Land Sales Registration, Department of Housing and Urban Development, pursuant to § 1710.25, the following statement must be delivered to each purchaser simultaneously with the delivery of the State property report:

#### STATE PROPERTY REPORT DISCLAIMER

NOTICE AND DISCLAIMER BY OFFICE OF INTERSTATE LAND SALES REGISTRATION, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

This report is not a recommendation or endorsement of the offerings herein by the Office of Interstate Land Sales Registration, nor has that Office made an inspection of the property nor passed upon the accuracy or adequacy of this report or of any promotional or advertising materials used by the seller. Information contained herein has been filed with the State of \_\_\_\_\_ and the Office of Interstate Land Sales Registration.

It is in the interest of the buyer to inspect the lot and to read all contract documents before signing the contract to purchase or lease.

Prospective buyers and lessees are notified that unless they have received this property report prior to, or at the same time they enter into a contract, they may void the contract by notice to the seller.

Unless a buyer or lessee acknowledges in writing that he has read the report and personally inspected the lot prior to signing his contract, he may revoke his contract within 48 hours from signing his contract if he has received the property report less than 48 hours prior to signing such contract.

Although a statement of record has been filed with the Office of Interstate Land Sales Registration, the filing has not been examined or verified.

#### § 1710.120 Statement of record—State filing.

If the developer is filing pursuant to § 1710.25, there shall be filed with the

Office of Interstate Land Sales Registration, Department of Housing and Urban Development, a statement as follows:

**SECTION I. State filings.** The following information shall preface the State statement of record or similar instrument and shall be done in accordance with the general instructions set forth in § 1710.105 for Part I, Administrative Information, and Part III, Identity of Interest in More Than One Filing, and shall be set forth in the following format. Statements of record shall be filed in duplicate and at least one copy shall be signed.

Employer's IRS No. \_\_\_\_\_  
Developer \_\_\_\_\_  
Owner \_\_\_\_\_

#### STATEMENT OF RECORD

Name of subdivision or development \_\_\_\_\_  
Location \_\_\_\_\_  
State of filing \_\_\_\_\_  
Name of developer \_\_\_\_\_  
Developer's address \_\_\_\_\_

#### ADMINISTRATIVE INFORMATION

##### A. Identification and filing information:

1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_

##### B. General information:

1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_  
4. \_\_\_\_\_  
5. Acres owned \_\_\_\_\_  
Acres under option or other similar arrangement \_\_\_\_\_  
Total \_\_\_\_\_  
6. \_\_\_\_\_

##### C. Filings with State authorities:

1. \_\_\_\_\_  
2. \_\_\_\_\_

#### IDENTITY OF INTEREST IN MORE THAN ONE FILING

Subdivision development \_\_\_\_\_  
Location \_\_\_\_\_  
OILSR No. \_\_\_\_\_  
Date of filing \_\_\_\_\_

**Sec. II. A. Submit all of the information, documentation, and certifications or affirmations submitted to the State.**

**B. The contract of sale or lease which will be executed by prospective purchasers or lessees must contain language (a) giving the purchaser the option to void the contract or agreement if he does not receive a property report prepared pursuant to the rules and regulations of the Office of Interstate Land Sales Registration, U.S. Department of Housing and Urban Development, in advance of, or at the time of, his signing the contract or agreement, and (b) giving the purchaser the right to revoke the contract or agreement within 48 hours after signing the contract or agreement if he did not receive the property report at least 48 hours before signing the contract or agreement.**

**C. Consolidation—Incorporation by reference.** If a filing is for an offering of lots to be sold pursuant to a Common Promotional Plan and there has been an earlier filing with the OILSR for lots offered under the same promotional plan, the developer may incorporate by reference the information included in the earlier filing by identifying the earlier filing by OILSR filing number and reference to the appropriate sections, parts or pages thereof. This may be done for the purpose of meeting the requirements of the rules and regulations although the State law does not permit such consolidation.

The material incorporated by reference must be an exact copy of all material filed with the State.

**Sec. III. Affirmation.** I hereby affirm that I am the developer of the lots herein described or will be the developer at the time lots are offered for sale or lease to the public, or that I am the agent authorized by such developer to complete this statement (if agent, submit written authorization to act as agent);

That the statements contained in this statement of record and any supplement thereto, together with any documents submitted herewith, are full, true, complete and correct;

That I have complied or will comply with the land development and disclosure requirements of the State where the lots are located and of the State or States where the offer has been or will be made;

That the material submitted is a true and accurate copy of the material filed with the State of \_\_\_\_\_; and

That the fees accompanying this application are in the amount required by the rules and regulations of the Office of Interstate Land Sales Registration.

(Date) \_\_\_\_\_ (Signature) \_\_\_\_\_

(Corporate Seal if applicable) \_\_\_\_\_ (Title) \_\_\_\_\_

**WARNING:** Section 1418 of the Housing and Urban Development Act of 1968 (Title XIV of Public Law 90-448, 82 Stat. 590, enacted on Aug. 1, 1968) provides: "Any person who willfully violates any of the provisions of this title or of the rules and regulations or any person who willfully, in a statement of record filed under, or in a property report issued pursuant to, this title, makes any untrue statement of a material fact or omits to state any material fact \* \* \*, shall upon conviction be fined not more than \$5,000 or imprisoned not more than 5 years, or both."

#### § 1710.125 Partial statement of record—request for exemption.

Requests for an exemption advisory opinion, pursuant to § 1710.15(b) shall be prepared in accordance with the following instructions:

#### INSTRUCTIONS FOR COMPLETION OF PARTIAL STATEMENT OF RECORD—REQUEST FOR EXEMPTION

The developer may file Part I, Administrative Information, in the form set forth in § 1710.105 and the affirmation and agreement as set forth below as a partial Statement of Record.

The filing of this information does not preclude a developer from filing a complete Statement of Record. If the developer files the material necessary to complete the Statement of Record, the date of filing shall be the date the complete Statement of Record is received by the Secretary.

#### AFFIRMATION AND AGREEMENT

I hereby affirm that I am the developer of the lots herein described or will be the developer at the time the lots are offered for sale or lease to the public, or that I am the agent authorized by such developer to complete this statement (if agent, submit written authorization to act as agent);

That the statements contained in this partial Statement of Record and any supplement thereto, together with any documents submitted are full, true, complete, and correct;

That I have complied or will comply with the land development and disclosure requirements of the State where the lots are located and of the State or States where the offer has been or will be made;



That the fees accompanying this application are in the amount required by the regulations of the Office of Interstate Land Sales Registration;

That I agree that this filing is a partial Statement of Record and that the receipt of this filing by the Secretary shall not be the date of filing of a Statement of Record for the purpose of determining the effective date thereof; and

That if the Secretary advises that the offering is not exempt I agree to file the remaining portions of the Statement of Record as set forth in § 1710.105 of these rules and regulations prior to any offering and that the date of the receipt of the complete Statement of Record by the Secretary shall be the date of filing for the purpose of determining the effective date of the Statement of Record.

(Date)	(Signature)
(Corporate seal if applicable)	(Title)

WARNING: Section 1418 of the Housing and Urban Development Act of 1968 (Title XIV of Public Law 90-448, 82 Stat. 590, enacted on Aug. 1, 1968) provides: "Any person who willfully violates any of the provisions of this title or of the rules and regulations or any person who willfully, in a statement of record filed under, or in a property report issued pursuant to, this title, makes any untrue statement of a material fact or omits to state any material fact \* \* \*, shall upon conviction be fined not more than \$5,000 or imprisoned not more than 5 years, or both."

[F.R. Doc. 69-1019; Filed, Jan. 24, 1969; 8:45 a.m.]



# Notices

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### VIRGIN ISLANDS NATIONAL PARK

##### Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to issue a concession permit to J. R. Woodside, d.b.a., Cinnamon Bay Camp authorizing him to continue to provide concession facilities and services for the public at Virgin Islands National Park, for a period of 1 year from January 1, 1969, through December 31, 1969.

The foregoing concessioner has performed his obligations under the expired permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the issuance of the new permit.

However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Chief, Division of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: January 15, 1969.

R. B. MOORE,  
Assistant Director,  
National Park Service.

[F.R. Doc. 69-1020; Filed, Jan. 24, 1969;  
8:45 a.m.]

## DEPARTMENT OF COMMERCE

### Business and Defense Services Administration

#### NATIONAL INSTITUTES OF HEALTH ET AL.

##### Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of

whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69-00292-33-46040. Applicant: National Institutes of Health, Procurement Section, 9000 Rockville Pike, Bethesda, Md. 20014. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used to study the effect of various pesticides on the cell organelles. This will include the localization of the guanine nucleotide at the nucleic acid level to make the guanine portion of the molecule detectable. The instrument will also serve for checks of ultracentrifugation fractions for homogeneity in studies carried out by biochemical and pharmacological oriented scientists of the toxicology laboratory. Application received by Commissioner of Customs: November 19, 1968.

Docket No. 69-00293-33-46040. Applicant: National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20014. Article: Electron microscope, Model EM 300 and accessories. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used for studies on the structural and metabolic effects of hormones in adipose tissue, liver, blood vessels and other tissues. It will also be used in highly specialized investigations (e.g. of cell membranes and other fine structures) and in routine work at the highest resolution. Application received by Commissioner of Customs: November 19, 1968.

Docket No. 69-00295-33-46500. Applicant: University of California, San Francisco Medical Center, Parnassus

Avenue at Arguello, San Francisco, Calif. 94122. Article: Ultramicrotome, Model LKB 8800 Ultratome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for thin sectioning of biologic materials for electron microscopy. These studies in cellular immunology include the study of the distribution and biological properties of isoantigens present on the cell surface of erythrocytes, leukocytes and platelets. Short and long term cultures of human lymphocytes will be studied. The response of normal individuals, agammaglobulinemics and patients with dysproteinemias will be investigated. Electron microscopy will be correlated with biochemical and immunochemical parameters. Application received by Commissioner of Customs: November 19, 1968.

Docket No. 69-00297-33-46500. Applicant: Harvard University, 75 Mount Auburn Street, Cambridge, Mass. 02138. Article: Ultramicrotome, Model Reichert "OmU2". Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article will be used in connection with the following investigations:

(a) An examination of differentiating tracheary elements in lignified secondary cell walls of *Coleus blumei* Benth;

(b) A survey of selected ciliated protozoans to obtain illustrations for an atlas of ciliate fine-structure;

(c) An examination of sexual morphogenesis of *Schizophyllum commune*, including formation of clamp connections and migration of nuclei;

(d) An investigation of the ultrastructural relationships of muscle fibers in the right ventricular muscle of canine hearts at different points in the length-tension curve.

Application received by Commissioner of Customs: November 20, 1968.

Docket No. 69-00299-58-71200. Applicant: Harvard University, 75 Mount Auburn Street, Cambridge, Mass. 02138. Article: High vacuum freeze drying unit. Manufacturer: Dynavac High Vacuum Pty. Ltd., Australia. Intended use of article: The article will be used for the complete drying and freezing of animal tissue in preparation for formaldehyde histochemical technique for demonstrating active biogenic amines. The technique is impossible for marine organisms unless a very high vacuum can be maintained. The work involves whole nervous systems rather than small pieces of tissue. Application received by Commissioner of Customs: November 21, 1968.

Docket No. 69-00300-46040. Applicant: Hunter College of The City University of New York, 695 Park Avenue, New York, N.Y. 10021. Article: Electron microscope, Model HS-8. Manufacturer: Hitachi, Ltd., Japan. Intended use of



article: The article will be used for teaching electron microscopy to graduate students and to a limited number of advanced undergraduate students. This teaching will be part of formal course work in an undergraduate course dealing with cytology and microtechnique, and in a graduate course on cellular ultrastructure. It will also be used for the performance of Master's and Doctoral thesis research by biological research graduate students, as well as for staff research programs. Application received by Commissioner of Customs: November 21, 1968.

Docket No. 69-00301-33-54500. Applicant: Community Trust of Santa Clara County, Medical Research & Equipment Trust Fund Committee, 1785 Alum Rock Avenue, San Jose, Calif. 95116. Article: Light coagulator, Model 5000. Manufacturer: Carl Zeiss Jena, West Germany. Intended use of article: The article will be used for the following reasons:

- (1) Surgery within the vitreous (or back portion of the eye).
- (2) Continuous viewing of the work described in (1).
- (3) Free both hands to perform intricate maneuvers.
- (4) Photograph selected sights and actions to illustrate to others what can be seen only by the surgeon.

Application received by Commissioner of Customs: November 21, 1968.

CHARLEY M. DENTON,  
Assistant Administrator for  
Industry Operations, Business  
and Defense Services Admin-  
istration.

[F.R. Doc. 69-1010; Filed, Jan. 24, 1969;  
8:45 a.m.]

#### PATUXENT WILDLIFE RESEARCH CENTER, DEPARTMENT OF THE INTERIOR

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

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

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00051-01-11000. Applicant: U.S. Department of the Interior, Bureau of Sport Fisheries and Wildlife, Patuxent Wildlife Research Center, Laurel, Md. 20810. Article: Gas chromatograph-mass spectrometer, Model LKB 9000. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for development of methodology and performance of analytical determination for a wide range of

contaminants that pollute the environment. Examples of research programs are as follows:

1. Separation of complex mixtures of extracts from wildlife to establish the structure of these unknown compounds.
2. Complete an accurate residue analysis for identification of unidentified metabolites.
3. Ability to identify steroids necessary for the nutrition of certain disease producing organisms.
4. Chemical identification of steroid reproductive hormones and their metabolic products.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a single unit in which the functions of a gas chromatograph, molecular separator (or interface) and a mass spectrometer have been integrated. There are known domestic manufacturers of gas chromatographs which do not produce mass spectrometers and, conversely, domestic manufacturers of mass spectrometers that do not produce gas chromatographs. Such manufacturers are in a position to offer to supply either a mass spectrometer or gas chromatograph of their own manufacture, to be combined with a gas chromatograph (or mass spectrometer) manufactured by another domestic manufacturer. However, this is not considered to constitute a "reasonable combination of instruments" within the purview of section 602.1(e) of the regulations, unless (a) the domestic manufacturer offering to furnish the combination undertakes to functionally integrate the instruments as a single operating unit and (b) establish through appropriate test procedures the performance characteristics and specifications of the chromatographic and spectrometric functions as a single unit. (See decisions on Docket No. 67-00108-33-11000, 33 F.R. 597, January 17, 1968, and Docket No. 68-00516-01-11000, 33 F.R. 11097 and 11098, August 3, 1968.)

The Department of Commerce knows of only two domestic manufacturers which offer combinations that meet these criteria: Varian Associates (Varian) and Perkin-Elmer Corp. (P-E). The following presents a comparison of the pertinent characteristics and pertinent specifications of the foreign article, with similar pertinent characteristics and pertinent specifications of the P-E Model L-270 (P-E brochure on L-270RP 56710) and the Varian Model MS/GC (Varian brochure INS 1655A): (1) The foreign article provides a sensitivity of 0.2 nanogram per second for methyl stearate with a signal-to-noise ratio of 10 to 1 at a scan speed of one mass decade per second. The P-E Model L-270 provides a sensitivity of less than  $3 \times 10^{-8}$  gram (30 nanograms) per second for methyl stearate with a signal-to-noise ratio greater than unity for a one-second decade scan rate. The Varian

Model MS/GC specified a sensitivity of 20 nanograms per second, with no associated specification for the type of sample, signal-to-noise ratio scan speed. (2) The foreign article provides a resolution of better than 1,000 at 10 percent valley, over a mass range from 1 to 1,000 atomic mass units, at a 3.5 kilovolt acceleration and ionization potential of 70 electron volts. The P-E Model L-270 specifies a resolution of 850 at 10 percent valley, with no corresponding specification for the useable mass range, accelerating voltage or ionizing potential. The Varian Model MS/GC has a specified "standard resolution in MS/GC studies" of 800 at one-half of the height of the maximum peak. According to the conversion table furnished by Varian, this corresponds to a resolution of approximately 425 when taken at 10 percent valley. For the purposes for which the foreign article is intended to be used, both sensitivity and resolution are pertinent characteristics. We therefore find that for such purposes, neither the P-E Model L-270 nor the Varian Model MS/GC is of equivalent scientific value to the foreign article.

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

CHARLEY M. DENTON,  
Assistant Administrator for  
Industry Operations, Business  
and Defense Services Admin-  
istration.

[F.R. Doc. 69-1012; Filed, Jan. 24, 1969;  
8:45 a.m.]

#### STATE UNIVERSITY COLLEGE AT ONEONTA, N.Y., ET AL.

##### Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.



A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69-00280-01-44795. Applicant: State University College at Oneonta, Oneonta, N.Y. 13820. Article: Dipolemeter, fixed frequency 2000 kc. Manufacturer: Kahl Scientific Instrument Corp., West Germany. Intended use of article: The article will be used by students in physical chemistry to determine such parameters as dipole moments and molecular polarization. It can be used to determine the degree of hydrogen bonding. Application received by Commissioner of Customs: November 14, 1968.

Docket No. 69-00281-60-78010. Applicant: Purdue University, West Lafayette, Ind. 47907. Article: Spectrophotometer, Model MPS-50L. Manufacturer: Shimadzu Selsakusho Ltd., Japan. Intended use of article: The instrument will be used in conjunction with a research program in photosynthetic electron transport and energy conversion. In those experiments it is necessary to measure the absorption spectra of pigments in optically dense highly scattering preparation of whole cells of photosynthetic bacteria and algae, as well as chloroplasts and intact leaves. Application received by Commissioner of Customs: November 14, 1968.

Docket No. 69-00284-33-41400. Applicant: Massachusetts General Hospital, Fruit Street, Boston, Mass. 02114. Article: Microtome knife sharpening apparatus, Unit A. Manufacturer: "Si-Ro-Keen", Peter T. Lawson, Esq., Australia. Intended use of article: The article will be used to sharpen microtome knives for the histological preparations of tissues which are exceptionally difficult to prepare. The tissues are needed to support biomedical research programs. Application received by Commissioner of Customs: November 18, 1968.

Docket No. 69-00285-33-61200. Applicant: Fairview Hospital, 2312 South Sixth Street, Minneapolis, Minn. 55402. Article: Frame for correction of curvature of spine. Manufacturer: Ets Belembert, France. Intended use of article: The article will be used as an experimental tool in the treatment of scoliosis at the University Scoliosis Center. The applicant has gained international recognition through intelligent trial of those modalities of treatment which offer the most benefit to the patient. Application received by Commissioner of Customs: November 19, 1968.

Docket No. 69-00286-33-46070. Applicant: Florida State University, Department of Biological Science, Tallahassee, Fla. 32306. Article: Scanning electron microscope, Model Stereoscan MK IIA. Manufacturer: Cambridge Equipment Co., United Kingdom. Intended use of article: The article will be used primarily to examine biological material. Since not too much is known concerning the use

in this field, the applicant anticipates a great deal of developmental work. To date studies have been made of sensory tissue from insects and mammals. Of particular interest are studies of the olfactory structure in a series of animals and visual structures in insects. Also, the applicant is studying the morphology of taste papillae, both fungiform and circumvallate. The microvilli of the taste receptors in the inner pore of the taste buds are of particular concern. A number of graduate students will use the microscope in conjunction with their research problems. Application received by Commissioner of Customs: November 19, 1968.

Docket No. 69-00287-33-46500. Applicant: Wayne State University, 1400 Chrysler Freeway, Detroit, Mich. 48207. Article: Ultramicrotome, LKB 8800A Ultratome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in various research projects and in the instruction of graduate students in the intricacies of fine structure techniques. The research projects will involve studies on the development of the fine structure of virus particles in their intracellular milieu. Such studies require serial sections of uniform thickness to vary from 50 angstrom units to 2 microns depending on the requirements of the experiment. Application received by Commissioner of Customs: November 19, 1968.

Docket No. 69-00291-00-46040. Applicant: California Institute of Technology, 1201 East California Boulevard, Pasadena, Calif. 91109. Article: Double tilt and rotation specimen stage and decontamination device. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used as an accessory to an existing electron microscope for rotation and tilt of noncontaminated thin crystal specimens during analysis by transmission electron microscopy. Application received by Commissioner of Customs: November 19, 1968.

CHARLEY M. DENTON,  
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[P.R. Doc. 69-1011; Filed, Jan. 24, 1969; 8:45 a.m.]

#### YALE UNIVERSITY

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

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

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket Number: 69-00046-33-46040. Applicant: Yale University, 20 Ashmun Street, New Haven, Conn. 06520. Article: Electron microscope, Model EM 300S. Manufacturer: Philips Electronics N.V. D., The Netherlands. Intended use of article: The article will be available to advanced students receiving instruction from departmental staff experienced in electron microscopy. In addition, the instrument will figure prominently in several research programs of individual faculty members as well as of those of visiting senior scientists. To a large extent these research programs focus on the structure of cell systems—particularly with the intent of correlating macromolecular behavior with biochemical and physiological information. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the applicant placed the order for the foreign article (June 26, 1968). Reasons: (1) The foreign article provided a guaranteed resolution of 5 angstroms. The only domestic electron microscope available prior to July 1, 1968 was the Model EMU-4 which was manufactured by the Radio Corporation of America (RCA). The RCA Model EMU-4 had a guaranteed resolution of 8 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolution). The additional resolution of the foreign article is considered pertinent to the purposes for which this article is intended to be used. (2) The foreign article provided accelerating voltages of 20, 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU-4 provided only 50 and 100 kilovolt accelerating voltages. It has been experimentally established that the lower accelerating voltage of the foreign article offers optimum contrast for thin unstained biological specimens and that the voltage intermediate between 50 and 100 kilovolts affords optimum contrast for negatively stained specimens. The research program with which the foreign article is intended to be used involves experiments on both unstained and negatively stained specimens. Therefore, the additional accelerating voltages provided by the foreign article are pertinent.

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

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States and available at the time the applicant placed the order for the foreign article.

CHARLEY M. DENTON,  
Assistant Administrator for Industry Operation, Business and Defense Services Administration.

[P.R. Doc. 69-1013; Filed, Jan. 24, 1969; 8:45 a.m.]



# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration F.S.H.-P. (FOLLICLE STIMULATING HORMONE-PITUITARY)

### Drugs for Veterinary Use—Drug Efficacy Study Implementation Announcement

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparation: F.S.H.-P. containing 50 milligrams of Follicle Stimulating Hormone-Pituitary per 10-cubic centimeter vial and marketed by Armour-Baldwin Laboratories, 2465 North 16th Street, Omaha, Nebr. 68103.

The Academy concludes: (1) that this product is probably not effective for genital infantilism, gonadal regression, incomplete follicular development, persistent luteal cysts, and aspermia, and (2) that if the only claim made was for "use where there is a general deficiency of F.S.H.," an evaluation of "effective" would be warranted. The Food and Drug Administration concurs in the conclusions of the Academy.

Supplemental new-drug applications are invited to revise the labeling provided in new-drug applications for this drug to limit the claims and present the conditions of use substantially as follows:

#### INDICATIONS

As a supplemental source of F.S.H. where there is a general deficiency in horses, cattle, swine, sheep, and dogs.

#### DOSAGE AND ADMINISTRATION

Cattle and horses: 10–50 milligrams.  
Swine and sheep: 5–25 milligrams.  
Dogs: 5–15 milligrams.

F.S.H.-P. should be added to sterile water for injection or sodium chloride injection. Product may be injected intramuscularly, subcutaneously, or intravenously.

CAUTION: Federal law restricts this drug to sale by or on the order of a licensed veterinarian.

This evaluation of the drug is concerned only with its effectiveness and safety to the animal to which it is administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing in this announcement will constitute a bar to further proceedings with respect to questions of safety of the drug or its metabolites as residues in food products derived from treated animals.

This announcement is published: (1) to inform the holders of new-drug applications of the findings of the Academy and of the Food and Drug Administration, and (2) to inform all interested persons that such articles may be marketed provided they are the subject of approved new-drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new-drug applications for which the labeling is not adequate in that it differs from the labeling presented above are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit revised labeling or adequate documentation in support of the labeling used.

Written comments regarding this announcement, including request for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the new-drug application for the drug listed above has been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to the drug listed in this announcement or any other interested person may obtain a copy of the NAS-NRC report by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: January 14, 1969.

HERBERT L. LEY, Jr.,  
Commissioner of Food and Drugs.

[F.R. Doc. 69-1043; Filed, Jan. 24, 1969; 8:47 a.m.]

### AMERICAN CYANAMID CO.

#### Notice of Filing of Petition Regarding Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9H2386) has been filed by American Cyanamid Co., Wayne, N.J. 07470, proposing that § 121.2505 *Slimicides* (21 CFR 121.2505) be amended to provide for the safe use of 1-chloroethylene thio-cyanate as a slime controller in the manufacture of food-contact paper and paperboard.

Dated: January 14, 1969.

R. E. DUGGAN,  
Acting Associate Commissioner  
for Compliance.

[F.R. Doc. 69-1044; Filed, Jan. 24, 1969; 8:47 a.m.]

### ATLAS CHEMICAL INDUSTRIES, INC.

#### Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9A2362) has been filed by Atlas Chemical Industries, Inc., Wilmington, Del. 19899, proposing that the food additive regulations (21 CFR Part 121) be

amended to provide for the safe use of sorbitan monostearate and polysorbate 60 as emulsifiers in formulations that contain white mineral oil and/or petroleum wax and are for use as protective coatings on raw fruits and vegetables.

Dated: January 14, 1969.

R. E. DUGGAN,  
Acting Associate Commissioner  
for Compliance.

[F.R. Doc. 69-1045; Filed, Jan. 24, 1969; 8:47 a.m.]

### CARLISLE CHEMICAL WORKS, INC.

#### Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Carlisle Chemical Works, Inc., New Brunswick, N.J. 08903, has withdrawn its petition (FAP 8B2220), notice of which was published in the FEDERAL REGISTER of October 25, 1967 (32 F.R. 14791), proposing an amendment to § 121.2566 *Antioxidants and/or stabilizers for polymers* (21 CFR 121.2566) to provide for the safe use of calcium di(neodecanoate) and zinc di(2-ethylhexoate) as stabilizers in polymers used in the manufacture of articles intended for food-contact use.

Dated: January 15, 1969.

J. K. KIRK,  
Associate Commissioner  
for Compliance.

[F.R. Doc. 69-1046; Filed, Jan. 24, 1969; 8:47 a.m.]

### CHEMAGRO CORP.

#### Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0789) has been filed by Chemagro Corp., Post Office Box 4913, Hawthorn Road, Kansas City, Mo. 64120, proposing the establishment of tolerances (21 CFR 120.234) for residues of the insecticide 0,0-diethyl 0-[p-(methylsulfonyl)phenyl] phosphorothioate in or on the raw agricultural commodities potatoes, tomatoes, sweet corn, and popcorn at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic technique using a temperature programmer and a flame ionization detector.

Dated: January 16, 1969.

R. E. DUGGAN,  
Acting Associate Commissioner  
for Compliance.

[F.R. Doc. 69-1047; Filed, Jan. 24, 1969; 8:47 a.m.]



**CIBA AGROCHEMICAL CO.****Notice of Filing of Petition Regarding Pesticide Chemicals**

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 9F0790) has been filed by CIBA Agrochemical Co., Post Office Box 1105, Vero Beach, Fla. 32960, proposing the establishment of tolerances (21 CFR Part 120) for negligible residues of the herbicide *p*-nitrophenyl-2-nitro-4-(trifluoromethyl)phenylether and its metabolites in or on the raw agricultural commodities soybeans and soybean forage at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a procedure in which the parent compound is hydrolyzed to *p*-nitrophenol and 2-nitro-4-trifluoromethylphenol and reduced to the corresponding aminophenols. The resulting 2-amino-4-trifluoromethylphenol is diazotized and coupled with *N*-1-naphthylethylenediamine. Interfering dyes are removed by column chromatography and the isolated dye product is determined spectrophotometrically at 560 millimicrons.

Dated: January 16, 1969.

R. E. DUGGAN,  
*Acting Associate Commissioner  
for Compliance.*

[F.R. Doc. 69-1048; Filed, Jan. 24, 1969;  
8:48 a.m.]

**CONSOLIDATED CORK CORP.****Notice of Filing of Petition for Food Additives**

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9B2384) has been filed by Consolidated Cork Corp., Post Office Box 7, Piscataway, N.J. 08854, proposing that § 121.2550 *Closures with sealing gaskets for food containers* (21 CFR 121.2550) be amended to provide for the safe use of resorcinol as an adjuvant in the production of closure-sealing gaskets for food containers.

Dated: January 14, 1969.

R. E. DUGGAN,  
*Acting Associate Commissioner  
for Compliance.*

[F.R. Doc. 69-1049; Filed, Jan. 24, 1969;  
8:48 a.m.]

**EASTMAN CHEMICAL PRODUCTS, INC.****Notice of Filing of Petition for Food Additives**

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9A2382) has been filed by Eastman Chemical Products, Inc., Kingsport, Tenn. 37662, proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe

use of TBHQ (tertiary butylhydroquinone) alone or in combination with other permitted antioxidants whereby the total antioxidant content of the food does not exceed 0.02 percent of its oil or fat content including its essential (volatile) oil content.

Dated: January 15, 1969.

R. E. DUGGAN,  
*Acting Associate Commissioner  
for Compliance.*

[F.R. Doc. 69-1050; Filed, Jan. 24, 1969;  
8:48 a.m.]

**ELANCO PRODUCTS CO.****Notice of Filing of Petition Regarding Pesticide Chemicals**

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 9F0787) has been filed by Elanco Products Co., Div. of Eli Lilly & Co., Indianapolis, Ind. 46206, proposing the establishment of tolerances (21 CFR 120.207) for negligible residues of the herbicide trifluralin ( $\alpha,\alpha,\alpha$ -trifluoro-2,6-dinitro-*N,N*-dipropyl-*p*-toluidine) in or on the raw agricultural commodities hops, grapes, and root crop vegetables at 0.05 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a gas chromatographic technique.

Dated: January 14, 1969.

R. E. DUGGAN,  
*Acting Associate Commissioner  
for Compliance.*

[F.R. Doc. 69-1051; Filed, Jan. 24, 1969;  
8:48 a.m.]

**HAZLETON LABORATORIES, INC.****Notice of Withdrawal of Petition for Food Additives**

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Hazleton Laboratories, Inc., Post Office Box 30, Falls Church, Va. 22046, has withdrawn its petition (FAP 8B2302), notice of which was published in the FEDERAL REGISTER of July 9, 1968 (33 F.R. 9840), proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended to provide for the safe use of sodium *n*-dodecylpolyethoxy (50 moles) sulfate as a component of paper and paperboard intended for use in contact with foods of types II, III, IV-B, and VI-A as described in table 1 of § 121.2526(c).

Dated: January 14, 1969.

J. K. KIRK,  
*Associate Commissioner  
for Compliance.*

[F.R. Doc. 69-1052; Filed, Jan. 24, 1969;  
8:48 a.m.]

**SHELL CHEMICAL CO.****Notice of Filing of Petition Regarding Pesticide Chemicals**

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 9F0770) has been filed by Shell Chemical Co., Div. of Shell Oil Co., Suite 1103, 1700 K Street NW., Washington, D.C. 20006, proposing the establishment of tolerances (21 CFR Part 120) for negligible residues of the insecticide dimethyl phosphate of  $\alpha$ -methylbenzyl 3-hydroxy-*cis*-crotonate in meat, fat, and meat byproducts of cattle, goats, hogs, and sheep and in milk fat at 0.15 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is an oscillographic procedure in which the residues are extracted and converted to acetophenone which is pipetted into a polarographic cell containing ethanol and an electrolyte solution. The concentration of acetophenone is proportional to its peak height.

Dated: January 14, 1969.

R. E. DUGGAN,  
*Acting Associate Commissioner  
for Compliance.*

[F.R. Doc. 69-1053; Filed, Jan. 24, 1969;  
8:48 a.m.]

**SHELL CHEMICAL CO.****Notice of Filing of Petition Regarding Pesticide Chemicals**

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 9F0788) has been filed by Shell Chemical Co., Div. of Shell Oil Co., Suite 1103, 1700 K Street NW., Washington, D.C. 20006, proposing the establishment of tolerances (21 CFR Part 120) for negligible residues of the insecticide, 2,2-dichlorovinyl dimethyl phosphate in meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep and in milk fat at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas-liquid chromatographic procedure utilizing a phosphorous-sensitive thermionic emission detector.

Dated: January 15, 1969.

R. E. DUGGAN,  
*Acting Associate Commissioner  
for Compliance.*

[F.R. Doc. 69-1054; Filed, Jan. 24, 1969;  
8:48 a.m.]

**SHELL CHEMICAL CO.****Notice of Filing of Petition Regarding Pesticide Chemicals**

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition



(PP 9F0785) has been filed by Shell Chemical Co., Division of Shell Oil Co., Suite 1103, 1700 K Street NW., Washington, D.C. 20006, proposing the establishment of tolerances (21 CFR Part 120) for residues of the insecticide aldrin and its epoxidation product dieldrin in meat fat of cattle, goats, hogs, horses, and sheep at 0.3 part per million; in meat and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.1 part per million; in or on corn fodder and forage (including field corn, popcorn, and sweet corn) at 0.03 part per million; and in or on corn kernels (including field corn, popcorn, and sweet corn) at 0.01 part per million (negligible residue).

The analytical method proposed in the petition for determining residues of the insecticide is a gas-liquid chromatographic procedure utilizing an electron capture detection system.

Dated: January 15, 1969.

R. E. DUGGAN,  
Acting Associate Commissioner  
for Compliance.

[F.R. Doc. 69-1055; Filed, Jan. 24, 1969;  
8:48 a.m.]

#### WYANDOTTE CHEMICALS CORP.

##### Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 9B2387) has been filed by Wyandotte Chemicals Corp., Wyandotte, Mich. 48192, proposing that § 121.2519 *Defoaming agents used in the manufacture of paper and paperboard* (21 CFR 121.2519) be amended by deleting the upper molecular weight limitation on polyoxypropylene-polyoxyethylene condensate as presently listed in that section.

Dated: January 15, 1969.

R. E. DUGGAN,  
Acting Associate Commissioner  
for Compliance.

[F.R. Doc. 69-1056; Filed, Jan. 24, 1969;  
8:48 a.m.]

#### Office of Education

##### RECOGNITION OF STATE AGENCIES FOR APPROVAL OF NURSE EDUCATION

###### Criteria

###### Correction

In F.R. Doc. 69-554 appearing at page 644 in the issue of Thursday, January 16, 1969, the last paragraph should read "Dated: December 31, 1968."

#### Office of the Secretary OFFICE OF THE GENERAL COUNSEL Organizations, Functions, and Delegations of Authority

The Statement of Organization, Functions, and Delegations of Authority of the Department, Chapter 2-320 thereof entitled "Divisions in the Office of the General Counsel" (30 F.R. 14235, as amended by 31 F.R. 1015) is hereby amended to reflect the present duties of the various divisions of the Office of General Counsel, to read as follows:

##### CHAPTER 2-320

##### DIVISIONS IN THE OFFICE OF THE GENERAL COUNSEL

Sec.	
2-320.10	Organization.
2-320.20	Division of Business and Administrative Law.
2-320.25	Division of Civil Rights.
2-320.30	Division of Education.
2-320.40	Division of Food, Drug, and Environmental Health.
2-320.50	Division of Health Insurance.
2-320.60	Division of Legislation.
2-320.70	Division of Old-Age and Survivors Insurance.
2-320.80	Division of Public Health Grants and Services.
2-320.90	Division of Social and Rehabilitation Service.

Sec. 2-320.10 *Organization*. A. The Divisions in the Office of the General Counsel are:

Division of Business and Administrative Law.  
Division of Civil Rights.  
Division of Education.  
Division of Food, Drug, and Environmental Health.  
Division of Health Insurance.  
Division of Legislation.  
Division of Old-Age and Survivors Insurance.  
Division of Public Health Grants and Services.  
Division of Social and Rehabilitation Service.

B. Each division shall be under the general supervision of the Deputy General Counsel and the immediate supervision of an Assistant General Counsel and Deputy Assistant General Counsel.

Sec. 2-320.20 *Division of Business and Administrative Law*. A. The Division of Business and Administrative Law shall be responsible for:

1. Providing legal services on business management activities and administrative operations throughout the Department, including procurement, contracting, personnel, patents, copyrights, and claims by and against the Department.
2. Legal services for the Department's surplus property, civil defense and security programs.
3. Liaison to the Comptroller General.
4. Providing counselling, under sec. 702 of E.O. 11222, for those employees who request advice or interpretation on standards of conduct.

Sec. 2-320.25 *Division of Civil Rights*. The Division of Civil Rights shall be responsible for providing legal services in connection with the activities conducted

by the Office for Civil Rights and in connection with the administration of title IV of the Civil Rights Act of 1964 by the Office of Education. In the case of administrative proceedings under title VI of the Civil Rights Act of 1964 or Parts II and III of Executive Order 11246, this responsibility shall include service as counsel for the Department, and for other Federal departments and agencies in consolidated proceedings.

Sec. 2-320.30 *Division of Education*. The Division of Education shall be responsible for:

1. Providing legal services in connection with the Office of Education, and
2. To the extent of the Department's concern, providing legal services in connection with the American Printing House for the Blind, Gallaudet College, and Howard University.

Sec. 2-320.40 *Division of Food, Drug, and Environmental Health*. The Division of Food, Drug, and Environmental Health shall be responsible for:

1. Performing legal services for the Consumer Protection and Environmental Health Services of the Public Health Service.
2. Performing legal services in connection with the administration of the Federal Food, Drug, and Cosmetic Act, and related acts, including:
  - a. Conducting hearings, preparing pleadings, briefs and legal memoranda; and
  - b. Assisting in the preparation for, and the trial of, cases and their judicial review.

3. Performing legal services for the National Air Pollution Control Administration and the Environmental Control Administration (which includes the Bureau of Solid Waste Management and Radiological Health).

Sec. 2-320.50 *Division of Health Insurance*. The Division of Health Insurance shall be responsible for providing legal services in connection with the administration of the programs of hospital insurance benefits and supplementary medical insurance benefits for the aged under title XVIII of the Social Security Act.

Sec. 2-320.60 *Division of Legislation*. A. The Division of Legislation shall be responsible for:

1. Drafting all proposals for legislation originating in the Department and reviewing all proposed legislation submitted to the Department or to any constituent unit of the Department for comment.
2. Preparing reports and letters to Congressional Committees, the Bureau of the Budget, and others on proposed legislation.

3. Prescribing procedures to govern the routing and review, within the Department, of material relating to proposed Federal legislation.

Sec. 2-320.70 *Division of Old-Age and Survivors Insurance*. A. The Division of Old-Age and Survivors Insurance shall be responsible for:



1. Legal advice and services, including advising in the preparation of regulations in connection with the administration of old-age and survivors insurance and disability insurance programs under title II of the Social Security Act, and related statutes.

2. Coordination with the Internal Revenue Service, and with other agencies in connection with legal matters relating to such programs.

3. Preparing legal materials for use by the Department of Justice in connection with civil litigation or criminal prosecution relating to such programs.

Sec. 2-320.80 *Division of Public Health Grants and Services.* The Division of Public Health Grants and Services shall be responsible for providing legal advice and services in connection with:

1. The National Institutes of Health (which include the National Library of Medicine and the Bureau of Health Manpower);

2. The Health Services and Mental Health Administration (which includes the National Institute of Mental Health, the Communicable Disease Center, Saint Elizabeths Hospital, regional medical programs, comprehensive health planning and services, and medical care services for seamen and Indians); and

3. Coordination and consultation with other agencies in connection with legal matters relating to the administration and operations of the above constituents of the Department.

Sec. 2-320.90 *Division of Social and Rehabilitation Service.* The Social and Rehabilitation Service shall be responsible for providing legal services in connection with the Social and Rehabilitation Service and the Bureau of Federal Credit Unions in the Social Security Administration.

Dated: January 17, 1969.

BERNARD SISCO,  
Acting Assistant Secretary  
for Administration.

[F.R. Doc. 69-1082; Filed, Jan. 24, 1969;  
8:49 a.m.]

## NATIONAL INSTITUTES OF HEALTH

### Statement of Organization, Functions, and Delegations of Authority; Creation of National Institute of Environmental Health Sciences

Part 9 of the Statement of Organization, Functions, and Delegations of Authority (34 F.R. 170) is amended to reflect the creation of the National Institute of Environmental Health Sciences. In section 9B, *Organization*, in the section on Division of Environmental Health Sciences: Change title only to National Institute of Environmental Health Sciences.

Dated: January 18, 1969.

WILBUR J. COHEN,  
Secretary.

[F.R. Doc. 69-1063; Filed, Jan. 24, 1969;  
8:49 a.m.]

## OFFICE FOR CIVIL RIGHTS

### Nondiscrimination in Employment by Government Contractors and Subcontractors and by Federally Assisted Construction Contractors and Subcontractors

Chapter 27-10 of the Department of Health, Education, and Welfare General Administration Manual is revised to read as follows:

Sec.	Purpose.
27-10-10	Definitions.
27-10-20	Responsibilities.
27-10-30	Award of Contracts.
27-10-40	Compliance Reviews.
27-10-50	Complaints.
27-10-60	Exemptions.
27-10-70	Use of department funds by another agency.
27-10-80	Rulings and interpretations.
27-10-90	Operating agency regulations.

Sec. 27-10-10 *Purpose.* The purpose of this chapter is (1) to prescribe policies, standards and procedures for carrying out the Department's responsibilities under Parts II and III of Executive Order 11246, dated September 24, 1965 (30 F.R. 12319, 12935; hereinafter called the "Order"), the rules and regulations of the Secretary of Labor (41 CFR Chapter 60; hereinafter called the rules and regulations) and the orders, instructions, designations, and other directives issued by the Office of Federal Contract Compliance, Department of Labor (hereinafter called the "OFCC directives") and (2) to describe the responsibility of operating agencies and Department personnel for promoting and ensuring equal opportunity in employment for all qualified persons, without regard to race, color, religion, sex, or national origin, who are employed or are seeking employment with Government contractors and subcontractors and with federally assisted construction contractors and subcontractors.

Sec. 27-10-20 *Definitions.* The terms used in this chapter have the same meaning as terms used in the order, the rules and regulations, and the OFCC directives.

Sec. 27-10-30 *Responsibilities—A. General.* The Department of Health, Education, and Welfare is responsible for (1) implementing the requirements of the order, the rules and regulations, the OFCC directives and all other rules, regulations, and orders issued pursuant thereto as they relate to the award and administration of contracts and the granting and management of Federal financial assistance which may involve construction; and (2) obtaining the compliance of (a) colleges, universities, hospitals and insurance intermediaries and carriers having contracts with any department or agency of the Federal Government, (b) its recipients of Federal financial assistance which may involve construction and all contractors and subcontractors which perform under contracts related to such construction and (c) any other contractors for which the Department has been designated the

"Compliance Agency" by the Director, OFCC.

B. *Director, Office for Civil Rights.* The Secretary of Health, Education, and Welfare has designated the Director, Office for Civil Rights as the Contract Compliance Officer (CCO) for the Department and has assigned to him the responsibility for administering the Department's program under the order.

C. *Director, Contract Compliance Division.* The Director, Contract Compliance Division (CCD) is the principal advisor and staff assistant to the CCO on the Department's contract compliance programs and is responsible for the formulation of plans, policies and procedures necessary to effectively carry out the responsibilities and obligations of the Department under the order, rules and regulations, and OFCC directives. He (1) maintains technical surveillance over, provides guidance to, and reviews and coordinates plans, policies, and programs relating to the insurance compliance program assigned to the Social Security Administration and the construction compliance program assigned to the Office of Education, (2) manages, through Contract Compliance Branches located in the Regional Offices, Office for Civil Rights, a compliance program covering hospitals, colleges, universities, and other contractors for which the Department is designated the Compliance Agency or is otherwise responsible, and (3) serves as the Departmental Deputy Contract Compliance Officer (Departmental DCCO).

D. *Heads of the procuring activity.* Each official of the Department who is designated "Head of the Procuring Activity" shall be responsible for effectuating the requirements of the order, rules and regulations, OFCC directives, and all other rules, regulations, and orders issued pursuant thereto as they relate to the performance of his procurement function. He shall designate an official from within his organization to serve as liaison with the Office for Civil Rights on contract compliance matters and to assist him in discharging his obligations under this chapter.

E. *Agency heads.* The head of any operating agency who is authorized to extend Federal financial assistance which may involve construction work shall be responsible for effectuating the order, rules and regulations, OFCC directives, and all other rules, regulations, and orders issued pursuant thereto as they relate to the performance of his grant approval and management functions and the approval of construction contract awards under agreements for Federal financial assistance. He shall designate an official from within his organization to serve as liaison with the Office for Civil Rights and with the Division of Construction Support, Office of Education on contract compliance matters and to assist him in discharging his obligations under this chapter.

F. *Office of Construction Services, Office of Education.* The Division of Construction Support, Office of Education



Services, Office of Education is responsible for planning and implementing a Department-wide program for promoting and ensuring equal opportunity in employment on all construction projects receiving Federal financial assistance from the Department or any of its operating agencies and on all construction projects for which the Department has been designated the Compliance Agency. The Director, Division of Construction Support shall serve as Deputy Contract Compliance Officer (Construction).

**G. Special Staff, Social Security Administration.** The Special Staff, Office of Administration, Social Security Administration (SSA) is responsible for planning and implementing a program for promoting and ensuring equal opportunity in employment with all Medicare insurance intermediaries under contract with SSA and other insurance carriers holding contracts with the Federal Government. The Director, Special Staff shall serve as Deputy Contract Compliance Officer (Insurance).

**SEC. 27-10-40 Award of Contracts—A. Government contracts.** Prior to the award or modification of each nonexempt Government contract identified under subparagraph 3, of this paragraph, the Contracting Officer shall obtain and provide, in writing, the following information to the Director, CCD:

- (a) The dollar amount of the contract;
- (b) The anticipated time of performance;
- (c) Name and address of the prospective contractor and each known subcontractor;
- (d) The number of employees at the contractor establishment(s) where the contract is to be performed;
- (e) Whether the contractor and each known subcontractor have previously held contracts subject to Executive Orders 10925, 11114, or 11246;
- (f) Whether the contractor and each known subcontractor have previously filed a Compliance Report (SF-40, SF-41, or EEO-1) required by Executive Orders 10925, 11114, or 11246 or by regulations issued pursuant to title VII of the Civil Rights Act of 1964;
- (g) Whether the contractor and each known subcontractor have submitted the Certification of Nonsegregated Facilities required by § 60-1.8 of the rules and regulations;
- (h) For each contract to be executed on or after December 29, 1968, a copy of the written affirmative action compliance program required by § 60-1.40 of the rules and regulations for the contractor establishment(s) where the contract is to be performed, or a statement of the reasons why the contractor has not developed or is not required to develop such a program.

The Contracting Officer shall not execute any contract subject to this procedure until notified by the Director, CCD that the prospective contractor and all known subcontractors appear to be able to conform to the requirements of the equal opportunity clause or have made specific commitments, in writing, to cor-

rect any deficiencies found to exist in their equal opportunity compliance status. If the Director, CCD, so requests, any commitments made by the prospective contractor shall be stated in the contract.

2. Within 7 workdays of receipt of the above listed information the Director, CCD will notify the Contracting Officer that:

- (a) The prospective contractor appears to be able to conform to the requirements of the equal opportunity clause;
- (b) Deficiencies have been found to exist in the prospective contractor's equal opportunity compliance status and that the Contracting Officer should notify the prospective contractor of these deficiencies and direct the prospective contractor to negotiate with the Director, CCD or his designee and take such actions as he may require; or
- (c) An on-site preaward compliance review of the prospective contractor is required, has been scheduled and the Contracting Officer will be notified of the results of the review within 30 calendar days.

3. The following listed Government contracts are covered by the procedures contained in this paragraph.

- (a) Contracts of \$100,000 or more with colleges, universities, and hospitals;
- (b) All other Government contracts of \$500,000 or more except contracts with financial intermediaries and insurance carriers under sections 1816 and 1842 of the Social Security Act, "(§ 42 U.S.C. 1395 (h) and (u)).";
- (c) Any funding modification to a contract whose original monetary value exceeded the amounts specified in subparagraphs (a) and (b) above, and awarded prior to the effective date of this procedure;
- (d) Any funding modification to a contract which increases the monetary value to the amounts specified in subparagraphs (a) and (b) above;
- (e) Such other Government contracts as may be specified by the Director, CCD.

4. Operating agency personnel assigned to the Regional Offices who have been delegated responsibility and authority for procurement functions shall, with respect to contracts they propose to award, obtain, and provide to the Contract Compliance Branch Chief in the respective Regional Office, the information specified in subparagraph 1 of this paragraph. The Contract Compliance Branch Chief shall act for the Director, CCD in carrying out the procedures of this paragraph with respect to such contracts.

**B. Medicare contracts.** Prior to the award or modification of each Government contract under section 1816 or 1842 of the Social Security Act "(§ 42 U.S.C. § 1395 (h) and (u))." the Director Special Staff, Social Security Administration, shall certify that the prospective contractor appears to be able to conform to the requirements of the equal opportunity clause or has made specific commitments, in writing, to correct any deficiencies found to exist in their equal opportunity compliance status.

**C. Federally assisted construction contracts.** Prior to approval of the award of

each federally assisted construction contract in areas designated by the Office of Federal Contract Compliance or the CCO, the Approving Officer shall be responsible for assuring that all requirements and conditions established for contractors in the designated area are met, including conducting preaward reviews, holding preaward conferences, obtaining written affirmative action plans and, as required, securing the concurrence of the OFCC Area Coordinator. His approval shall be based upon certification by the Regional EEO Specialist, or, where otherwise provided, the Chief, EEO Branch, Division of Construction Support, Construction Services, OE, that the prime contractor and subcontractors meet the established requirements. For purposes of this procedure, Approving Officer shall mean the Office of Education Regional Engineer, the Director, Regional Hospital Program, Public Health Service, or the Construction Engineer, Division of Research Facilities and Resources, National Institutes of Health.

**Sec. 27-10-50 Compliance Reviews.**  
**A. Each DCCO shall institute a regular systematic program of compliance reviews to assure that the contractors and subcontractors for which he is assigned responsibility understand and comply with the requirements of the order and all rules, regulations, directives, and orders issued pursuant thereto. The program shall include the conduct of reviews both prior to and after the award of contracts and federally assisted construction contracts.**

**B. Purpose and objective.** The purpose of a compliance review is to thoroughly investigate, analyze and evaluate the employment policies and practices of successful bidders or offerers, contractors, and subcontractors to ensure that applicants are employed and employees placed, trained, upgraded, promoted, and otherwise treated during employment, and in the condition of employment, without regard to race, color, religion, sex, or national origin, and that the bidder, offerer, contractor, or subcontractor has, or is taking necessary action to establish and implement an affirmative program of equal employment opportunity sufficient to achieve compliance. The compliance review shall include reasonable efforts, within a reasonable time limit, to recommend and negotiate corrective action on the part of the bidder, offerer, contractor, or subcontractor in affirmatively eliminating discriminatory employment practices and in developing or improving an affirmative action program which includes specific provisions for eliminating the effects of past discriminatory policies or practices and for furtherance of the employment and effective utilization of minority group persons. Commitments secured through negotiation shall be confirmed by the bidder, offerer, contractor, or subcontractor in writing and shall include specific time periods for their accomplishments. Where deficiencies are found to exist and corrective action cannot be negotiated or written commitments which are sufficient to achieve



compliance secured, recommendations will be made to the Director, Contract Compliance Division, or the CCO for the holding of a compliance conference or the imposition of sanctions.

**C. Special compliance reviews.** Upon request of the Director, OFCC, the CCO or the Director, CCD special compliance reviews will be conducted of bidders, offerers, contractors and subcontractors to determine their compliance or ability to comply with the order and with such other conditions as may be prescribed in the request.

**D. Compliance review reports.** A report of each compliance review shall be forwarded to the Director, CCD within 30 days after the compliance review is conducted unless otherwise provided by the Director, CCD. Reports shall be prepared in the format and content prescribed by the Director, CCD.

**E. Compliance conference.** On the basis of the findings of a compliance review the Director, CCD or a DCCO, with the approval of the Director, CCD, may call a compliance conference for the purpose of determining the equal opportunity status of any bidder, offerer, contractor, or subcontractor and attempting, through negotiation, conciliation, and persuasion, to secure required corrective or remedial actions on the part of any noncomplying bidder, offerer, contractor, or subcontractor. Participants in such conference shall be notified in writing of the time and place of the conference and shall be requested to bring such documents and records as may be relevant to the purpose of the conference.

**F. Sanctions and penalties.** If the results of a compliance review show the existence of deficiencies in a contractor's equal employment opportunity program which cannot be resolved through the informal means described above, a formal hearing may be convened in accordance with the procedures provided in the rules and regulations. If it is found that any deficiencies have not been corrected, the Director, OFCC, shall be notified, and the Department may cause the cancellation, termination, or suspension of the contract or subcontract pursuant to section 209 of the Order, or may, with the approval of the Director, OFCC, impose such other sanctions as are necessary and appropriate to carry out the purposes of the order.

**SEC. 27-10-60 Complaints—A. General.** Any employee of any contractor or subcontractor or any applicant for employment with any contractor or subcontractor may, directly or through his designated representative, file with the Department or OFCC a complaint of employment discrimination on account of race, color, religion, sex, or national origin against the contractor or subcontractor.

**B. Reception and processing of complaints.** Any Department employee receiving a complaint of alleged discrimination in employment against a contractor or subcontractor shall forward the complaint to the Director, CCD.

If the complaint is against a contractor or subcontractor for which the Department is the Compliance Agency, the

Director, CCD shall request an investigation by the appropriate DCCO or Contract Compliance Branch Chief and notify the Director, OFCC. Any complaint received by the Department against a contractor or subcontractor for which the Department is not the Compliance Agency shall be referred to the Director, OFCC for appropriate disposition.

If the complaint statement lacks sufficient information to initiate an investigation, a written notice shall be sent to the complainant requesting the necessary information. Such notice shall be sent by the appropriate DCCO or the Contract Compliance Branch Chief. The information shall be transmitted to the Director, CCD along with the original complaint. In the event the complainant does not respond within 60 days, the complaint and a copy of the notice shall be transmitted to the Director, CCD who may close the complaint and notify the Director, OFCC.

**C. Investigation of complaints.** Complaints will be assigned to the DCCO or Contract Compliance Branch Chief responsible for the contractor against whom the complaint is filed. He shall institute a prompt investigation which shall include holding a personal interview with the complainant, any witnesses identified by the complainant, and with responsible contractor officials, and making a thorough investigation of related employment records and actions.

**D. Resolution and disposition of complaints.** If the investigation of a complaint shows no violation of the equal opportunity clause, a written report of findings and conclusions, with supporting information attached, shall be prepared and forwarded to the Director, CCD.

If the investigation reveals a violation of the equal opportunity clause, the investigator shall proceed by informal negotiations to obtain prompt corrective action by the contractor involved. Upon resolution of the complaint, a report on the case shall be submitted to the Director, CCD. The investigator shall advise the complainant and the contractor involved of the terms of adjustment, with the provision that such terms of adjustment are subject to the approval of the Director, CCD and the Director, OFCC.

If a valid complaint cannot be adjusted by informal negotiation within a reasonable time between the investigator, the DCCO or Contract Compliance Branch Chief and the contractor involved, a report of the findings and conclusions and efforts to negotiate adjustment shall be submitted to the Director, CCD. The Director, CCD shall provide the contractor with a written notice of the terms of adjustment and shall schedule a compliance conference with the contractor. If the contractor, either as a result of the notice or conference, implements the terms of adjustment but believes them to be erroneous, he may, within ten (10) days, request a hearing to review the merits of the adjustment.

If the above specified informal procedures fail to achieve adjustment of a violation the contractor shall be afforded

an opportunity for an informal hearing to determine whether a violation of the equal opportunity clause has taken place. If the decision is that a violation has taken place, the contractor shall be notified of the sanctions or penalties which the agency proposes to impose and shall be offered an opportunity for a formal hearing. If the contractor does not request a formal hearing or the decision following such hearing is that the contractor is not complying with provisions of the equal opportunity clause, the Department shall notify the Director, OFCC and proceed with imposing the proposed sanctions or penalties.

**SEC. 27-10-70 Exemptions.** Request for exemptions from the equal opportunity clause for specific contracts or categories of contracts or for a contractor's or subcontractor's facilities not involved in the performance of Government contracts shall be submitted to the Director, CCD by the Contracting Officer with complete justification. He shall forward all such requests with recommendations to the CCO for his consideration and, as appropriate, transmittal to the Director, OFCC. Request for the withdrawal of exemptions shall be processed in the same manner.

**SEC. 27-10-80 Use of department funds by another agency.** Where funds to finance construction are made available by the Department through another Federal department or agency, it shall be deemed compliance with the requirements of this chapter if such funds are made available pursuant to and in compliance with the approved regulations of the Federal department or agency administering the contract. "Approved regulations" as used in the preceding sentence shall mean regulations issued pursuant to the order, rules and regulations, and OFCC directives.

**SEC. 27-10-90 Rulings and interpretations.** The Director, CCD shall advise all appropriate personnel regarding any rulings and interpretations of OFCC which involve the Department's contract compliance programs. All questions relating to rulings and interpretations of the order, the rules and regulations, or the OFCC directives shall be referred to the Director, CCD.

**SEC. 27-10-100 Operating agency regulations.** Operating agencies may issue such implementing regulations, procedures, and instructions as are considered necessary provided they are not inconsistent with the provisions of the order, the rules and regulations, the OFCC directives, and this chapter. A copy of such regulations, procedures, and instructions shall be forwarded to the Director, CCD, for approval prior to issuance.

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

Dated: January 18, 1969.

WILBUR J. COHEN,  
Secretary.

[P.R. Doc. 69-1064; Filed, Jan. 24, 1969; 8:49 a.m.]



## SOCIAL AND REHABILITATION SERVICE

### Statement of Organization, Functions, and Delegations of Authority

The following statement supersedes all previous material issued in Part 7 (Social and Rehabilitation Service) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare.

**7-A. Mission.** The Social and Rehabilitation Service administers the Federal Government programs providing technical, consultative, and financial support to States, local communities, other organizations and individuals in the provision of social, rehabilitation, income maintenance, medical, maternal and child health, family and child welfare, and other necessary services to the aged and aging, children and youth, the disabled, and families in need.

**7-B. Organization and functions.** The Social and Rehabilitation Service, under the supervision and direction of the Administrator, Social and Rehabilitation Service, is composed of the Office of the Administrator, five major central office program organizations (hereinafter "The Bureaus"), and the regional office organization. Specifically, SRS consists of the following components, and functions (as indicated).

#### OFFICE OF THE ADMINISTRATOR

Provides leadership and common services for all programs and components of the Social and Rehabilitation Service.

**Immediate Office of the Administrator.** Provides executive direction to all program components of the Social and Rehabilitation Service in the administration of social; rehabilitation; income maintenance; research, demonstrations and training; medical assistance; and other services programs for or relating to the aged and aging, children and youth, the disabled, and families in need. Acts as the focal point in the Federal Government in these fields. Provides leadership; develops legislative proposals; establishes policies and objectives; directs and oversees the planning and execution of programs; provides overall management, coordinates program operations and activities; takes action to achieve improvements in program effectiveness; measures and evaluates results. Maintains relationships with the Congress, Federal, State, national and international and other professional and voluntary agencies and organizations involved or interested in the Social and Rehabilitation Service programs.

The immediate Office of the Administrator includes the Administrator, the Deputy Administrator, the Associate Administrator, the Office of Policy Coordination, and the Special Assistants.

#### OFFICE OF FIELD OPERATIONS

Serves as the immediate staff arm of the Administrator in the direction, management and program coordination of the Social and Rehabilitation Service's regional offices. Specifically, assists the

Administrator and Regional Commissioners in the identification and resolution of policy and other problems involving SRS field-administered programs and takes, initiates, or recommends action on them; exercises leadership in SRS, and as appropriate, takes action on matters relating to the organization, functions, authorities, position structure, staffing, financial and other support, procedures, and other general management activities of or pertaining to the regional offices; insures field input to centrally developed policies, plans, programs, and legislation; assists in the development and implementation of field planning, reporting, and evaluation systems; and conducts or arranges for the conduct of such studies, surveys, and analyses as may be required in relation to these responsibilities and takes such corrective action as may be required.

**Division of Field Management.** Determines requirements and exercises leadership and direction, in SRS, on all matters relating to the organization, functions, authorities, position structure, staffing, financial and other support, communications policies and procedures, administrative policies and procedures, and other general management activities of or pertaining to SRS regional offices. In the context of the overall SRS program planning system, exercises leadership in the development and installation of a Regional work planning system. Develops and maintains a system of periodic reporting by Regional Commissioners to the Administrator on progress, opportunities, and problems in field operations, and ensures that Central Office action is taken on reported items. Ensures reflection of field points of view on proposed policies, plans, programs, procedures, and instructions which will affect administrative activities of Regional Offices. Conducts, or arranges for the conduct of, such studies, surveys, and analyses as may be required in relation to the responsibilities and activities of SRS Regional Commissioners and takes such followup actions as may be required. Provides, or arranges for the provision to Regional Commissioners of such management analysis and related services as may be required.

**Division of Program Coordination.** Develops, coordinates, establishes, and implements procedures for the identification and resolution of Regional problems involving two or more SRS components; and, through day-to-day communication with Central Office officials and Regional Commissioners, identifies major policy and related questions involving two or more SRS field-administered programs and takes, initiates, or recommends action on them. Keeps abreast of the reports to Regional Commissioners on major Legislative, Executive Branch, HEW, and SRS actions and developments which have a bearing on field operations. Ensures reflection of field points of view in proposed policies, plans, programs, procedures, and instructions which affect Regional multiprogram operations. Provides day-to-day guidance to Regional Commissioners on program coordination objectives and methods. Partici-

pates with the Regional staff in the development and implementation of systems for Regional work planning, evaluation of and reporting on Regional program operations, and periodic reporting to the Administrator on trends, problems, and opportunities encountered in Regional Office operations.

#### OFFICE OF LEGISLATIVE AFFAIRS

Coordinates, plans and participates in the development of new legislation necessary to carry out programs and objectives of the Social and Rehabilitation Service; coordinates the development of testimony, cost estimates and other materials related to legislative proposals; coordinates the preparation of Congressional and other reports on all bills relating to Social and Rehabilitation Service functions. Reviews and obtains necessary approvals of correspondence with members of Congress and the public which express views with respect to legislative proposals. Keeps the Administrator and affected staff organizations informed regarding the content, status, and progress of legislation affecting the Social and Rehabilitation Service and coordinates all recommendations for new legislation proposed by organizational components of the Service. Is responsible for coordinating all Congressional relations and functions of the various SRS components. Furnishes technical assistance to Congressional committees, committee staffs, individual members of Congress, and public and private organizations in relation to proposals or bills affecting the SRS. Serves as the SRS contact point with the Office of the Assistant Secretary for Legislation and the Assistant General Counsel, Legislation Division. Maintains liaison with legislative offices of other agencies of the Department and of other Departments of the Executive Branch. Develops legislative histories of significant laws and prepares other summaries of the status of legislation and reports of hearings.

#### OFFICE OF PUBLIC AFFAIRS

Plans, directs, and coordinates the public affairs programs of the Social and Rehabilitation Service. Advises the Administrator and other officials on public information considerations and needs involved in program and policy recommendations and decisions. Provides guidance and leadership to all components of SRS in matters involving public affairs. Provides central news, television, radio, and film services for all SRS components. With the collaboration of the bureaus and regional offices, assists the States in conducting their information programs. Develops basic SRS policy in the area of public affairs. Serves as the SRS contact point on public affairs with the Office of the Secretary, other agencies of the Department, and other Federal departments and agencies.

**Division of News Media Services.** Provides day-to-day relationships with the news media. Plans, prepares, coordinates, and evaluates news releases, other news materials, news conferences, and briefings with the press, news magazines, and radio and television news departments.



*Division of Editorial Services.* Plans, prepares, coordinates, and evaluates written materials—i.e., speeches, reports, articles, etc.

*Division of Publications.* Plans, prepares, coordinates, and evaluates publications and exhibits.

*Division of Television, Radio, and Films.* Plans, prepares, coordinates, and evaluates television, radio, and film activities and projects.

*Division of Special Projects.* Plans, carries out, and coordinates special projects in the areas of public affairs information.

#### OFFICE OF ADMINISTRATION

Provides staff coordination, direction, leadership and advice on the administrative management functions of SRS. Advises the Administrator and other officials on the managerial implications of program and policy decisions and recommendations. Coordinates the planning and operation of all administrative and financial management activities of SRS. Provides centralized support services to all SRS components in personnel management and manpower utilization; budget and fiscal management; general services administration; cost reduction activities; management systems; data processing and other organization and management analysis activities. Serves as the contact point for the Administrator with the Office of the Secretary, the Bureau of the Budget, the Civil Service Commission, the General Services Administration, and staffs of the Appropriations Committees of Congress on budget, administrative, and financial management matters. Develops basic SRS policy and provides centralized services in these areas.

*Division of Manpower Resources.* Provides leadership, services, and consultative assistance and advice concerning planning and operation of effective employment, career development, training and manpower utilization programs covering SRS employees. Provides advice on matters of manpower resource policy and procedure to the Administrator and other SRS officials. Provides personnel services for all SRS components.

*Division of Budget.* Provides advice to the Administrator on budget activities. Provides overall staff leadership, guidance and direction on budget development and budget execution for Social and Rehabilitation Service; develops budget policy and procedures for SRS; and works with the Program Planning Office in the current year PPB plan. Directs the preparation, presentation and execution of the SRS budget. Develops budget justifications and drafts testimony for the Administrator for Bureau of the Budget and Congressional hearings. Directs budget reprogramming activity. Serves as the chief staff resource in the development and operation of the budget system. Acts as liaison for the Administrator on budget matters with the Office of the Assistant Secretary, Comptroller, and with the Bureau of the Budget.

*Division of Finance.* Provides advice and assistance to the Administrator on

financial management activities. Provides financial management services for the Social and Rehabilitation Service. Develops, implements and administers an integrated financial and accounting system. Provides advice on broad audit policy and practice questions and performs liaison function with the HEW Audit Agency and the General Accounting Office on problems which transcend individual programs administered by SRS. Serves as the SRS central accounting point and maintains all official fiscal and accounting records. Cooperates with the Office of Program Planning and the Budget Division in the development of plans and in the production of data required in the PPB system. Acts as liaison for the Administrator on financial management questions with the Office of the Assistant Secretary, Comptroller, with the HEW Audit Agency and with GAO on all audit questions (except those involving project grants).

*Division of General Services.* Provides leadership, consultative assistance and advice in all general services activities for SRS, including contract development and administration, technical procurement management, personal and real property management, forms and records management, reproduction services, space management, communications services, safety management, and related activities. Provides administrative support services and develops policy in these activities for SRS. Acts as liaison for the Administrator with the Office of the Assistant Secretary for Administration, the Office of the General Counsel and the General Services Administration in these activities.

*Division of Management Systems.* Serves as the principal staff resource for planning, policy direction, and technical assistance concerned with improving the organization, procedures, decision making and management information handling processes in SRS. Coordinates all systems affecting two or more SRS components. Conducts studies on organization, systems and management problems. Cooperates with the Manpower Resources Division in the conduct of manpower utilization studies. Develops and directs the operation of the SRS Management Information System.

*Division of Data Processing.* Provides leadership, advice, and technical services in the field of data processing. In consultation with affected staff offices and bureaus, makes studies of how automatic data processing systems can be applied to SRS systems. Provides advice on more effective utilization of data processing as a support for fiscal, PPBS, program statistics, grants management, and other management and program services. Provides programming services as requested by SRS components. Provides centralized ADP operations for SRS. Maintains liaison with the Office of the Assistant Secretary for Administration and, as necessary, with the Bureau of the Budget and other agencies on data processing matters. Arranges for all data processing services as required by SRS components. Provides consultation on proposed con-

tracts and grants utilizing data processing services.

#### OFFICE OF RESEARCH, DEMONSTRATIONS, AND TRAINING

Provides staff direction and coordination for all SRS activities in the development of the research, training, demonstrations, research training, research and training centers, direct and contract research, research utilization, grants management, and international activities of the Service. Directs and operates certain research, training and demonstration activities as described below:

*Division of Research and Demonstrations.* Directs and promotes a nationwide program of research and demonstrations to solve problems of physical, mental, social, cultural, and economic deprivation. Provides staff direction and coordination for the development of policies, regulations, and procedures covering these operations throughout SRS. Directs the evaluation, interpretation, and application of research findings. Maintains relationships with public and private agencies in relevant research areas. Stimulates research to meet program needs.

*Division of Intramural Research.* Provides staff direction and coordination of all SRS intramural research. Formulates and executes, directly or by contract, selected research projects to solve problems in adjustment to physical, mental, social, cultural, and economic deprivation. Develops priorities for this research and policies and procedures concerning these operations.

*Division of Research and Training Centers.* Is responsible for the establishment of special centers for research and training in areas of concern to the Service, including the National Center for the Deaf-Blind, and similar institutions. Provides staff assistance and coordination for the development of policies and procedures and makes grants for such research, training, and client services. Encourages coordinated research, training, and client services to meet program needs.

*Division of International Activities.* Directs SRS programs for international research in social and rehabilitation services and related areas and the interchange of research scientists and experts. Works with the Department of State and appropriate American embassies to insure that programs are in agreement with U.S. foreign policy. Develops program policies, standards, and procedures for the foreign research program in social and rehabilitation services and related areas. Provides awards for the interchange between the United States and foreign countries of research scientists and experts. Conducts training programs for nationals of other countries in U.S. methods and techniques in social and rehabilitation services. Evaluates policy statements and program proposals of the United Nations, International Labor Organization, World Health Organization, and related agencies. Provides technical assistance to and collaborates with foreign and international organizations and agencies.



**Division of Grants Management.** Develops fiscal plans, policies and procedures, and manages research, demonstration, and training grants and contracts. Furnishes consultative services to grantees in these areas on grants management. Directs the project referral system for divisional or other review. Directs grants financing and expenditures reports review. Develops audit policies, standards, and resolution of audit exceptions for the office. Assists in development of annual budget of the office. Coordinates all SRS project grants management activities and in coordination with the Office of Administration, maintains a centralized SRS project grants management information system.

**Division of Training and Manpower Development.** Provides staff coordination, direction and advice: on development of training goals and policies for State and local agency staff development programs; on the training grant and stipend programs of the bureaus; on the preparation of staff development standards and guidelines for State and local agencies; and on the planning, policies and programs for meeting State manpower needs of programs administered by SRS. Works with national organizations and associations to stimulate resources and curriculum development for the training of professional, sub-professional, and lay persons in social and rehabilitation services. Administers grants for education and training to educational institutions for technical and professional education as assigned.

#### NATIONAL CENTER FOR SOCIAL STATISTICS

Provides staff coordination, direction and advice for all statistical activities and programs in SRS. Maintains a national repository of statistical data on social and rehabilitation services, including those services provided in the private as well as the public sectors. In cooperation with the Office of Program Planning, develops and analyzes statistical measures of the impact of SRS programs, of program operations, of needs and gaps in services provided by the programs, of the effectiveness of State agencies, programs and operations, and of the effectiveness of SRS policies. Provides central reporting, data collection, compilation and processing for all SRS. Reviews for the Administrator all proposed plans for statistical reports and all contracts and grants proposed for the compilation, collection, processing or reporting of statistics in SRS. Provides or arranges for all SRS statistical compilation and computation services.

**Management and Administrative Services Division.** Maintains the SRS repository of statistical data on social and rehabilitation services as required for SRS and its component organizations. Provides the administrative services of the Center.

**Program Surveys and Statistics Division.** In cooperation with the bureaus and staff offices: Develops statistical measures; determines statistical needs; designs reports and studies; establishes reporting systems; and collects and com-

piles all statistical data required. Provides these services, analyzes data, issues surveys and statistical reports whenever two or more bureaus or staff offices are involved or as directed by the Administrator.

**Division of Fiscal and Administrative Surveys and Statistics.** Provides staff coordination, direction, and advice to SRS organizations on: Development of fiscal and administrative statistical measures; determination of statistical needs; and design of reports and studies. Provides these services as directed by the Administrator, or whenever two or more bureaus or staff offices are involved. Reviews and approves all proposed contracts and grants for statistical data and issues fiscal and administrative surveys and statistical reports. Provides statistical data related to the Federal budget and to Federal legislation.

**Division of Statistical Methods and Services.** Provides technical advice to the bureaus, to SRS regional staff, and to State agencies in developing and maintaining methods and procedures for control of social and rehabilitation service statistical data, including developing and carrying out necessary training programs to this end. Develops and maintains systems, designs, and programming for statistical purposes. Provides consultation on special survey designs and methods. In coordination with the Data Processing Division, develops ADP systems for compilation and processing all SRS statistics.

#### OFFICE OF PROGRAM PLANNING AND EVALUATION

Provides staff leadership, advice, direction and coordination for the overall planning and evaluation activities of the SRS. Provides policy direction and coordination for all SRS program planning and evaluation activities. In coordination with the Center for SRS Statistics, prescribes measures and indicators of program progress which can be used in achieving predetermined objectives.

Serves as the contact point for the Office of the Administrator with the Office of the Assistant Secretary for Planning and Evaluation and the Bureau of the Budget on program planning and evaluation activities.

Provides staff leadership, advice, direction and coordination for the PPBS program of SRS, including the translation of the long-range goals into incremental annual operational plans and develops SRS multi-year Program and Financial Plan. Directs the central SRS program in these areas. Prepares the Program Memoranda annually for each established program category, appraising the national needs to be met, both short-range and long-range, assuring the adequacies, effectiveness and efficiency of the overall program and financial plan to meet these goals. Develops alternative proposals where appropriate in collaboration with the SRS bureaus and staff offices.

Directs special studies and analyses of program objectives and accomplishments, compares the benefits and costs of alternative programs and explores

future needs in relation to planning programs. Develops a system for and provides policies, direction and coordination of program evaluation activities of the Service designed to appraise the relation of Federal social and rehabilitation activities to the social and rehabilitative needs and goals of the nation.

Establishes working relationships in the field of Program Planning and Evaluation with other Federal agencies. Evaluates the relationships between SRS and other Federal efforts such as manpower development, economic and physical growth, and rehabilitative, technological and scientific advances.

Identifies problem areas; determines problems, causes, and recommends changes which will resolve common problems and provide closer coordination in the administration of joint Federal, State and local programs.

#### OFFICE OF FEDERAL-STATE RELATIONS

Advise the Administrator in reference to State relations, problems relating to SRS, professional and voluntary organizations and community and urban affairs. Represents the Administrator in the intergovernmental functions of SRS:

(1) Serves as the national SRS focal point with Governors of the States and their cabinet officers (in coordination with the Regional SRS Commissioners and Regional HEW Directors) to assure effective social and rehabilitation services in the States.

(2) Represents the Administrator with national professional and other voluntary agencies and associations with programs or interests related to SRS.

(3) Serves as the SRS focus for urban and community affairs and provides staff guidance, leadership, and direction for these activities.

(4) Participates in the formulation of SRS policies and proposed legislation.

**Division of State and Association Relations.** Maintains on-going relations with the executive staff of the Governors, particularly their Federal-State coordinators (in coordination with the Regional SRS Commissioners and Regional HEW Directors), to assure effective social and rehabilitation services in the States. On a planned basis, makes contacts with mayors, city councils, and local officials in large urban areas to promote development, expansion, and innovation of SRS programs in relation to other related programs. Advises on policies, proposed legislation, and other matters related to the States.

Maintains and coordinates day to day relations with national professional and other voluntary agencies and associations, welfare rights groups, and other organizations with programs or interests related to those of SRS.

Serves as the focus for SRS emergency planning and provides staff guidance, leadership, and direction for these activities. Provides the coordination and development within SRS of emergency preparedness to meet natural disasters and emergency conditions of all types, including civil defense emergencies. Serves as the contact point with the Office of the



Secretary and other agencies with respect to planning for continuity of government, and national emergency plans and preparedness for a civil defense emergency including emergency welfare services.

**Division of Special Activities.** Serves as the operating unit for special programs of SRS to meet the needs of special groups, interagency activities, and other situations as assigned by the Administrator. Serves as the contact point with the Office of the Secretary and other agencies in matters of urban and community affairs.

**Office of Urban Development.** Serves as focal point for SRS cooperation and liaison with the Center for Community Planning for promoting the development and enrichment of demonstrations in neighborhood service centers and model city programs.

Establishes and directs a program of housing and community improvement activities. Provides professional leadership and technical assistance to regional, State, and local agencies in strengthening their efforts to improve the housing of SRS target populations: The aged, dependent children and families, physically and socially disabled, and other groups with special needs. Promotes and encourages strengthened policies and greater activity on the part of State and local agencies to achieve improved housing and community conditions.

Provides consultation to regional, State, and local agencies in the planning and development of research and demonstration projects to test out new methods and techniques for extending housing-welfare cooperation to benefit needy persons.

**Office of Citizen Participation.** Serves as the coordinating body and works with appropriate designated staff in the component agencies to strengthen and expand the use of volunteers in SRS programs. Develops guidelines for volunteer services in local welfare agencies. Provides leadership in opening up opportunities for meaningful citizen participation in all programs of SRS.

#### DIVISION OF CUBAN REFUGEE PROGRAM

Administers the Cuban Refugee Program including: Financial assistance (in cooperation with and through the Assistance Payments Administration), resettlement services, emergency health services, assistance to public schools in Dade County, Fla., loans to refugee students and protective care of minors. These programs are carried out through the Federal Cuban Refugee Emergency Center, voluntary resettlement agencies, and a variety of Federal, State and local agencies.

#### SOCIAL AND REHABILITATION SERVICE PROGRAM BUREAUS

The principal program components of the Social and Rehabilitation Service, in the Central Office, are the Administration on Aging, the Assistance Payments Administration, the Children's Bureau, the Medical Services Administration, and the Rehabilitation Services Administration. The functions of these organizations, the

program bureaus, are primarily staff in nature. In conjunction with their specialized functions, as stated below, they:

1. Assist the Administrator and work closely with each other, with concerned components of the Office of the Administrator, and with Regional Commissioners in the coordinated development of Service-wide objectives, policies, plans, programs, budgets, priorities, procedures, and legislation.

2. Assist in determining the quality and effectiveness of field operations, and in the development and recommendation of corrective actions when determined to be required.

3. Provide, on all matters for which they have staff responsibility, technical advice, consultation, and assistance to field officials.

4. Assist the Administrator in the development and justification, through Bureau of the Budget and Congressional levels, of budgets and substantive legislative proposals.

5. Provide representation on national-level committees, and at national-level meetings and conferences involving other Departments and agencies of the Federal Government and concerned public and private organizations.

6. Assist in the coordination of the Service's affairs with concerned headquarters elements of other Federal agencies, including other agencies of the Department of Health, Education, and Welfare.

7. Keep the Administrator advised as to the status of the programs for which they are responsible.

#### ADMINISTRATION ON AGING

Provides leadership in the planning, development, and coordination of those SRS programs which provide services to, and opportunities for, older persons in accordance with the provisions of the Older Americans Act and Titles I, XVI, and XIX of the Social Security Act.

Within the authorities delegated to it, the Administration: establishes program goals and objectives; develops standards; develops program policies, criteria and guidelines; provides professional consultation to the regional office staff and assists it in the guidance and leadership of State and local organizations; directs and promotes research and demonstration programs to evolve new approaches toward more meaningful lives for the aged and aging; promotes and administers a training program to provide skilled personnel for working with the aged and aging; serves as a clearinghouse for information related to the problems of older persons; maintains relationships with a variety of Federal, State and local organizations who serve or have an impact upon the aging and aged; evaluates progress in meeting the needs of older persons and takes action to promote improvement; conducts administrative management, legislation and public information activities; and coordinates its activities and programs with other concerned SRS organizations. The Administration on Aging has assigned its functional responsibilities to the various divisions as follows:

**Division of Information.** Plans and carries out a program of dissemination of information concerning older persons, in coordination with the SRS Office of Public Affairs. Serves as a clearinghouse for information related to the needs and problems of older persons and progress being made to meet them; produces a variety of professional and lay publications which provide information on successful programs and disseminates new findings in the field of aging; and produces a variety of related informational and educational materials, including audio visual materials.

Plans and conducts the annual Senior Citizens Month public information campaign. Provides technical assistance to the Administration on Aging staff on the development of policy issuances and related materials. Upon request, provides technical assistance to State Agencies on Aging on informational activities.

**Division of Administration.** Plans and carries out the administrative management functions of the Administration on Aging, in coordination with the SRS Office of Program Planning and the SRS Office of Administration. Serves as the focal point for the annual development of the 5-year Program and Financial Plan and the next year's budget; the justification of the budget to the Bureau of the Budget and the Congress; budget execution; manpower utilization; financial accountability; and the provision of program support services.

Coordinates the development of grants management policies and procedures, and the analysis of, and response to, audit reports.

Conducts grants management activities for the Division of Research, Demonstrations, and Training.

**Division of Program and Legislative Analysis.** Plans and carries out a systematic program of analysis of existing legislation and programs affecting older persons to identify needed improvements. Develops and maintains relationships with public and private agencies which have programs serving or affecting older persons; identifies efforts by these agencies to provide opportunities and services for older persons, and the interrelationships between them; participates in joint planning operations; and evaluates the impact of these efforts on the needs of the elderly. Conducts studies of special problems of the elderly and issues analyses and reports. Provides secretariat services for the President's Council on Aging and the Advisory Committee on Older Americans. Coordinates preparation of periodic reports by the President's Council on Aging on progress in the field and recommendations for future action by the Advisory Committee. Analyzes and interprets statistics related to older persons generated by the National Center for Social Statistics and other sources, identifies trends and changes in patterns; and makes projections for planning purposes.

Develops Administration on Aging legislative proposals in coordination with the SRS Office of Legislative Affairs. Analyzes and comments on legislative



proposals from other sources which would affect older persons.

**Division of Older Americans Service.** Plans and carries out a program of standard-setting, consultation, stimulation and evaluation directed to: the development of public and private services and opportunities for older persons at State and local levels under Title III of the Older Americans Act; and the provision of public social services to maintain independent living and promote self-care for older persons eligible under Titles I, XVI, XIX and related provisions of the Social Security Act. Establishes objectives and priorities. Develops policies, criteria, and guidelines for State and local planning, program development, program operations, financial management, coordination of effort, and program evaluation. Provides guidance, consultation and technical program assistance to Regional Commissioners, Regional Staff on Aging, and as requested to State and local agencies and organizations serving older persons. Determines program requirements for the grant programs; determines reporting requirements; develops staff development materials for use by State agencies; develops program evaluation criteria for use by Regional Offices, State and local staffs, and administers grants to States. Participates in periodic review of State operations for conformity to the State Plans. Evaluates national program progress in meeting the needs of older persons and takes action to promote improvement. Maintains continuing liaison and coordination with program activities of the other Social and Rehabilitation Service components.

**Division of Research, Demonstration and Training.** Plans and carries out programs for research, development, demonstration, and training under titles IV and V of the Older Americans Act and titles I and II of the Economic Opportunity Act. Determines priorities, stimulates innovative applications; provides technical consultation; analyzes applications; provides secretariat for Technical Review Committees; oversees operations of the projects; coordinates activities with the SRS Office of Research, Demonstrations, and Training and similar offices in other agencies; and evaluates findings and results of projects for dissemination.

The research, development, and demonstration programs support grants and contracts directed toward the study of current patterns and conditions of living of older persons, and the development and demonstration of new and improved approaches and techniques to providing opportunities and services which make for more wholesome and meaningful living of all older persons.

The training program supports grants and contracts to identify the needs for trained personnel in the field of aging; to develop training curricula, materials, and projects to meet the needs; and to provide for training specialized personnel required for planning programs for and serving older people.

The Foster Grandparent Program, operated for the Office of Economic

Opportunity, demonstrates the feasibility of part-time social service roles for the elderly poor who are no longer in the regular work force. The focus of these roles is the provision of personal supportive services to deprived children in a variety of institutional and community settings.

Coordinates the development of grants management policies and procedures, and the analysis of, and response to audit reports.

#### ASSISTANCE PAYMENTS ADMINISTRATION

Provides leadership in the planning, development and coordination of those SRS programs which provided for the administrative and financial assistance aspects of public assistance programs, the Work Incentive programs, and the Work Experience programs.

Within the authorities delegated to it, the Administration: establishes goals and objectives; develops program policies, criteria and guidelines; provides professional consultation to the regional office staff and assists it in the guidance and leadership of State and local agencies and groups; develops new approaches (and collaborates with the Office of Research, Demonstrations, and Training in research to this end) to achieve a more effective public assistance and work program; following policy formulated in coordination with the Division of Training and Manpower Development of the Office of Research, Demonstrations, and Training, directs and promotes a training program in the States for the State welfare staff whose functions relate to APA and eligibility determination; serves as a clearinghouse for information relating to the problems of those in need; maintains relationships with a variety of Federal, State, and local organizations who serve or have an impact on people in economic need; evaluates progress in meeting the financial assistance problems of people in economic need and takes action to promote improvement; conducts administrative management, legislation and public information activities; and coordinates its activities and programs with other concerned SRS organizations. The Assistance Payments Administration has assigned its functional responsibilities for these functions to its various divisions as follows:

**Division of Work and Training Programs.** Plans, coordinates, directs, and evaluates activities in carrying out Assistance Payments Administration responsibilities in the Work Incentive Program (title IV, Social Security Act); in the Work Experience Programs (title V, Economic Opportunity Act); and other assigned activities relating to work experience and training. Takes action on title V project applications after Department of Labor concurrence. Keeps the Commissioner informed of significant trends and developments. Interprets programs to public and voluntary welfare agencies. Maintains liaison and cooperative relationships with the Department of Labor and OEO. Provides technical advice and assistance to the regions as necessary to assist the regions

in maintaining effective Federal-State-local relationships and to encourage maximum realization of the public welfare objectives of the Work Incentive and Work Experience program. Coordinates with other SRS bureau and staff offices on all matters of mutual concern.

**Division of State Administrative and Fiscal Standards.** Formulates, in consultation with the Office of the Administrator and other bureaus of the Social and Rehabilitation Service, policies, standards and methods relating to proper and efficient administration of State and local cash assistance programs, such as organizational and management standards and practices, fiscal accountability, fiscal policy affecting financing of programs, utilization of ADP, administrative controls and procedures, State administrative supervision of local agencies, requirements for Federal participation in costs of administration, and technical aspects of Federal matching. Provides technical advice and assistance to other SRS bureaus, Regional Commissioners, and State agencies.

**Division of Field Services.** Serves as principal adviser to the Commissioner with respect to Regional and State implementation of policies concerned with the responsibilities of the Administration. Supervises the program and provides technical program advice to the regions. Reviews new State plans pertaining to financial assistance programs, and plan amendments under new legislation for which policy has not yet been issued. Develops methodology for quality control and administrative review of State financial assistance programs. Acts as liaison with Office of Field Operations and participates in the resolution of State problems. Carries out responsibilities in programs of assistance for U.S. citizens or nationals returned from foreign countries, and welfare planning for refugees and immigrants.

**Division of Program Analysis.** Responsible for program planning, analysis, and evaluation of the Federal-State financial assistance programs. Develops long-range plans and a schedule for their accomplishment, including operation of the Administration PPBS system and the annual work plan. Determines the need for and analyzes in depth, statistical and other operating data on assistance payments to determine trends, forecasts, and other information essential for program evaluation and planning purposes. Promotes and cooperates in research activities related to income maintenance. Responsible for the establishment and maintenance of an administrative management information system.

**Division of Program Payment Standards.** Develops policies, methods, and guides for the determination of eligibility for financial assistance and, in cooperation with the Medical Services Administration, for medical assistance. Develops policies, standards, and guides for determination and measurement of need, income, and resources. Develops standards and guides for aspects of eligibility not related to need, for protection of rights of applicants and for dealing with fraud. Coordinates formulation of



and issuance of program policies and regulations.

#### CHILDREN'S BUREAU

Provides leadership in the planning, development, and coordination of those SRS programs which provide for the health and welfare of the children of the nation. These include: child welfare services; services for the families of dependent children; maternal and child health services and services for handicapped children; programs for the improvement of health and welfare services for mothers and children; and services for youth, including delinquent youth.

Within the authorities delegated to it, the Bureau establishes program goals and objectives; develops standards; develops program policies, criteria and guidelines; provides professional consultation to the regional office staff and assists it in the guidance and leadership of State and local agencies and groups; directs and promotes research and demonstration programs to evolve new and more effective approaches in health and welfare services for children and youth; directs and promotes a training program to provide skilled manpower for the health and welfare of infants, children and youth; serves as a clearinghouse for information related to conditions which affect the general welfare of children; maintains relationships with a variety of Federal, State, and local organizations whose programs affect children and youth; evaluates progress in meeting welfare and health of children and youth and takes action to promote improvement; conducts administrative management, legislation and public information activities; and coordinates its activities and programs with other concerned SRS organizations. The Children's Bureau has assigned its functional responsibilities to the various divisions as follows:

**Division of Family and Child Welfare Services.** Plans, provides leadership, administers, and promotes the national program of comprehensive family and child welfare services (title IV, parts A and B of the Social Security Act) and formulates policies and guidelines for these services. Within delegated authority administers grants to State public welfare agencies for child welfare services, and to institutions of higher learning for training of child welfare and child care personnel. Provides professional consultation and assistance to the regional offices' staff and assists it in the guidance and leadership of State public welfare agencies and other public and voluntary agencies in development, extension and improvement of quality of programs offering social and rehabilitative services for families and children in such areas as protective services for needy, neglected, abused and exploited children, foster care of children, day care services, homemaker services, adoption, services to unmarried parents and their children, educational and child development services, family counseling, readiness services for training and employment, family life education, family planning and other services to prevent or reduce birth out of wedlock, volunteer

services, standards-setting and licensing of child-care facilities and community planning for development of needed services. Participates in program analysis, evaluates practice and effectiveness of services and takes action to promote improvement. Administers and promotes programs to train specialized personnel for meeting the welfare needs of children and families of dependent children. Cooperates in the development of interdepartmental programs relating to family and child welfare services, as well as other related programs of the Social and Rehabilitation Service.

**Division of Health Services.** Plans and administers nationwide health programs for mothers and children. Within delegated authority administers grants to carry out programs designed to meet the health needs of mothers and children and youth, both normal and handicapped, and to support services designed to promote optimal growth and development of children, and reduce infant mortality and childhood morbidity. These programs provide comprehensive preventive health, screening, early identification, diagnosis, treatment, correction of defects and after-care services both medical and dental for children through organized community health services; comprehensive maternal health services including case finding, prenatal and postpartal care, hospitalization and family planning services especially for women in low income families; and strengthen training resources to add to the supply of manpower to work in health programs for mothers and children. Develops policies, guides and standards for professional services and effective organization and administration of health programs for mothers and children. Provides consultation and technical assistance to the regional offices' staff and assists it in the guidance and leadership of state and local organizations in the development, extension and improvement of programs and services in the various specialized fields essential to the programs; evaluates effectiveness of services and takes action to promote improvement. Works with organizations and agencies, both public and voluntary, on programs for improving the effectiveness of health services for mothers and children.

**Division of Juvenile Delinquency Services.** Directs the Bureau's activities in the field of juvenile delinquency; develops program policies, standards and guides for services; provides consultation and technical assistance to Regional Commissioners and public and voluntary agencies and other organizations at national, State, and local levels on the development, extension and improvement of services and facilities for the control and treatment of juvenile delinquency, including legislative bases, organization, content, administration, and coordination of programs, training of both professional and nonprofessional personnel for services, and operation of such special services as police, law enforcement, juvenile courts, probation, detention, diagnostic and reception centers, training

schools, group work and community services; makes evaluative surveys of overall programs or of special services and facilities.

**Division of Research.** Plans, conducts and reports on studies relating to child life, child and youth welfare, family and children's services, juvenile delinquency, and health of mothers, and children. Within delegated authority administers grants for research in child welfare and maternal and child health and crippled children's services and provides technical assistance on and consultation to these and other research projects. Assembles facts about matters that adversely affect the wellbeing of mothers and the growth and development of children, to determine what kinds of health and social services and methods are most effective in aiding children and their parents; and to develop new knowledge and methods to improve and advance programs and services for families and children.

Collects, analyzes and disseminates information on research findings; conducts a clearinghouse on current research in child life; prepares content for publications interpreting research findings for use by parents, professional workers and others concerned about children.

**Division of Reports and Information.** Plans and carries out a program for development, production and distribution of informational materials (including visual presentations) and reports designed for professional, lay, and media audiences; provides consultation on methods of interpreting programs for, or special subject areas about children; provides technical assistance to the Bureau staff on writing and informational activities; and produces a variety of professional and lay publications on children and the problems of children.

#### MEDICAL SERVICES ADMINISTRATION

Provides leadership in the planning, development, and coordination of those SRS programs relating to medical assistance to the needy and the medically needy and those relating to intermediate care facilities; titles I, IV, X, XI, XIV, XVI, and XIX of the Social Security Act.

Within the authorities delegated to it, the Administration: establishes program goals and objectives; develops standards; develops program policies, criteria, and guidelines; provides professional consultation to the regional office staff and assists it in the guidance and leadership of State and local organizations; develops new and better approaches toward meeting the needs of those who cannot afford adequate medical care; following policy formulated in coordination with the Division of Training and Manpower Development, Office of Research, Demonstrations, and Training, directs and promotes a training program in the States for State health or welfare personnel to provide skilled medical manpower for working on the problems of assisting the needy; serves as a clearinghouse for information related to the problems of medical assistance; maintains relationships with a variety of Federal, State, and local organizations who serve or



have an impact on the medical assistance programs; evaluates progress in meeting the medical needs of the poor and takes action to promote improvement; conducts administrative, management, legislative, and public information activities; and coordinates its activities and programs with other concerned SRS organizations. The Medical Services Administration has assigned its functional responsibilities to the various divisions as follows:

**Division of Medical Program Planning and Development.** Develops policy, standards, and guidelines for the planning, development, and coordination of health and medical aspects of Federal-State medical care programs for persons eligible under applicable assistance titles of the Social Security Act in order to assist States to extend the scope and content and improve the quality of their medical care programs. In cooperation with the Office of the Administrator is responsible for planning, developing, coordinating and integrating policies, standards, and program content in medical assistance programs. Cooperates with Assistance Payments Administration in the development of policies, methods, and guides for determination of eligibility for medical assistance services. Consults with and assists SRS Regional Offices in the provision of assistance to States in initiating medical assistance plans; the review and evaluation of State plan proposals and revisions; the reviews of State plans; and the provision of direction, policy interpretation and encouragement to States in the implementation of the mental health aspects of titles I, XVI, and XIX of the Social Security Act. Provides technical consultation and assistance in medicine, dentistry and allied fields to Medical Services Administration staff, the regions, and in cooperation with Regional Offices, State medical assistance agencies. Develops medical social work and psychiatric social work policy and standards related to the implementation of title XIX. In coordination with other SRS bureaus, formulates medical eligibility criteria for Aid to the Blind, Aid to Families With Dependent Children, and Aid to the Permanently and Totally Disabled, and medically needy programs.

**Division of Medical Program Management.** Develops and establishes medical care management systems, methods, and procedures; and planning, programming, budgeting and cost analysis systems in relation to medical assistance programs. Formulates policies and standards for State agencies regarding fiscal management and fiscal aspects of Federal financial participation in the Medical Assistance program. Develops improved methods of medical care administration. Reviews and approves State grants payments for medical assistance. Provides consultation on medical care administration, organizational and contract problems and procedures. Formulates principles, guides, and standards for care in medical institutions and for non-institutional services. Consults with Regional Offices and, as necessary, States on institutional management and use of alterna-

tive types of care. Assists Regional Offices in the conduct of management surveys of installation and testing of new systems. Establishes standards for methods of contracting and purchasing medical services. In coordination with SRS Regional Offices, provides guidance to States on proper use of medical assistance advisory committees.

**Division of Medical Program Evaluation.** In coordination with SRS Regional Offices, reviews and assesses the effectiveness of State medical assistance programs through both administrative reviews and in-depth evaluations. Develops national standards and criteria for the determination of quality control effectiveness. Develops guides to assist States in self-evaluations of programs and provides consultation through Regional Offices, in association with evaluation problems. Determines types and periodicity of medical statistical data to be collected and compiled. Analyzes and interprets statistical data on medical assistance to determine program effectiveness and trends. Cooperates with the Office of the Administrator and others in research, demonstration projects, and analytical studies on methods of delivery and financing of medical care.

#### REHABILITATION SERVICES ADMINISTRATION

Provides leadership in the planning, development and coordination of those SRS programs which provide rehabilitation and social services for the handicapped, including disabled social security applicants and beneficiaries, the mentally retarded, the blind and permanently and totally disabled welfare applicants and recipients in accordance with the provisions of the Vocational Rehabilitation Act, as amended; titles I, II, X, XIV, XVI, and XVII of the Social Security Act, as amended; title I, parts B, C, and D of Public Law 88-164, as amended, and sections 301 and 303 of the Public Health Service Act. Within the authorities delegated to it, the Administration: Establishes program goals and objectives; develops standards; develops program policies, criteria, and guidelines; provides professional consultation to the regional offices' staff and assists it in the guidance and leadership of State and local organizations; collaborates in the conduct of research and demonstration programs to evolve new approaches toward more meaningful lives for the handicapped; directs and promotes a training program to provide skilled manpower for working with those who are handicapped or disabled; serves as a clearinghouse for information related to the problems of the handicapped; maintains relationships with a variety of Federal, State, and local organizations who serve or have an impact upon the handicapped; evaluates progress in meeting the needs of the handicapped and takes action to promote improvement; stimulates national action and recommends solution for the removal of architectural barriers; conducts administrative management, legislation, and public information operations; and coordinates its activities and programs with other concerned SRS organiza-

tions. The Rehabilitation Services Administration has assigned functional responsibilities to the various divisions as follows:

**Division of Mental Retardation.** Plans, directs, and coordinates a comprehensive nationwide program for those with mental retardation and related handicaps. Encourages and assists academic, State and community organizations in the planning, construction, development, operation and improvement of health and rehabilitation resources for the mentally retarded, including care services and the raising of standards of care in residential, community and other service programs. Provides a central point for information on mental retardation and programs and services. Provides professional consultation to the regional office staff and assists it in the guidance and leadership of State and local agencies and groups.

**Division of Training.** Directs and promotes a nationwide program of training personnel for rehabilitation services; provides teaching and traineeship grants to public and voluntary nonprofit agencies and educational institutions; formulates program policies and procedures governing administration of training grants; provides support for continuing education of personnel in all professional fields and staff development programs of State vocational rehabilitation agencies; stimulates the development and exchange of teaching materials; directs the evaluation of research into the training programs; encourages research into methods of improving the preparation of personnel; maintains cooperative relationships with concerned national agencies and professional associations. Provides professional consultation to the regional office staff and assists it in the guidance and leadership of State and local agencies and groups.

**Division of State Program Administration.** Formulates nationwide plans, policies, and procedures in the development and improvement of State rehabilitation program services and operations, including statewide planning. Develops policies and standards for the determination of rehabilitation potential. Provides professional consultation to the regional office staff and assists it in the guidance and leadership of State and local agencies and groups. Evaluates the effectiveness of State program operations. Directs State agency surveys. Maintains effective relationships with public and private agencies.

**Division of Rehabilitation Facilities and Workshops.** Directs the administration of the rehabilitation facilities and workshops programs and develops policies, standards and procedures therefor as provided in the Vocational Rehabilitation Act, as amended, Public Law 83-482, Public Law 88-164, and Public Law 87-395. Provides assistance and Secretariat to the National Policy and Performance Council. Collaborates with the Public Health Service in the review and approval of projects governing the establishment of rehabilitation facilities. Directs fiscal operations involving certification of grants for



rehabilitation facilities. Provides professional consultation to the Regional Commissioners and the regional office staff and assists it in the guidance and leadership of State and local agencies and groups. Maintains relationships with national, voluntary and professional organizations concerned with the development and operations of rehabilitation facilities.

**Division of State Plans, Projects, and Grants.** Formulates policies and standards covering State Plans for vocational rehabilitation and State grant administration; develops policies, standards, and procedures covering the development of expansion and innovation projects and specialized vocational rehabilitation programs; allots, controls, and certifies grants to State agencies under sections 2 and 3 of the Vocational Rehabilitation Act, as amended; as well as SSA Trust Funds; directs the administration and fiscal operations of the expansion grant program; directs fiscal operations covering statewide planning, including certification of payments. Provides professional consultation to the regional office staff and assists it in the guidance and leadership of State and local agencies and groups.

**Division of Disability Services.** Provides leadership in the development and improvement of vocational rehabilitation services and techniques for people with severe disabilities, and in selected program areas such as rehabilitation of the aging disabled and rehabilitation of handicapped youth. Collaborates in the formulation of policies, standards and procedures for program services workshops and facilities, identification and implementation of training needs; assists in project activities designed to provide new knowledge or demonstrate sound rehabilitation practices. Provides professional consultation to the regional office staff and assists it in the guidance and leadership of State and local agencies and groups. Develops and maintains relationships with professional organizations and voluntary groups and other governmental agencies.

**Division of Services to the Blind.** Administers the Randolph Sheppard Act Vending Stand Program and the Business Enterprises Program for blind persons; collaborates with Federal agencies and State licensing agencies in the development of additional vending stands and other employment opportunities for the blind; plans and directs advisory and consultative services of professional staff in areas such as aid to the blind, guidance, training and placement, and in-service training programs; maintains cooperative relationships with national, public, voluntary, and professional organizations concerned with the welfare of blind persons; collaborates in the formulation of policies, standards, and procedures required in the rehabilitation of the blind in rehabilitation facilities and workshops. Provides professional consultation to the regional office staff and assists it in the guidance and leadership of State and local agencies and groups.

**Division of Statistics and Special Studies.** Determines need for statistical and other data for program needs. Develops statistical standards, promotes uniformity of definitions and statistical competence among participating agencies. Provides statistical analyses and evaluations required in all rehabilitation program areas. Furnishes consultative services. Consults on statistical adequacy of research grant proposals and other types of project grant applications. Plans and participates in training of State vocational rehabilitation agency personnel concerned with data collection and dissemination. Publishes nationwide data on program services. Conducts special studies in disability, employment, and other fields related to rehabilitation. Provides professional consultation to the regional office staff and assists it in the guidance and leadership of State and local agencies and groups.

#### REGIONAL ORGANIZATION

There is a Social and Rehabilitation Service Regional Office in each of the Department of Health, Education, and Welfare's nine Regions. These offices comprise the operating arm of the Social and Rehabilitation Service. They provide for the Administrator a focal point for identifying and responding to the needs of State and local governmental agencies, community agencies, and other public and private organizations involved in or concerned with the planning and provision of social and rehabilitation services. Each of these Regional Offices is headed by a Regional Commissioner and each consists of program staffs which are counterparts of central office program bureaus (i.e., staffs on Aging, Assistance Payments, Child Health and Welfare, Medical Services, and Rehabilitation Services). In addition, the office of each Regional Commissioner includes staff providing consultation and service to all program components in such areas as medicine, manpower development and training assistance, and statistics.

**Social and Rehabilitation Service Regional Offices.** Exercise leadership in the planning and execution of effective social and rehabilitation service programs in States and other political jurisdictions within their regions; provide guidance, consultation, and assistance to counterpart public and private agencies in States and communities; review and exercise delegated authority to approve State plans; stimulate and review and exercise delegated authority to approve applications for formula and project grants; promote programs to increase the extent and quality of social and rehabilitation services; evaluate public and private agency programs; assure compliance with Federal laws and regulations; and report to the Administrator, and as required, to Central Office program officials, on Social and Rehabilitation Service needs, problems, and significant developments in their regions.

**Regional Commissioner.** Serves as the direct representative of the Administrator in his region. Is accountable to the Administrator for all program and administrative affairs of the SRS regional

staff. Specifically, in conformance with policies, objectives, and guidelines established by the Administrator, directs, plans, and coordinates activities of the regional staff; exercises delegated authority to approve State plans and formula and project grants and makes recommendations with respect to the audits of such plans and grants; interprets SRS objectives, policies, and regulations to, and evaluates performance of, State and other concerned agencies; recommends and, where necessary, requires changes in the administration of State plans to assure efficient performance of program functions and the delivery of services to people; stimulates the initiation of federally assisted programs in the region and coordinates with the HEW Regional Director and with other HEW, Federal, State, public, and private agencies in the development and conduct of joint programs of services (including income assistance) to people; provides regional perspective and input to the development of national objectives, policies, plans, programs, and legislation; exercises direct supervision and control over all administrative activities of the SRS regional staff; and reports periodically to the Administrator on the status of SRS regional affairs.

**7-C. Order of succession.** During the absence or disability of the Administrator, Social and Rehabilitation Service, or in the event of a vacancy in that office, the first official listed below who is available shall act as Administrator, except during a period of planned absence for which a different order has been designated under (b) below:

- (a) (1) Deputy Administrator.
- (2) Associate Administrator.
- (3) Assistant Administrator for Research, Demonstrations, and Training.
- (4) Assistant Administrator for Field Operations.

(b) For a planned period of absence, the Administrator may specify a different order of succession.

**7-D. Delegations of authority—(a) Functions.** Except as provided in section 2-30 and section 7-E of this statement, the Administrator shall exercise:

(1) The functions vested in the Secretary by titles I, IV, V, X, XIV, and XVI of the Social Security Act, as amended (42 U.S.C. 301 et seq., 601 et seq., 701 et seq., 1201 et seq., 1351 et seq., 1381 et seq.), by title XIX of the Act, as amended (42 U.S.C. 1396 et seq.), subject to 1-965.30 of this statement, by title XVIII of the Act, as amended (42 U.S.C. 1395-1395ll), to the extent of the responsibilities assigned by section 1-965.20(c) of this statement, and by titles VII and XI of the Act, as amended (42 U.S.C. 902 et seq., 1301 et seq.), insofar as the provisions of such titles pertain to the mission of the Social and Rehabilitation Service as described in section 7-A of this statement.

(2) The functions vested in the Secretary relating to the mission of the Social and Rehabilitation Service, as described in section 7-A of this statement, under the Social Security Act which are not



contained in the Act but which are contained in other acts which relate to but do not amend the Act, including, but not limited to, the following Acts:

(a) Section 618 of the Revenue Act of 1951, 65 Stat. 569, as amended by Public Law 86-778, section 603, 74 Stat. 992, and Public Law 87-543, sec. 141(e), 76 Stat. 205 (relating to public access to records of public assistance disbursements).

(b) Section 9 of the Act of April 19, 1950, Public Law 474, 81st Congress (relating to Navajo and Hopi Indians).

(c) Public Welfare Amendments of 1962, Public Law 87-543, 76 Stat. 172, section 141 (b) and (f).

(d) Social Security Amendments of 1965, Public Law 89-97, 79 Stat. 286, section 121(b).

(e) Social Security Amendments of 1967, Public Law 90-248, 81 Stat. 821, sections 201 (g) and (h), 202 (c) and (d), 203(b), 220(b), 234(c), 240(e) (3), 248(c), and 402 (a) and (b).

(3) The functions vested in the Secretary by the Juvenile Delinquency and Youth Offenses Control Act of 1961 (Public Law 87-274, as amended, 42 U.S.C. 2541 et seq.), and the Juvenile Delinquency Prevention and Control Act of 1968 (Public Law 90-445).

(4) The functions vested in the Secretary by Public Law 86-571 (24 U.S.C. 321 et seq.) (pertaining to hospitalization of mentally ill nationals returned from foreign countries) with the exception of the issuance of regulations under section 1(d) (2) (24 U.S.C. 321(d) (2)). (In exercising this authority, the Administrator shall work with the Administrator, Health Services and Mental Health Administration, in arranging for appropriate use of its resources to provide the most effective and economical administration of this law.)

(5) The functions vested in the Secretary by letter dated September 1, 1960, to the Secretary of the Treasury from the Director, Bureau of the Budget, authorizing the carrying out of programs under section 104(k) (now sec. 104(b) (3)) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(b) (3)), insofar as this authority pertains to the mission of the Social and Rehabilitation Service as described in section 7-A of this statement: *Provided*, That this authority shall be exercised in accordance with applicable policies and procedures established by appropriate authorities to insure consistency with basic foreign policy and with related Federal programs.

(6) The functions vested in the Secretary by section 4 of the International Health Research Act of 1960, Public Law 86-610; 74 Stat. 364, 22 U.S.C. 2102, with respect to responsibilities relating to the mission of the Social and Rehabilitation Service as described in section 7-A of this statement: *Provided, however*, That such authority, with respect to the exercise of responsibilities under the Act entitled "An Act To Establish in the Department of Commerce and Labor a Bureau To Be Known as the Children's Bureau" (42 U.S.C. ch. 6), shall be administered under

the Administrator's supervision and direction through the Children's Bureau: *Provided further*, That this authority shall be exercised in accordance with applicable policies and procedures established by appropriate authorities to insure consistency with basic foreign policy and with related Federal programs.

(7) The functions under Executive Order 11001, sections 3(g), (4), and those portions of sections 6, 7, 9, 10, 11, and 12 pertaining to emergency welfare and the development of preparedness programs covering rehabilitation of disabled survivors. In the performance of these emergency functions the Administrator shall coordinate the health activities of the Social and Rehabilitation Service with the Administrator, Health Services and Mental Health Administration, in order that preemergency plans shall be developed in consonance with postattack organizational plans and structure of the Department for the Emergency Health Services.

(8) The functions under the Migration and Refugee Assistance Act of 1962, Public Law 87-510; 76 Stat. 121, 22 U.S.C. 2601 delegated to the Secretary by Executive Order 11077 of January 22, 1963, effective as of July 1, 1962.

(9) Functions vested in the Secretary by the Vocational Rehabilitation Act, as amended (29 U.S.C. ch. 4).

(10) Functions of the Secretary as Chairman of the National Advisory Council on Correctional Manpower and Training; functions of the Secretary as Chairman of the National Policy and Performance Council; functions of the Secretary as Chairman of the National Advisory Council on Vocational Rehabilitation; functions of the Secretary as Chairman of the Executive Committee of the President's Council on Aging (Executive Order 11376, Oct. 17, 1967).

(11) Functions under section 9 of the Federal Employees' Compensation Act, as amended (5 U.S.C. 759), retained in the Federal Security Administrator by Reorganization Plan No. 19 of 1950, and transferred to the Secretary by Reorganization Plan No. 1 of 1953.

(12) Functions transferred by Reorganization Plan No. 2 of 1946 and Reorganization Plan No. 1 of 1953, to the Secretary from the Office of Education and Commissioner of Education under the Act of June 20, 1936, 49 Stat. 1559 (Randolph-Sheppard Act, 20 U.S.C. ch. 6A).

(13) Functions vested in the Secretary by amendments to the statutes cited in Items (9)-(12), above, enacted subsequent to Reorganization Plan No. 1 of 1953.

(14) Authority vested in the Secretary under sections 602(f) and 605(b) of the Public Health Service Act, as amended, to approve applications and requests relating to rehabilitation facilities.

(15) The functions vested in the Secretary and the Administration on Aging by the Older Americans Act of 1965, as amended (42 U.S.C. 3001 et seq.).

(16) The functions under title XVII of the Social Security Act, as amended

(42 U.S.C. 1391 et seq.), relating to grants to States for planning comprehensive action to combat mental retardation.

(17) The functions under parts B, C, and D of title I and the functions relating to grants for the construction of facilities for the mentally retarded of title IV of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, as amended (42 U.S.C. 2661 et seq.).

(18) Such of the authority under the Public Health Service Act, as amended, as is necessary to carry out the functions exercised, as of August 1, 1967, by the Division of Mental Retardation, more particularly for the following purposes under the following sections of that act:

(a) Section 301, 42 U.S.C. 241, to make grants for research or research training projects in the field of mental retardation recommended by the National Advisory Health Council; and

(b) Section 303(a), 42 U.S.C. 242a, to make hospital improvement project grants, including institutional improvement project grants and inservice training project grants to hospitals or other institutions for the mentally retarded (such grants to be made only upon the recommendation of the National Advisory Mental Health Council and to be paid in advance or by way of reimbursement as may be determined by, and on such conditions as found necessary by, the Administrator, Social and Rehabilitation Service).

(19) The functions performed by the Children's Bureau under the Act of April 9, 1912, as amended (42 U.S.C. ch. 6), shall continue to be performed by the Chief of the Children's Bureau under the supervision and direction of the Administrator, Social and Rehabilitation Service.

(20) The functions under the Economic Opportunity Act of 1964, Public Law 88-452, 78 Stat. 508 as amended, 42 U.S.C. 2701 et seq.:

(a) Delegated to the Secretary pursuant to the Delegation of Authorities from the Director, Office of Economic Opportunity, dated October 24, 1964 (29 F.R. 14764, Oct. 29, 1964), pertaining to Title V, Part A, Work Experience Programs, including related authority, and subject to the limitations, set forth in such Delegation; and

(b) To be performed by the Secretary pursuant to the Agreement signed by the Director, Office of Economic Opportunity, on March 10, 1965, and by the Secretary on March 31, 1965, pertaining to the furnishing of services in the administration of the Foster Grandparent Program authorized under such Act.

(b) *Continuation of other delegations.* All delegations heretofore made to the Commissioner of Welfare, the Commissioner of Vocational Rehabilitation, the Commissioner on Aging, and the Chief of the Children's Bureau shall be deemed to have been made to the Administrator, Social and Rehabilitation Service.

(c) *Advisory functions.* All functions of committees (including councils, boards, and other advisory bodies)



established as of August 15, 1967, serving in an advisory capacity to the Welfare Administration, the Vocational Rehabilitation Administration, and the Administration on Aging, are continued and reconstituted in such committees.

**7-E. Limitations on authority.** (a) The authority to appoint members to the Advisory Council on Public Welfare, the Advisory Council on Medical Assistance, the National Advisory Council on Nursing Home Administration, the National Advisory Council on Vocational Rehabilitation, the National Policy and Performance Council, the National Advisory Council on Correctional Manpower and Training, and the Advisory Committee on Older Americans shall be exercised only by the Secretary.

(b) No State plan or amendment thereto submitted pursuant to any statute administered by the Social and Rehabilitation Service shall be finally disapproved without prior consultation and discussion by the Administrator with the Secretary.

(c) An application for designation as a State licensing agency under the Act of June 30, 1936, as amended (Randolph-Sheppard Act, 20 U.S.C. ch. 6A), shall not be disapproved, nor shall a designation made pursuant to that Act be revoked, without prior consultation and discussion by the Administrator with the Secretary.

**7-F. Redelegation of authority.** Authority contained in section 7-D of this Statement may be redelegated by the Administrator to such officers and employees of the Social and Rehabilitation Service as he may deem appropriate.

**7-G. Continuation of regulations.** All regulations, rules, orders, authorities or statements of policy or interpretation heretofore issued with respect to the former Welfare Administration, the former Vocational Rehabilitation Administration, the Administration on Aging, the Children's Bureau and the Division of Mental Retardation are continued in full force and effect, under the authority of the Administrator, until revised, superseded, or revoked.

Approved: January 17, 1969.

WILBUR J. COHEN,  
Secretary.

[P.R. Doc. 69-1065; Filed, Jan. 24, 1969;  
8:50 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-310]

### COMMONWEALTH OF PENNSYLVANIA AND NUCLEAR MATERIALS AND EQUIPMENT CORP.

#### Notice of Issuance of Facility License Amendment

The Atomic Energy Commission has issued Amendment No. 4, set forth below, to Facility License No. R-72. The license authorizes the Department of Forest and Waters of the Commonwealth of Pennsylvania and the Nuclear Materials and Equipment Corp. (NUMEC) to possess,

but not to operate, the reactor facility located near Quehanna, Pa. The amendment, effective as of the date of issuance, specifically authorizes (1) the transfer of a plutonium-beryllium source and two fission chambers to Pennsylvania State University; (2) the removal of component parts from the facility, and (3) the use of the reactor pool as the location of a cobalt-60 irradiator pursuant to AEC Byproduct Materials License No. 37-04456-08, as amended.

By letter dated November 6, 1968, NUMEC informed the Commission of changes that had been made to the facility by the transfer of certain components to Pennsylvania State University, the removal of other components from the reactor facility and the storage of these components at the site, and the intended use of the reactor pool for a cobalt-60 irradiator. The removal of the nonfueled reactor components from the facility and storage on the site does not endanger the health and safety of the public. The use of the reactor pool for the cobalt-60 irradiator is covered by AEC Byproduct Materials License No. 37-04456-08, as amended. This license sets forth the necessary administrative and technical provisions, conditions and limitations for assuring that the health and safety of the public will not be endangered.

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

For further details with respect to this amendment, see (1) the application dated November 6, 1968, and (2) AEC Byproduct Material License 37-04456-08, as amended, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 15th day of January 1969.

For the Atomic Energy Commission,  
DONALD J. SKOVHOLT,

Assistant Director for Reactor Operations, Division of Reactor Licensing.

#### FACILITY LICENSE AMENDMENT

[License No. R-72, Amdt. 4]

The Atomic Energy Commission having found that:

A. The application for license amendment dated November 6, 1968, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

B. There is reasonable assurance that the activities authorized by this license, as

amended, can be conducted at the designated location without endangering the health and safety of the public;

C. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and

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

Facility License No. R-72, as amended, is hereby further amended in the following manner:

A. Revise paragraph 1. to read:

1. This license applies to the light water-moderated and water-cooled swimming pool-type nuclear reactor facility (hereinafter referred to as "the facility") which is located at Quehanna, Pa., and which has heretofore been owned and operated by the Curtiss-Wright Corp. under License No. R-36, and possessed, but not operated, by The Pennsylvania State University under this license. The facility is described in The Pennsylvania State University's application dated September 29, 1960, amendment thereto dated November 2, 1960; the joint application of the Commonwealth of Pennsylvania and NUMEC dated October 4, 1967, and supplement dated October 24, 1967, and the NUMEC letter dated November 6, 1968 (hereinafter together referred to as "the application").

B. Revise paragraph 2.B. to read:

B. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material", NUMEC to receive and possess up to 5.3 kilograms of contained uranium-235 for use in connection with future operation of the facility; and

C. Add a new subparagraph 2.D. as follows:

D. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 30, "Rules of General Applicability to Licensing of Byproduct Material", NUMEC to receive, possess, and use in the reactor pool of the facility, the cobalt-60 authorized by Byproduct Material License No. 37-04456-08, as amended, subject to the conditions contained therein.

This amendment is effective as of the date of issuance.

Date of issuance: January 15, 1969.

For the Atomic Energy Commission,

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

[P.R. Doc. 69-1036; Filed, Jan. 24, 1969;  
8:46 a.m.]

[Docket No. 50-147]

### NORTH AMERICAN ROCKWELL CORP. Notice of Issuance of Facility License Amendment

The Atomic Energy Commission ("the Commission") has issued Amendment No. 6, as set forth below, to Facility License No. CX-17 to North American Rockwell Corp. (NARC) of Canoga Park, Calif. The license authorizes NARC to possess and operate the Epithermal Critical Experiment Laboratory (ECEL) facility located in Ventura County, Calif.

The amendment, effective as of the date of issuance, authorizes an increase (from 4.100 kilograms to 1,500 kilograms) in the amount of depleted uranium which NARC may receive, possess, and use in connection with operation of



the ECEL facility in accordance with an application for amendment dated October 24, 1968, and supplement thereto dated December 17, 1968. Storage of the depleted uranium and insertion of the material in the facility do not involve significant hazards considerations not previously evaluated.

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

For further details with respect to this amendment, see the licensee's application for license amendment dated October 24, 1968, and supplement thereto dated December 17, 1968, both of which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 14th day of January 1969.

For the Atomic Energy Commission.

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

FACILITY LICENSE AMENDMENT  
[License No. CX-17, Amndt. 6]

The Atomic Energy Commission has found that:

a. The application dated October 24, 1968, and supplement thereto dated December 17, 1968, comply with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

b. The issuance of the amendment and the operation of the reactor in accordance with the license, as amended, will not be inimical to the common defense and security or to the health and safety of the public; and

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

Facility License No. CX-17, as amended, which authorizes North American Rockwell Corp. to possess and operate the Epithermal Critical Experiment Laboratory (ECEL) facility located in Ventura County, Calif., is hereby further amended as follows:

a. Item (2) of subparagraph 3.C. is revised to read:

(2) 1,500 kilograms of depleted uranium,  
b. The last paragraph under subparagraph 3.C. is revised in its entirety to read:

The source material shall be used in accordance with the procedures described in the application dated April 1, 1964, and supplement thereto dated June 5, 1964, and amendment dated October 24, 1968, and supplement thereto dated December 17, 1968.

This amendment is effective as of the date of issuance.

Date of issuance: January 14, 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,  
Assistant Director for Reactor Op-  
erations, Division of Reactor  
Licensing.

[F.R. Doc. 69-1023; Filed, Jan. 24, 1969;  
8:45 a.m.]

[Docket No. 60-333]

## POWER AUTHORITY OF THE STATE OF NEW YORK AND NIAGARA MOHAWK POWER CORP.

### Notice of Receipt of Application for Construction Permit and Facility License

The Power Authority of the State of New York (PASNY) 10 Columbus Circle, New York, N.Y., and Niagara Mohawk Power Corp., 300 Erie Boulevard West, Syracuse, N.Y. (the applicants), pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, have filed an application, dated December 31, 1968, for authorization to construct and operate a boiling water nuclear reactor at the Power Authority of the State of New York's site. The site is located on the southeast shore of Lake Ontario approximately 7 miles northeast of Oswego in Oswego County, N.Y., and is adjacent to Niagara Mohawk's Nine Mile Point Nuclear Power Station.

The proposed reactor, designated by the applicants as the James A. FitzPatrick Power Plant, is designed for initial operation at approximately 2,436 thermal megawatts with a gross electrical output of approximately 843 megawatts.

PASNY will be responsible for construction of and will own the plant. The facility will be operated by Niagara Mohawk, with Niagara Mohawk personnel, under contract with PASNY.

Niagara Mohawk Power Corp. has assigned to the Authority its contracts for the principal nuclear steam supply system, nuclear fuel supply, turbine-generator, and the containment system which were originally intended for the Easton Nuclear Station. Niagara Mohawk withdrew its application for licenses to construct and operate the Easton Nuclear Station on August 20, 1968. Notice of the withdrawal was published in the *Federal Register* on September 11, 1968, 33 F.R. 12862.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 17th day of January 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,  
Director,  
Division of Reactor Licensing.

[F.R. Doc. 69-1024; Filed, Jan. 24, 1969;  
8:45 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

### CONTINENTAL VENDING MACHINE CORP.

#### Order Suspending Trading

JANUARY 21, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 22, 1969, through January 31, 1969, both dates inclusive.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 69-1030; Filed, Jan. 24, 1969;  
8:47 a.m.]

[File No. 1-4371]

### WESTEC CORP.

#### Order Suspending Trading

JANUARY 21, 1969.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15 (c) (5) and 19(a) (4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 22, 1969 through January 31, 1969, both dates inclusive.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 69-1040; Filed, Jan. 24, 1969;  
8:47 a.m.]



# FEDERAL COMMUNICATIONS COMMISSION

[Report 423]

## COMMON CARRIER SERVICES INFORMATION<sup>1</sup>

### Domestic Public Radio Services Ap- plications Accepted for Filing<sup>2</sup>

JANUARY 21, 1969.

Pursuant to §§ 1.227(b)(3) and 21.26(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

<sup>1</sup>All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

<sup>2</sup>The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

## APPENDIX

## APPLICATIONS ACCEPTED FOR FILING

## DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

- 4131-C2-MP-69—The Redco Corp., Roy M. Teel and Lowry McKee doing business as Mobilifone; (KLF558); Modification of C.P. to delete the control station at location No. 2: 1126 12th Street NW., Ardmore, Okla., operating on 454.20 MHz.
- 4132-C2-MP-69—The Redco Corp., Roy M. Teel and Lowry McKee doing business as Mobilifone; (KKJ452); Modification of C.P. to change base frequency from 152.09 MHz to 152.12 MHz at location No. 1: Table Top Mountain, 6.3 miles southwest of Antioch, Okla.
- 4133-C2-ML-69—The Redco Corp., Roy M. Teel and Lowry McKee doing business as Mobilifone; (KLB786); Modification of license to change base frequency from 152.03 MHz to 152.12 MHz at location No. 1: 1.25 miles northwest of Weatherford, Okla.
- 4134-C2-ML-69—The Redco Corp., Roy M. Teel and Lowry McKee doing business as Mobilifone; (KLB785); Modification of license to change base frequency from 152.03 MHz to 152.18 MHz at location No. 1: Broadway Tower Building, 114 East Broadway, Enid, Okla.
- 4135-C2-AL-(2)-69—Eugene R. Lemieux doing business as Radio Mobile Answering Service; Consent to assignment of license from Eugene R. Lemieux doing business as Radio Mobile Answering Service, Assignor to Radio Dispatch Co., Assignee. Stations: (KEC943) Lakewood, N.J. (two-way); (KEC927) Hightstown, N.J. (two-way).
- 4136-C2-P-69—Houston Mobilifone, Inc.; (KKA343); C.P. to relocate the 152.09 MHz facilities from 1191 Alameda Road, Houston, Tex., to 4212 Mount Vernon Street, Houston, Tex.; replace transmitter and change antenna system for same. Install an additional base channel to operate on 454.05 MHz.
- 4137-C2-P-69—Houston Mobilifone, Inc.; (KKA344); C.P. to install an additional channel to operate on base frequency 454.10 MHz; change antenna system and replace transmitters operating on base frequencies 152.03 and 152.06 MHz at its station located 4212 Mount Vernon Street, Houston, Tex.
- 4140-C2-P-69—ATS Mobile Telephone, Inc.; (New); C.P. for a new one-way signaling station. Frequency: 152.24 MHz. Location: 3555 Farnam Street, Omaha, Nebr.
- 4141-C2-P-69—American Radio-Telephone Service, Inc.; (KGA248); C.P. to install an additional channel to operate on 454.20 MHz at location No. 3: 5202 River Road, Bethesda, Md.
- 4142-C2-P-69—AAA Telephone Answering Service and Medical Exchange, Inc.; (New); C.P. for a new one-way station. Frequency: 158.70 MHz. Location: Louisiana National Bank Building, 451 Florida Street, Baton Rouge, La.
- 4155-C2-P-69—Illinois Bell Telephone Co.; (KSA810); C.P. to delete the 35.42 and 35.50 MHz facilities at location No. 1: 225 West Randolph Street, Chicago, Ill., replace transmitters operating on base frequencies 454.40, 454.45, 454.50, 454.55, 454.60, and 454.65 MHz at location No. 2; also add two additional base channels to operate on 454.425 and 454.475 MHz at location No. 2: 135 South La Salle Street, Chicago, Ill., and change antenna system.
- 4138-C2-P-69—Radio Dispatch, Inc.; (KLB701); C.P. to install repeater facilities at existing location No. 1: Orchard Street and Highway No. 36, Rosenberg, Tex., to operate on 72.10 MHz and install a second base channel with control facilities at a new site to be identified as location No. 2: 4212 Mount Vernon Street, Houston, Tex. Base frequency: 454.20 MHz. Control frequency: 75.82 MHz.
- 4139-C2-MP-69—Radio Dispatch, Inc.; (KJU811); Modification of C.P. to change control point location from intersection of highway 288 and Lake Jackson Road, Freeport, Tex., to 2245 Avenue G, Bay City, Tex., add repeater channel to operate on 72.18 MHz at existing location No. 1: Freeport, Tex., and install a control station at a site to be identified as location No. 2: 1 mile northwest of Bay City, Tex., to operate on 75.90 MHz.
- 4156-C2-P-69—The Mountain States Telephone & Telegraph Co.; (KAD934); C.P. to change antenna system for base frequencies 152.69 and 152.75 MHz at its station located 4 miles east of Sterling, Colo.
- 4163-C2-MP-69—Empire Communications Co.; (KLF533); Modification of C.P. to relocate the control station at location No. 2 from 113 East Eighth Street, Medford, Ore., to 521 South Central Street, Medford, Ore. Control frequency: 454.25 MHz.
- 4164-C2-MP-69—Empire Communications Co.; (KLF534); Modification of C.P. to relocate the control station at location No. 2 from 113 East Eighth Street, Medford, Ore., to 521 South Central Street, Medford, Ore., operating on 158.52 MHz.
- 4165-C2-AL-69—Frank L. Yates, Jr., doing business as Racom; (KLF523); Consent to assignment of license from Frank L. Yates, Jr., doing business as Racom, Assignor to Ralph C. Parker, doing business as Ratel Communications Co., Assignee two-way station at Gainesville, Tex.
- 4166-C2-MP-69—Telephone & Radio Answering Service Co., Inc.; (KKG561); Modification of C.P. to change the antenna location from northwest corner of San Jacinto and Walker Streets, Houston, Tex., to Tennessee Building, 1010 Milam Street, Houston, Tex., operating on base frequencies 35.22 MHz.
- 4167-C2-P-69—Hawaiian Telephone Co.; (KUA216); C.P. to change antenna system operating on base frequencies 152.51, 152.63, 152.69, and 152.81 MHz at location No. 5: 55048 Lanihuli Street, Lale, Hawaii.
- 4168-C2-P-69—J. B. Bacon, doing business as Telephone Message Exchange; (New); C.P. for a new one-way station. Frequency: 158.70 MHz. Location: West Riverside and Old National Bank Building, North Stevens, Spokane, Wash.
- 4186-C2-P-69—Tel-Page Corp.; (New); C.P. for a new w-way station. Base frequency 152.21 MHz. Location: Johnson Hill Ruthland, N.Y.



## MAJOR AMENDMENT

3053-C2-P-69—Southwestern Bell Telephone Co.; (New); Change base frequency to read 152.69 MHz. All other particulars remain the same as reported on public notice dated Dec. 2, 1968, Report No. 416.

1548-C2-P-69—Gerard T. Uhl; (New); Change frequency to read 188.70 MHz, all other particulars to remain the same as reported on public notice dated Oct. 3, 1968, Report No. 408.

## CORRECTION

2201-C2-P-69—FWS Radio, Inc.; (New); Correct to read: Add location No. 3: 515 East Northwest Highway, Grapevine, Tex., operating on frequency 152.24 MHz. All other items same as stated in public notices, Report No. 411, dated Oct. 28, 1968, Report No. 421, dated Jan. 6, 1969, and Report No. 422, dated Jan. 13, 1969.

4126-C1-P/L-69—Southern Radio-Phone, Inc.; (New); C.P. and license for a new rural subscriber station. Frequency: 158.67 MHz (6) units to operate in any temporary fixed location within the territory of the grantee and communicate with Station KLF337 at Homestead, Fla.

4127-C1-P-69—South Central Bell Telephone Co.; (KPP68); C.P. to change to narrow band operation and replace transmitter operating on 459.65 MHz at its station approximately 5 miles southwest of Burwood, La.

4128-C1-P-69—South Central Bell Telephone Co.; (KPP73); Same as above, except at its station approximately 14.4 miles southeast of Pilotown, La.

4129-C1-P-69—South Central Bell Telephone Co.; (KPP72); Same, except operating on 459.40 MHz at its station approximately 12 miles southeast of Pilotown, La.

4130-C1-P/L-69—General Telephone Co. of the Southwest; (New); C.P. and license for a new rural subscriber station. Frequencies: 157.83 and 158.01 MHz. Location: 3.5 miles east-southeast of Morton, Tex.

4157-C1-P-69—South Central Bell Telephone Co.; (KPP67); C.P. to replace transmitter operating on frequency 459.65 MHz at station located approximately 14.5 miles southeast of Pilotown, La.

4158-C1-P-69—South Central Bell Telephone Co.; (KPP70); C.P. to replace transmitter operating on 459.40 MHz at station located approximately 2.2 miles northwest of Pilotown, La.

4159-C1-P-69—South Central Bell Telephone Co.; (KPP74); C.P. to replace transmitter operating on frequency 459.65 MHz at station located approximately 6 miles southwest of Burwood, La.

4170-C1-P-69—South Central Bell Telephone Co.; (KPP69); C.P. to replace transmitter operating on frequency 459.40 MHz at station located approximately 12.2 miles southeast of Pilotown, La.

## POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)

4149-C1-P-69—The Pacific Telephone and Telegraph Co.; (KMM59); C.P. to add 11,425 and 11,655 MHz directed toward Willows, Calif., at its station 1206 West Eighth Avenue, Chico, Calif.

4144-C1-P-69—The Pacific Telephone and Telegraph Co.; (New); C.P. for a new station. Frequencies: 10,775 and 11,015 MHz. Location: 125 North Butte Street, Willows, Calif.

4145-C1-P-69—South Central Bell Telephone Co.; (KJK52); C.P. to add 6345.5 MHz directed toward Corbin, Ky., at its station approximately 5.2 miles west-southwest of Mount Vernon, Ky.

4146-C1-P-69—South Central Bell Telephone Co.; (KJK54); C.P. to replace antenna and add 6123.1 MHz toward Logmont, Ky., at its station approximately 2.5 miles southwest of Corbin, Ky.

4147-C1-P-69—South Central Bell Telephone Co.; (KJK56); C.P. to change frequency from 6375.2 to 6263.2 MHz and add 6375.2 MHz toward Bledsoe, Ky., at its station Logmont, approximately 7.6 miles west of Middleboro, Ky.

4148-C1-P-69—South Central Bell Telephone Co.; (KJK58); C.P. to change frequency 6123.1 MHz to 6034.2 MHz toward Logmont, Ky., and add 6123.1 MHz toward Hazard, Ky., at its station 2.2 miles southeast of Bledsoe, Ky.

## POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—Continued

4149-C1-P-69—South Central Bell Telephone Co.; (KJF99); C.P. to add 6404.8 MHz directed toward Whitesburg, Ky., and add 11,505 MHz toward Hazard, Ky., at its station approximately 1 mile northeast of Hazard, Ky.

4150-C1-P-69—South Central Bell Telephone Co.; (KJG47); C.P. to add 6123.1 MHz toward Heller, Ky., and add 11,035 MHz toward Cumberland via passive reflector at its station approximately 0.3 mile south-southeast of Whitesburg, Ky.

4151-C1-P-69—South Central Bell Telephone Co.; (KJG46); C.P. to add 6375.2 MHz toward Pikeville, Ky., and correct azimuth to 85°59' at its station approximately 3.2 miles west of Heller, Ky.

4152-C1-P-69—South Central Bell Telephone Co.; (KIV67); C.P. to add 6137.9 MHz directed toward Hagerhill, Ky., at its station approximately 1.8 miles southwest of Pikeville, Ky.

4153-C1-P-69—South Central Bell Telephone Co.; (KIV68); C.P. to add 11,245 MHz toward Prestonsburg, Ky., via passive reflector at its station approximately 1.5 miles southeast of Paintsville, Hagerhill, Ky.

4154-C1-MP-69—Southwestern Bell Telephone Co.; (KYO66); Modification of C.P. to add frequencies 5937.8 and 6556.4 MHz toward Lytle Gap (Oplin), Tex., at station located 368 North Cypress Street, Abilene, Tex.

4169-C1-P-69—South Central Bell Telephone Co.; (KVV60); C.P. to add frequencies 5945.2 and 6093.8 MHz toward Carlys, La., at its station located 415 Division Street, Lake Charles, La.

4171-C1-P-69—General Telephone Co. of the Southwest; (KLG26); C.P. to replace transmitters operating on frequencies 5987.4 and 6145.3 MHz at station located 814 Rio Grande Avenue, Coleman, Tex.

4172-C1-P-69—General Telephone Co. of the Southwest; (KLH24); C.P. to replace transmitters operating on frequencies 6189.8, 6219.5, 6367.7, and 6397.4 MHz, correct azimuth toward Abilene, Tex. to read 328° and change antenna system at station located at Lytle Gap, 9.3 miles north-northwest of Oplin, Tex.

4173-C1-P-69—General Telephone Co. of Kentucky; (KYC63); C.P. to add frequency 6226.9 MHz toward Biggs Hill, Ky., at its station located 1.7 miles east of Morehead, Ky.

4174-C1-P-69—General Telephone Co. of Kentucky; (KYC61); C.P. to add 5945.2 MHz toward High Knob, Ky., at its station located Biggs Hill, 6 miles northeast of Olive Hill, Ky.

4175-C1-P-69—General Telephone Co. of Kentucky; (KYC57); C.P. to add frequency 6265.2 MHz toward Ashland, Ky., via passive reflector at station located at High Knob, 9.4 miles southwest of Ashland, Ky.

## MAJOR AMENDMENT

2080-C1-P/L-69—Michigan Bell Telephone Co.; (KQI80); Delete frequency 6049 MHz and add frequencies 10,995 and 11,155 MHz toward Plymouth, Mich.

2081-C1-P/L-69—Michigan Bell Telephone Co.; (KQA79); Delete frequency 11,190 MHz and add frequencies 11,325 and 11,645 MHz toward Ann Arbor, Mich. All other particulars same as shown in public notice Report No. 409, dated Oct. 14, 1968.

## POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

4160-C1-AL-(19)-69—Mesa Microwave, Inc.; Consent to assignment of license from: Mesa Microwave, Inc., Assignor to Cablecom-General, Inc., Assignee. Stations: KKY50 Headrick, Okla. KKH35 Silverton, Tex. KKH36 Memphis, Tex. KKH82 Muenster, Tex. KLF73 Cold-spring, Tex. KLF74 Carmona, Tex. KLM38 Salling, Okla. KLO87 Zolietone Mountain, Okla. KLO96 Gruver, Tex. KLP95 Woodward, Okla. KLR51 Bower's Ranch, Tex. KLS33 Landonia, Tex. KLS94 Paris, Tex. KLT51 May, Okla. KLU24 Pledger, Tex. KLT25 Blessing, Tex. KLU53 Hugo, Okla. KLU60 Childress, Tex. KLU99 Sherman, Tex.

4161-C1-TC-(11)-69—Mid-Kansas, Inc.; Consent to transfer of control from: Mid-Kansas, Inc., Assignor to Cablecom-General, Inc., Assignee. Stations: KAK36 Clay Center, Kans. KAP81 Concordia, Kans. KBC39 St. Mary's, Kans. KBC50 Manhattan, Kans. KBC61 Abilene, Kans. KBC62 Junction City, Kans. KBI91 Lawrence, Kans. KQ45 Council Grove, Kans. KZA49 McPherson, Kans. KZA43 Lyons, Kans. KZA48 Galatia, Kans.

4181-C1-P-69—Sierra Microwave, Inc.; (KPS54); C.P. to correct station location to 6 miles east of Albion, Idaho, at lat. 42°25'06" N., long. 113°28'09" W., and change frequencies to 5960.0, 6019.3, 6078.6, and 6137.9 MHz. Azimuths 293°58' and 300°45'.

4182-C1-P-69—Sierra Microwave, Inc.; (KPL26); C.P. to change frequencies to 6390.0, 6330.7, 6271.3, and 6212.0 MHz at station located 4.5 miles east of Jerome, Idaho.



## POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTTELEPHONE)—continued

4183-C1-P-69—Western Microwave, Inc.; (KZA87); C.P. to add a new point of communication by power split 6 miles east of Albion, Idaho. Station location: East Butte, 32 miles west of Idaho Falls, Idaho. Frequencies: 6271.3, 6301.0, 6330.7, and 6360.0 MHz on azimuth 208°36'. (Informative: Applicant proposes to interconnect with system operated by Sierra Microwave, Inc., in order to eliminate station KPS55 which is used as an off-the-air pickup by Sierra.)

## MAJOR AMENDMENTS

1705-C1-P/L-69—Sierra Microwave, Inc.; (New); Major amendment: Change number of transmitting units requested from four to eight.

744-C1-P-69—Mountain Microwave Corp.; (KBI22); Major amendment: Add transmitter to operate on frequency 5995 MHz toward Pueblo, Colo.

745-C1-P-69—Mountain Microwave Corp.; (KBT67); Change frequency 6256.5 MHz to 6165.0 MHz.

[P.R. Doc. 69-982; Filed, Jan. 24, 1969; 8:45 a.m.]

## INTERSTATE COMMERCE COMMISSION

### FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 22, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

#### LONG-AND-SHORT HAUL

FSA No. 41544—Butane, Breauz Bridge, La., to Catlettsburg, Ky. Filed by Southwestern Freight Bureau, agent (No. B-8), for interested rail carriers. Rates on butane, suitable only for mixing, blending or further refining, in tank carloads, as described in the application, from Breauz Bridge, La., to Catlettsburg, Ky.

Grounds for relief—Water competition.

Tariff—Supplement 207 to Southwestern Freight Bureau, agent, tariff ICC 4486.

FSA No. 41545—Newsprint cores returned from points in southern and southwestern territories and Kansas City, Mo. Filed by O. W. South, Jr., agent (No. A6077), for interested rail carriers. Rates on newsprint cores, returned, in carloads, from points in southern and southwestern territories, and Kansas City, Mo., to specified points in Tennessee, South Carolina, Alabama, Virginia, and Georgia.

Grounds for relief—Carrier competition.

Tariff—Supplement 24 to Southern Freight Association, agent, tariff ICC S-780.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[P.R. Doc. 69-1037; Filed, Jan. 24, 1969; 8:46 a.m.]

[Notice No. 765]

### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 21, 1969.

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 office 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. 706 TA), filed January 16, 1969. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Gene T. West (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities, including classes A and B explosives, but not including commodities of unusual value, livestock, household goods, commodities in bulk, and commodities requiring special equipment; (1) between Houston, Tex., and Texas City, Tex., over Interstate Highway 45 (previously U.S. Highway 75) serving the commercial zone of Texas City, Tex., and all intermediate points, and return over the same route; and (2) serving Austin, Tex., including the commercial zone thereof, as an intermediate point on applicant's routes between Dallas and San Antonio, Tex., over U.S. Highway 80 from Dallas to Fort Worth, Tex., and also as an intermediate point on applicant's routes between Houston and San Antonio, Tex., over U.S. Highway 290 from Houston to Austin, Tex., over U.S. Highway 183 from Austin to Luling, Tex., and over U.S. Highway 90 from Luling to San Antonio, Tex., and return over the same route, for 180 days. NOTE: Applicant intends to

tack these routes with all other routes previously held by Southern Plaza Express, Inc., and with all other routes presently held so as to serve Austin and Texas City, Tex., in a single and joint line service. Supporting shippers: There are approximately 41 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: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 112520 (Sub-No. 192 TA), filed January 8, 1969. Applicant: MCKENZIE TANK LINES, INC., New Quincy Road, Post Office Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, Schwartz, Proctor, Bolinger & Cain, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Anhydrous hydrogen chloride, in bulk, in shipper-owned trailers, from Deer Park, Tex., to Gonzalez, Fla., for 180 days. Supporting shipper: Monsanto Co., Post Office Box 1507, Pensacola, Fla. 32502. 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 119895 (Sub-No. 18 TA), filed January 13, 1969. Applicant: INTERCITY EXPRESS, INC., Post Office Box 1055, Fort Dodge, Iowa 50501. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meats, meat products, packinghouse products, and articles distributed by meat packinghouses as set forth in sections A and C, Descriptions in Motor Carrier Certificates 61 MCC 209 and 786, from Fort Dodge, Iowa, to points in Iowa and Missouri, for 150 days. Supporting shipper: Geo. A. Hormel & Co., Post Office Box 800, Austin, Minn. 55912. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 123075 (Sub-No. 19 TA), filed January 15, 1969. Applicant: HAVEY D. SHUPE, HOWARD YOST, AND CHARLES MYLANDER, a partnership, doing business as SHUPE & YOST, Post Office Box 1123, Greeley, Colo. 80631. Applicant's representative: Herbert M. Boyle, 946 Metropolitan Building, Denver, Colo. 80202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Salt and salt products, between plant of Utah Salt Co., Inc., located at Silsbee, Utah, and points in Colorado, Wyoming, South Dakota, and Nebraska, for 180 days. Supporting shipper: Utah Salt Co., Inc., 2150 South Second West, Suite 1-D, Salt Lake City, Utah 84115. Send protests to: District Supervisor C. W. Buckner, 2022 Federal Building, Denver, Colo. 80202.



No. MC 127834 (Sub-No. 23 TA) (Correction), filed January 2, 1969, published in the FEDERAL REGISTER, issue of January 10, 1969, and republished as corrected, in part, this issue. Applicant: CHEROKEE HAULING & RIGGING, INC., 540-42 Merritt Avenue, Nashville, Tenn. Applicant's representative: Bryan Stanley (same address as above). Note: The purpose of this partial republication is to (1) reflect the correct filing date as January 2, 1969, in lieu of January 2, 1968, and (2) include the name of Wagoner Corp., 2935 Sidco Drive, Nashville, Tenn., as an additional supporting shipper, inadvertently omitted from the previous publication. The rest of the application remains as previously published.

No. MC 133138 (Sub-No. 2 TA), filed January 13, 1969. Applicant: INTER-ISLAND GARMENT CARRIERS, INC., 18 Stegman Court, Jersey City, N.J. 07305. 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: *Wearing apparel, and materials, and supplies apparel*, between Farmingdale, N.Y., and New York, N.Y., for interline with other interstate carriers and freight forwarders, for 150 days. Supporting shipper: Colony Swim Suits, Inc., 360 Smith Street, Farmingdale, N.Y. Send protests to: District Supervisor W. J. Grossmann, Interstate Commerce Commission, Bureau of Operations, 970 Broad Street, Newark, N.J. 07102.

No. MC 133401 TA, filed January 13, 1969. Applicant: DONALD G. BEACHLER, doing business as B & B

TRUCKING, 2949 Standiford, Modesto, Calif. 95350. Applicant's representative: Jensen & Pendergrass, 1514 H Street, Post Office Box 1726, Modesto, Calif. 95350. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Manufactured dry fertilizer*, from Richmond, Shell Point, and Nickels, Calif., to points in Klamath, Lake, and Jackson Counties, Oreg., and *exempt agricultural grain*, on return movement to various points in California, for 180 days. Supporting shippers: Simplot Soilbuilders, 2052 Washburn Way, Klamath Falls, Oreg. 97601; Collier Carbon and Chemical Corp., Union Oil Center, Los Angeles, Calif. 90017. Send protests to: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 69-1038; Filed, Jan. 24, 1969;  
8:47 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 20661]

BOB QUIGLEY AIRCRAFT, LTD., AND  
C.O.B. METRO AIR TAXI

### Notice of Hearing

Application for a foreign air carrier permit, issued pursuant to section 402 of the Federal Aviation Act of 1958, as amended, to perform operations of a

casual, occasional or infrequent nature, in common carriage, into the United States from Canada.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on February 4, 1969, at 10 a.m., e.s.t., in Room 630, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner John E. Faulk.

Dated at Washington, D.C., January 21, 1969.

[SEAL] THOMAS L. WRENN,  
Chief Examiner.

[F.R. Doc. 69-1066; Filed, Jan. 24, 1969;  
8:49 a.m.]

[Docket No. 20541]

TRANSPORTES AEROS DE CARGA,  
S.A. (TRANSCARGA)

### Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on February 20, 1969, at 10 a.m., e.s.t., in Room 805, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., January 21, 1969.

[SEAL] JOHN E. FAULK,  
Hearing Examiner.

[F.R. Doc. 69-1067; Filed, Jan. 24, 1969;  
8:49 a.m.]



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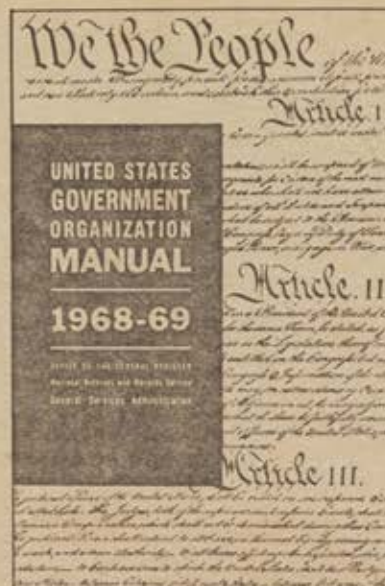
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