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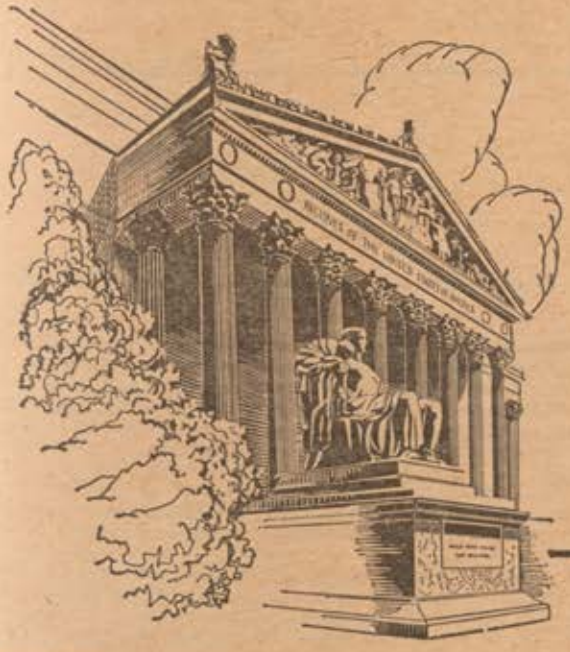

FEDERAL REGISTER

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

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Title 3—THE PRESIDENT

Proclamation 3792

COPYRIGHT EXTENSION: GERMANY

By the President of the United States of America
A Proclamation

WHEREAS the President is authorized, in accordance with the conditions prescribed in Section 9 of Title 17 of the United States Code, which includes the provisions of the act of Congress approved March 4, 1909, 35 Stat. 1075, as amended by the act of September 25, 1941, 55 Stat. 732, to grant an extension of time for fulfillment of the conditions and formalities prescribed by the copyright laws of the United States of America, with respect to works first produced or published outside the United States of America and subject to copyright or to renewal of copyright under the laws of the United States of America, by nationals of countries which accord substantially equal treatment to citizens of the United States of America; and

WHEREAS satisfactory official assurances have been received that, since April 15, 1892, citizens of the United States have been entitled to obtain copyright in Germany for their works on substantially the same basis as German citizens without the need of complying with any formalities, provided such works secured protection in the United States; and

WHEREAS, pursuant to Article 2 of the Law No. 8, Industrial, Literary and Artistic Property Rights of Foreign Nations and Nationals, promulgated by the Allied High Commission for Germany on October 20, 1949, literary or artistic property rights in Germany owned by United States nationals at the commencement of or during the state of war between Germany and the United States of America which were transferred, seized, requisitioned, revoked or otherwise impaired by war measures, whether legislative, judicial or administrative, were, upon request made prior to October 3, 1950, restored to such United States nationals or their legal successors; and

WHEREAS, pursuant to Article 5 of the aforesaid law, any literary or artistic property right in Germany owned by a United States national at the commencement of or during the state of war between Germany and the United States of America was, upon request made prior to October 3, 1950, extended in term for a period corresponding to the inclusive time from the date of the commencement of the state of war, or such later date on which such right came in existence, to September 30, 1949; and

WHEREAS, by virtue of a proclamation by the President of the United States of America dated May 25, 1922, 42 Stat. 2271, German citizens are and have been entitled to the benefits of the act of Congress approved March 4, 1909, 35 Stat. 1075, as amended, including the benefits of Section 1(e) of the aforementioned Title 17 of the United States Code; and

WHEREAS, a letter of February 6, 1950, from the Chancellor of the Federal Republic of Germany to the Chairman of the Allied High Commission for Germany established the mutual understanding that reciprocal copyright relations continued in effect between the Federal Republic of Germany and the United States of America:

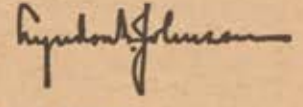
NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, by virtue of the authority vested in me by Section 9 of Title 17 of the United States Code, do declare and proclaim:

(1) That, with respect to works first produced or published outside the United States of America: (a) where the work was subject to copyright under the laws of the United States of America on or after September 3, 1939, and on or before May 5, 1956, by an author or other owner who was then a German citizen; or (b) where the work was subject to renewal of copyright under the laws of the United States of America on or after September 3, 1939, and on or before May 5, 1956, by an author or other person specified in Sections 24 and 25 of the aforesaid Title 17 who was then a German citizen, there has existed during several years of the aforementioned period such disruption and suspension of facilities essential to compliance with conditions and formalities prescribed with respect to such works by the copyright law of the United States of America as to bring such works within the terms of Section 9(b) of the aforesaid Title 17; and

(2) That, in view of the reciprocal treatment accorded to citizens of the United States by the Federal Republic of Germany, the time within which persons who are presently German citizens may comply with such conditions and formalities with respect to such works is hereby extended for one year after the date of this proclamation.

It shall be understood that the term of copyright in any case is not and cannot be altered or affected by this proclamation. It shall also be understood that, as provided by Section 9(b) of Title 17, United States Code, no liability shall attach under that title for lawful uses made or acts done prior to the effective date of this proclamation in connection with the above-described works, or with respect to the continuance for one year subsequent to such date of any business undertaking or enterprise lawfully undertaken prior to such date involving expenditure or contractual obligation in connection with the exploitation, production, reproduction, circulation or performance of any such works.

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



[F.R. Doc. 67-8177; Filed, July 12, 1967; 1:26 p.m.]

Proclamation 3793

CAPTIVE NATIONS WEEK, 1967

By the President of the United States of America

A Proclamation

WHEREAS the joint resolution approved July 17, 1959 (73 Stat. 212), authorizes and requests the President of the United States of America to issue a proclamation each year designating the third week in July as "Captive Nations Week" until such time as freedom and independence shall have been achieved for all the captive nations of the world; and

WHEREAS freedom and justice are basic human rights to which all men are entitled; and

WHEREAS the independence of peoples requires their exercise of the elemental right of free choice; and

WHEREAS these inalienable rights have been circumscribed or denied in many areas of the world; and

WHEREAS the United States of America, from its founding as a nation has had an abiding commitment to the principles of national independence and human freedom:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate the week beginning July 16, 1967 as Captive Nations Week.

I invite the people of the United States of America to observe this week with appropriate ceremonies and activities, and I urge them to give renewed devotion to the just aspirations of all peoples for national independence and human liberty.

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

Lyndon B. Johnson

[F.R. Doc. 67-8207; Filed, July 13, 1967; 10:07 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

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

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 817, Amdt. 8]

PART 817—REQUIREMENTS RELATING TO BRINGING OR IMPORTING SUGAR OR LIQUID SUGAR INTO CONTINENTAL UNITED STATES

Limitations on the Importation of Sugar-Containing Products or Mixtures

Basis and purpose and basis and considerations. Pursuant to section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), the President issued Proclamation 3790 dated June 30, 1967, which among other things established quantity import limitations for 1967 on butterfat containing products. The regulations issued under the Sugar Act of 1948, as amended, limiting the importation of products containing sugar and butterfat are subject to the quantity import limitations on butterfat containing products imposed by Presidential Proclamations issued pursuant to section 22 of the Agricultural Adjustment Act, as amended. The purpose of this amendment is to correlate such regulations with the import limitations on butterfat containing products established by such Presidential Proclamations.

Pursuant to authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), § 817.10 paragraph (d) is amended by amending the second sentence thereof, preceding the tabulation of countries, to read as follows:

§ 817.10 Sugar-containing products and mixtures.

* * * * *

(d) * * * The total quantity of all such products or mixtures which may be imported during the calendar year 1967 from each of the following countries shall not exceed the amount stated as follows for such country, except that the total quantity of products or mixtures containing butterfat which may be imported from a foreign country is also subject to the quantity import limitations on butterfat containing products imposed by Presidential Proclamations issued pursuant to section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624). * * *

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; sec. 206; 61 Stat. 927 as amended by P.L. 89-331, 79 Stat. 1277)

Effective date. Since this amendment merely correlates regulations with governing provisions of Presidential Proclamations, it is found and determined that compliance with the notice, public procedure and 30-day effective date requirements in 5 U.S.C. 553 is unnecessary and this amendment shall become effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., this 10th day of July 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-8126; Filed, July 13, 1967; 8:47 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3105 is amended to show that not to exceed 10 positions in the Research and Planning Office in the Office of the Assistant Secretary for International Affairs are excepted under Schedule A when filled by individuals with special qualifications for the particular study being undertaken. The positions are at the equivalent of GS-13 through GS-17 and are established to supplement the permanent staff in the study of complex problems relating to international financial and economic policies and programs of the Government. Employment under this authority is limited to 4 years. Effective on publication in the FEDERAL REGISTER, paragraph (f) is added under § 213.3105 as set out below.

§ 213.3105 Treasury Department.

* * * * *

(f) *Office of the Assistant Secretary for International Affairs.* (1) Not to exceed 10 positions in the Research and Planning Office at the equivalent of GS-13 through GS-17 to supplement the permanent staff in the study of complex problems relating to international financial and economic policies and programs of the Government, when filled by individuals with special qualifications for the particular study being undertaken. Employment under this authority may not exceed 4 years.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-8128; Filed, July 13, 1967; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Docket No. 7886; Amdt. 39-443]

PART 39—AIRWORTHINESS DIRECTIVES

Pilatus Model PC-6 Series Airplanes Serial Numbers to 620

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspection and repair, where necessary, of the elevator attachment brackets on the Pilatus Model PC-6 Series airplanes, serial numbers to 620 was published in 32 F.R. 614.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Although no objections were received, the FAA has determined that the requirement that the "repair" referred to in the AD be accomplished by modifying the part in accordance with Pilatus Service Bulletin No. 67 is too restrictive and that other equivalent methods can be used. Therefore, the AD has been revised to provide that a cracked part may be replaced with a new or used uncracked part or may be modified in accordance with the service bulletin, in which event the inspection may be discontinued.

Inasmuch as these changes provide an alternative means of compliance and impose no additional burden on any person, further notice and public procedures are not required.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PILATUS. Applies to all Models PC-6 airplanes, Serial Numbers to 620.
Compliance required as indicated.
To detect cracks of the elevator attachment bracket, Part No. 6300.11, accomplish the following:

(a) Within the next 50 hours' time in service after the effective date of this AD, unless already accomplished within the last 50 hours' time in service, and thereafter at intervals not to exceed 100 hours' time in service from the last inspection, visually inspect the elevator attachment bracket, P/N 6300.11, for cracks between the welded seams.

(b) If cracks are detected during the inspection required by paragraph (a), before further flight either replace the defective part with a new or used uncracked part of the same part number or modify the part in accordance with Pilatus Service Bulletin No. 67 or later Swiss Federal Air office-approved issue, or an FAA-approved equivalent.

(c) The repetitive inspections required by paragraph (a) of this AD may be discontinued after the elevator attachment bracket is modified in accordance with Pilatus Service Bulletin No. 67 or later Swiss Federal Air office-approved issue, or an FAA-approved equivalent.

This amendment becomes effective August 13, 1967.

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

Issued in Washington, D.C., on July 6, 1967.

EDWARD C. HODSON,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-8117; Filed, July 13, 1967; 8:47 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 67-CE-58]

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

Alteration of Control Zone

On page 6846 of the FEDERAL REGISTER dated May 4, 1967, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the control zone at Milwaukee, Wis. (Timmerman Airport).

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

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

This amendment shall be effective 0001 e.s.t., September 14, 1967.

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

Issued in Kansas City, Mo., on June 27, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

Redesignate the Milwaukee, Wis. (Timmerman Airport), control zone as that airspace within a 5-mile radius of Timmerman Airport latitude 43°06'40" N., longitude 88°02'05" W.); within 2 miles each side of the Timmerman VOR 336° radial, extending from the 5-mile radius zone to 7 miles northwest of the VOR; and within 2 miles each side of the Timmerman VOR 214° radial, extending from the 5-mile zone to 6 miles southwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

[F.R. Doc. 67-8118, Filed July 13, 1967; 8:47 a.m.]

[Airspace Docket No. 67-WE-26]

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

Alteration of Transition Area

On May 25, 1967, F.R. Doc. 67-5814 was published in the FEDERAL REGISTER (32 F.R. 7634), which altered the 1,200 foot portion of the Alamosa, Colo., transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed alteration. No objections were received and the amendment as so proposed is hereby adopted subject to the following changes:

In consideration of the foregoing, the description of the Alamosa, Colo., transition area as contained in F.R. Doc. 67-5814 (32 F.R. 7634) is changed by deleting "* * * T * * *" in the seventh line, "* * * (326° M) * * *" in the eighth line, "* * * T (114° M) * * *" and "* * * T (294° * * *" in the 11th line, and "* * * M) * * *" in the 12th line.

Since this correction is editorial in nature and imposes no additional burden on any person, compliance with section 4 of the Administrative Procedures Act (5 U.S.C. section 553) is unnecessary.

Effective date. This amendment is effective 0001 e.s.t., September 14, 1967.

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

Issued in Los Angeles, Calif., on June 29, 1967.

A. E. HORNING,
Acting Director, Western Region.

In § 71.181 (32 F.R. 2148) the Alamosa, Colo., transition area is amended by deleting all after "* * * that airspace extending upward from 1,200 feet above the surface * * *", and substituting therefor, "within 7 miles west and 11 miles east of the Alamosa VORTAC 339° radial, extending from the VORTAC to 33 miles north, within 8 miles northeast and 5 miles southwest of the 127° and 307° radials, extending from 3 miles northwest to 12 miles southeast of the VORTAC."

[F.R. Doc. 67-8120; Filed, July 13, 1967; 8:47 a.m.]

[Airspace Docket No. 67-CE-44]

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

Alteration and Revocation of Transition Area

On pages 6579 and 6580 of the FEDERAL REGISTER dated April 28, 1967, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at St. Louis, Mo., and revoke the transition area at Richwoods, Mo.

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

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

(1) The Civic Memorial Airport, Alton, Ill., coordinates recited in the St. Louis, Mo., transition area redesignation as "latitude 38°53'28" N., longitude 90°03'02" W." are changed to read "latitude 38°53'30" N., longitude 90°03'00" W."

(2) Those portions of the St. Louis, Mo., transition area redesignation recited in the subject Notice which read "2,500 feet above the surface" and "4,500 feet above the surface" respectively, are changed to read "2,500 feet MSL" and "4,500 feet MSL."

These amendments shall be effective 0001 e.s.t., September 14, 1967.

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

Issued in Kansas City, Mo., on June 23, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

(1) Redesignate the St. Louis, Mo., transistion area as that airspace extending upward from 700 feet above the surface within a 10-mile radius of Lambert-St. Louis Municipal Airport (latitude 38°44'50" N., longitude 90°21'55" W.), within 5 miles southeast and 8 miles northwest of the Lambert-St. Louis Municipal Airport Runway 24 ILS localizer northeast course extending from the 10-mile radius area to 12 miles northeast of the Runway 24 OM, within 5 miles southwest and 8 miles northeast of the Lambert-St. Louis Municipal Airport Runway 12R ILS localizer northwest course extending from Runway 12R OM to 12 miles northwest, within a 5-mile radius of Civic Memorial Airport, Alton, Ill. (latitude 38°53'30" N., longitude 90°03'00" W.), within 2 miles each side of the 009° bearing from the Civic Memorial Airport, extending from the 5-mile radius area to 7 miles north of the airport, and within 5 miles south and 8 miles north of the 103° bearing from the Civic Memorial Airport, extending from the airport to 12 miles east of the airport; and that airspace extending upward from 1,200 feet above the surface within a 33-mile radius of Lambert-St. Louis Municipal Airport, within 6 miles southwest and 9 miles northeast of the St. Louis VORTAC 328° radial, extending from the 33-mile radius area to 36 miles northwest of the VORTAC, within 5 miles northwest and 8 miles southeast of the Maryland Heights VORTAC 243° radial extending from the 33-mile radius area to 19 miles southwest of the VORTAC, within an area bounded on the west and northwest by the east and southeast boundary of V-148, on the northeast by the arc of a 33-mile radius circle centered on Lambert-St. Louis Municipal Airport, on the southeast by the northwest boundary of V-72, on the

south by the north boundary of V–88, within a 40-mile radius of Scott AFB, Belleville, Ill. (latitude 38°32'30" N., longitude 89°51'05" W.), and within 5 miles west and 8 miles east of the 009° bearing from Civic Memorial Airport extending from the airport to 19 miles north of the airport, within an area bounded on the northwest by the arc of a 40-mile radius circle centered on Scott AFB, on the east by the west boundary of V–313, on the southwest by the northeast boundary of V–335; and that airspace extending upward from 2,500 feet MSL within an area bounded on the north by the arc of a 40-mile radius circle centered on the Scott AFB, on the northeast by the southwest boundary of V–335, on the east by the west boundary of V–313, on the south by the north boundary of V–190, on the west by the east boundary of V–191; and that airspace extending upward from 4,500 feet MSL within an area bounded on the north by the south boundary of V–88, on the northeast by the southwest boundary of V–9W, on the south by the north boundary of V–190, on the west by a line 5 miles west of and parallel to the St. Louis VORTAC 200° radial, on the northwest by the southeast boundary of V–72; within an area bounded on the north by the south boundary of V–12, on the southeast by the northwest boundary of V–14N, on the southwest by the northeast boundary of V–175, on the northwest by a line 5 miles southeast of and parallel to the Jefferson City, Mo. VOR 041° radial; and within an area bounded on the northeast by the southwest boundary of V–52, on the south by the north boundary of V–4N, on the northwest by the southeast boundary of V–63, excluding that airspace which coincides with the Springfield, Vandalia, and Centralia, Ill., transition areas.

(2) Revoke the Richwoods, Mo., transition area in its entirety.

[F.R. Doc. 67-8121; Filed, July 13, 1967; 8:47 a.m.]

[Airspace Docket No. 67-CE-86]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Minneapolis, Minn., transition area.

On July 20, 1967, VOR Federal airway No. 26 will be realigned west of Eau Claire, Wis. This realigned airway segment will completely overlie the 5,000-foot MSL floor transition area east of Minneapolis and will provide the necessary controlled airspace protection presently afforded by the Minneapolis 5,000-foot MSL floor transition area east of Minneapolis. Therefore, alteration of the Minneapolis transition area is necessary to delete this airspace from the transition area designation since it is no longer required.

Since the proposed alteration will reduce the existing designated Minneapolis, Minn., transition area, it will not impose any additional burden on any person. Therefore, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0001 e.s.t., July 20, 1967, as hereinafter set forth:

In § 71.181 (32 F.R. 2148), the Minneapolis, Minn., transition area is amended by deleting the portion which reads: "and that airspace extending upward from 5,000 feet MSL E of Minneapolis bounded on the SE by V–26, on the SW by V–2N, and on the N by V–78."

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

Issued in Kansas City, Mo., on June 26, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-8122; Filed, July 13, 1967; 8:47 a.m.]

[Airspace Docket No. 67-CE-48]

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

Designation and Alteration of Transition Area

On Pages 6846 and 6847 of the FEDERAL REGISTER dated May 4, 1967, the Federal Aviation Administration published a notice of proposed rule making which would amend section 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Cloquet, Minn., and alter the transition area at Duluth, Minn.

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

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

(1) The Cloquet Municipal Airport coordinates recited in the Cloquet, Minn., transition area designation as "latitude 46°42'02" N., longitude 92°30'23" W." are changed to read "latitude 46°42'05" N., longitude 92°30'20" W."

(2) The Duluth International Airport coordinates recited in the Duluth, Minn., transition area redesignation as "latitude 46°50'28" N., longitude 92°11'35" W." are changed to read "latitude 46°50'30" N., longitude 92°11'25" W."

These amendments shall be effective 0001 e.s.t., September 14, 1967.

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

Issued in Kansas City, Mo., on June 28, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

(1) Designate the Cloquet, Minn., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Cloquet Municipal Airport (latitude 46°42'05" N., longitude 92°30'20" W.); and within 2 miles each side of the Duluth, Minn., VOR 244° radial, extending from the 5-mile radius area southwest to 22 miles southwest of the VOR.

(2) Redesignate the Duluth, Minn., transition area as that airspace extending upward from 700 feet above the surface within an 8-mile radius of Duluth International Airport (latitude 46°50'30" N., longitude 92°11'25" W.); within 2 miles each side of the Duluth VOR 023° radial, extending from the 8-mile radius area to 18 miles northeast of the VOR; and within 2 miles each side of the Duluth ILS localizer west course, extending from the 8-mile radius area to 8 miles west of the OM; and that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of Duluth International Airport; within a 34-mile radius of the Duluth VOR; and within 8 miles northwest and 5 miles southeast of the Duluth VOR 051° radial, extending from the 35-mile radius area to 41 miles northeast of the VOR; excluding the portion which overlies the Hibbing, Minn., transition area.

[F.R. Doc. 67-8123; Filed, July 13, 1967; 8:47 a.m.]

[Airspace Docket No. 67-EA-54]

PART 73—SPECIAL USE AIRSPACE

Revocation of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to revoke Restricted Area/Military Climb Corridor R–3902, Limestone, Maine.

The Department of the Air Force has advised the Federal Aviation Administration that satisfactory radar departure procedures have been developed to replace the Loring Air Force Base, Limestone, Maine, Restricted Area/Military Climb Corridor. For this reason, action is taken herein to revoke R–3902.

At the same time, similar action will be taken by the Flight Standards and Regulations Division, Civil Aviation Branch, Department of Transport, Ottawa, Ontario, Canada, to revoke that portion of R–3902 that extends into Canada. The Canadian portion is designated as C7R22.

Since this amendment is less restrictive to the public, notice and public procedure hereon are unnecessary, and the amendment may be made effective on less than 30 days' notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective July 15, 1967, as hereinafter set forth.

In § 73.39 (32 F.R. 2313) Restricted Area R–3902 at Limestone, Maine, is revoked.

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

Issued in Washington, D.C., on July 6, 1967.

H. B. HELSTROM,
Acting Director,
Air Traffic Service.

[F.R. Doc. 67-8119; Filed, July 13, 1967; 8:47 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 8257; Amdt. 544]

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 the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

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

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 of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Argyle Int	EOK RBn	Direct	2300	T-dn	300-1	300-1	300-1
Galland Int	EOK RBn	Direct	2300	C-dn	500-1	500-1	500-1½
				S-dn-13	500-1	500-1	500-1
				A-dn	NA	NA	NA

Procedure turn W side of crs, 306° Outbnd, 126° Inbnd, 2300' within 10 miles.
Minimum altitude over facility on final approach crs., 1171'.
Facility on airport; breakoff point to runway, 135°—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of EOK NDB, climb to 2300' on crs of 126° within 10 miles and return to EOK NDB.
NOTE: Use Burlington, Iowa, altimeter setting.
MSA within 25 miles of facility: 270°-090°—2200'; 090°-180°—2000'; 180°-270°—1900'.

City, Keokuk; State, Iowa; Airport name, Keokuk Municipal; Elev., 671'; Fac. Class., MHW; Ident., EOK; Procedure No. NDB (ADF) Runway 13, Amdt. 3; Eff. date, 5 Aug. 67; Sup. Amdt. No. ADF 1, Amdt. 2; Dated, 16 May 64

FRI VOR	MHK NDB	Direct	3000	T-dn*	300-1	300-1	300-1
Volland Int	MHK NDB (final)	Direct	2000	C-d$&	600-1	600-1	600-1¼
Ogden Int	MHK NDB	Direct	3000	C-n$&	600-2	600-2	600-2
				S-dn-31$&	500-1	500-1	500-1
				A-dn$&	800-2	800-2	800-2

Procedure turn E side of crs, 118° Outbnd, 298° Inbnd, 3000' within 10 miles.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 298°—2.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.5 miles after passing MHK NDB, make right turn, climbing to 3000' on 118° bearing from MHK NDB within 10 miles, make left turn and return to MHK NDB.
NOTES: (1) Use Salsina, Kans., altimeter setting when control zone not effective. (2) Final approach from holding pattern at MHK NDB not authorized. Procedure turn required.
CAUTION: Restricted area, 1.5 miles W of airport.
$Circling and straight-in ceiling minimums are raised 200' and alternate minimums not authorized when control zone not effective.
&These minimums apply at all times for those air carriers with approved weather reporting service.
*When IFR flight planned to S, SW, and W, make left or right turn as appropriate climbing to cross MHK NDB at or above 1400', proceed to Ogden Int prior to departing on crs.
MSA within 25 miles of facility: 000°-360°—2800'.

City, Manhattan; State, Kans.; Airport name, Manhattan Municipal; Elev., 1056'; Fac. Class., HW (city owned); Ident., MHK; Procedure No. NDB (ADF) Runway 31, Amdt. 4; Eff. date, 5 Aug. 67; Sup. Amdt. No. ADF 1, Amdt. 3; Dated, 27 Aug. 66

Presque Isle VOR	SPR RBn	Direct	2800	T-dn	300-1	300-1	300-1½
				C-dn	600-1	600-1	600-1½
				S-dn-1#	600-1	600-1	600-1
				A-dn	NA	NA	NA

Radar available.
Procedure turn E side of crs, 188° Outbnd, 008° Inbnd, 2800' within 10 miles.
Minimum altitude over facility on final approach crs, 1800'.
Crs and distance, facility to airport, 008°—3.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing SPR RBn, make left climbing turn to 2800' direct SPR RBn, hold S of SPR RBn, 008° Inbnd, 1-minute right turns.
NOTES: (1) Final approach from a holding pattern not authorized. Procedure turn required. (2) Use Loring altimeter setting.
#Reduction not authorized.
MSA within 25 miles of facility; 000°-090°—2500'; 090°-180°—3100'; 180°-270°—2700'; 270°-360°—2800'.

City, Presque Isle; State, Maine; Airport name, Presque Isle Municipal; Elev., 534'; Fac. Class., MHW; Ident., SPR; Procedure No. NDB (ADF) Runway 1, Amdt. 1; Eff. date, 5 Aug. 67; Sup. Amdt. No. NDB (ADF) Runway 1, Orig.; Dated, 27 Apr. 67

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
BFF FOR	BFF NDB	Direct	6200	T-dn * C-dn A-dn	300-1 500-1 800-2	300-1 500-1 800-2	**200-½ 500-1¼ 800-2

Procedure turn E side of crs, 122° Outbnd, 302° Inbnd, 6200' within 10 miles.
Minimum altitude over facility on final approach crs, 5100'.
Crs and distance, facility to airport, 302°—2.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 miles after passing BFF NDB, make right turn, climbing to 6200', return to BFF NDB.
NOTE: Final approach from holding pattern at BFF NDB not authorized. Procedure turn required.
*SW (180°-240°) and NW (275-360°) IFR departures climb on 260° heading to 5200' before departing on crs, account 5144' tower, NW and bluffs, SW.
**300-1 required Runway 23.
MSA within 25 miles of facility: 000°-090°—6800'; 090°-180°—6500'; 180°-270°—6500'; 270°-360°—6500'.

City, Scottsbluff; State, Nebr.; Airport name, Scottsbluff Municipal; Elev., 3961'; Fac. Class., MHW; Ident., BFF; Procedure No. NDB(ADF)-1, Amdt. 1; Eff. date, 5 Aug. 67; Sup. Amdt. No. ADF1, Orig.; Dated, 25 Apr. 64

				T-dn%	300-1	300-1	200-½
FSD VOR	LOM	Direct	3200	C-dn	500-1	500-1	500-1¼
Bestland Int	LOM	Direct	3200	S-dn-3	500-1	500-1	500-1
Lennox Int	LOM	Direct	3200	A-dn	800-2	800-2	800-2
Russell Int	LOM	Direct	3200				

Procedure turn S side of crs, 206° Outbnd, 026° Inbnd, 3200' within 10 miles.
Minimum altitude over facility on final approach crs, 2900'.
Crs and distance, facility to airport, 026°—5.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing LOM, climb to 2700' on 026° bearing from LOM within 10 miles.
%300-1 required for takeoff, Runway 15.
%For southeastbound aircraft, when weather is below 2100-2, flight below 3000' beyond 5 miles E and SE of airport is prohibited between R 095° and R 135° of the FSD VOR. Restriction due to 3444' tower, 10 miles SE of airport.
MSA within 25 miles of facility: 000°-090°—4500'; 090°-180°—4500'; 180°-270°—3100'; 270°-360°—4100'.

City, Sioux Falls; State, S. Dak.; Airport name, Joe Foss Field; Elev., 1428'; Fac. Class., LOM; Ident., FS; Procedure No. NDB (ADF) Runway 3, Amdt. 12; Eff. date, 5 Aug. 67; Sup. Amdt. No. NDB (ADF) Runway 3, Amdt. 11; Dated, 28 Jan. 67

Stonewall Int	LOM (final)	Direct	1600	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-1R	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn W side of crs, 186° Outbnd, 006° Inbnd, 1600' within 10 miles.
Procedure turn must be authorized by ATC.
Minimum altitude over facility on final approach crs, 1600'.
Crs and distance, facility to airport, 006°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing DI LOM, proceed direct to Poolesville RBn, hold N, 006° bearing, 186° Inbnd, 2800', 1-minute right turns.
MSA within 25 miles of facility: 000°-090°—2100'; 090°-180°—1700'; 180°-270°—2400'; 270°-360°—2500'.

City, Washington; State, D.C.; Airport name, Dulles International; Elev., 313'; Fac. Class., LOM; Ident., DI; Procedure No. NDB (ADF) Runway 1 , Amdt. 5; Eff. date, 5 Aug. 67; Sup. Amdt. No. ADF 1, Amdt. 4; Dated, 23 July 66

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
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 of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Paradise Int	Lux Int (final)	Direct	5000	T-dn$ C-dn* A-dn**	400-1 1000-3 1000-3	400-1 1000-3 1000-3	400-1 1000-3 1000-3

Procedure turn not authorized. Straight-in from Paradise Int only.
Minimum altitude over facility on final approach crs, 3671'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over MUE VOR, climb on MUE, R 234° to cross Jacksons Int at 4000' proceed to Mynah Int and hold SW.
NOTES: (1) Reductions not authorized (minimums). (2) Procedure not wholly within controlled airspace.
CAUTION: (1) *Rapidly rising terrain to N. Circling to N not authorized. (2) Approach not authorized unless current Kamuela altimeter setting available.
**Alternate minimums authorized only for air carriers with approved weather reporting service.
$600-2 for circling departures. Northeastbound departures: Climb on R 056° to cross UPP, R 097° at 6000' (requires 270' /mile climb). Southwestbound departures: Climb on R 234° to cross Jacksons Int at 4000'.
MSA within 25 miles of facility: 000°-090°—11,000'; 090°-180°—15,800'; 180°-270°—11,000'; 270°-360°—7500'.

City, Kamuela; State, Hawaii; Airport name, Kamuela; Elev., 2671'; Fac. Class., H-BVOR; Ident., MUE; Procedure No. VOR-2, Amdt. 1; Eff. date, 5 Aug. 67; Sup. Amdt. No. VOR 2, Orig.; Dated, 31 Dec. 66

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
UPP VOR	Jacksons Int	174°—18 miles via MUE, 243° lead in radial.	6000	T-dn$	400-1	400-1	400-1
				C-dn*	600-2	600-2	600-2
				S-dn-4	400-1	400-1	400-1
Mynah Int	Jacksons Int	Direct	4000	A-dn**	800-2	800-2	800-2
Jacksons Int	Puako Int (final)	Direct	4000				

Procedure turn N side of crs, 234° Outbnd, 054° Inbnd, 4000' within 10 miles of Jacksons Int.
Minimum altitude over facility on final approach crs, Jacksons Int, 4000'; Puako Int, 4000'; MUE VOR, 3071'.
Facility on airport, breakoff point to runway, 041°—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over MUE VOR, climb on MUE, R 056° to cross UPP, R 097° at 6000'. Over UPP, R 097° turn left and intercept UPP, R 082° and proceed to UPP VOR; hold NW on R 338° at 6000' or as assigned by ATC.
NOTES: (1) Reductions not authorized (minimums). (2) Procedure not wholly within controlled airspace.
CAUTION: (1) *Rapidly rising terrain N of airport. Circling to N not authorized. (2) Approach not authorized unless current Kamuela altimeter setting available.
**Alternate minimums authorized only for air carriers with approved weather reporting service.
$600-2 for circling departures. Northeastbound departures: Climb on R 056° to cross UPP, R 097° at 6000' (requires 270'/miles climb). Southwestbound departures: Climb on R 234° to cross Jacksons Int at 4000'.
MSA within 25 miles of facility: 000°-090°—11,000'; 090°-180°—15,800'; 180°-270°—11,000'; 270°-360°—7500'.

City, Kamuela; State, Hawaii; Airport name, Kamuela; Elev., 2671'; Fac. Class., H-BVOR; Ident., MUE; Procedure No. VOR Runway 4, Amdt. 1; Eff. date, 5 Aug. 67; Sup. Amdt. No. VOR 1, Orig.; Dated, 31 Dec. 66

Int Little Rock, R 131° and PBF, R 360° PBF VORTAC, R 276° clockwise.	PBF VORTAC (final) R 360°	Direct	1200	T-dn	300-1	300-1	300-1½
		Via 12-mile DME Arc.	1700	C-dn	500-1	500-1	500-1¾
				S-dn-17*	500-1	500-1	500-1
PBF VORTAC, R 060°, counterclockwise	R 360°	Via 12-mile DME Arc.	1700	A-dn	800-2	800-2	800-2
				DME minimums:			
12-mile DME Fix, R 360°	PBF VORTAC (final)	Direct	1200	C-dn	400-1	500-1	500-1¾
				S-dn-17*	400-1	400-1	400-1

Procedure turn W side of crs, 360° Outbnd, 180° Inbnd, 1500' within 10 miles.
Minimum altitude over facility on final approach crs, 1200'; over 3-mile DME Fix, R 180°—700'.
Crs and distance, facility to airport, 180°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing the PBF VORTAC, make immediate right turn, climb to 2000' on PBF, R 208° within 20 miles.
*¾-mile visibility authorized with operative REIL, except for 4-engine turbojets.
MSA within 25 miles of facility: 000°-270°—1700'; 270°-360°—3300'.

City, Pine Bluff; State, Ark.; Airport name, Grider Field; Elev., 205'; Fac. Class., L-BVORTAC; Ident., PBF; Procedure No. VOR Runway 17, Amdt. 9; Eff. date, 5 Aug. 67; Sup. Amdt. No. VOR Runway 17, Amdt. 8; Dated, 8 July 67

Pawling VORTAC	Kingston VOR	Direct	3000	T-dn	500-1	500-1	
				C-dn	1000-1½	1000-2	
				S-dn-1	900-1½	900-1½	
				A-dn	NA	NA	

Radar available.
Procedure turn not authorized. Descend to 3000' in Kingston VOR holding pattern, 1-minute right turns, 010° Inbnd.
Minimum altitude over facility on final approach crs, 3000'; over School Int, 1500'.
Crs and distance, facility to airport, 010°—18.8 miles; School Int to airport, 010°—5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 18.8 miles after passing Kingston VOR or 5 miles after passing School Int, make left-climbing turn, proceed direct to Kingston VOR climbing to 3000', hold S, 1-minute right turns, 010° Inbnd.
NOTE: Use Poughkeepsie altimeter setting.
MSA within 25 miles of facility: 000°-090°—3400'; 090°-180°—3000'; 180°-270°—2800'; 270°-360°—4200'.

City, Red Hook; State, N.Y.; Airport name, Skypark; Elev., 320'; Fac. Class., L-BVOR; Ident., IGN; Procedure No. VOR Runway 1, Amdt. Orig.; Eff. date, 5 Aug. 67

R 358°, BFF VOR clockwise	R 066°, BFF VOR	Via 7-mile DME Arc.	6100	T-dn*	300-1	300-1	**200-½
				C-dn	500-1	500-1	500-1¼
R 147°, BFF VOR counterclockwise	R 066°, BFF VOR	Via 7-mile DME Arc.	6100	S-dn-23@	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2
7-mile DME Fix, R 066°, BFF VOR	BFF VOR (final)	Direct	5400	Minimums with DME:			
				S-dn-23@	400-1	400-1	400-1

Procedure turn N side of crs, 066° Outbnd, 246° Inbnd, 5600' within 10 miles.
Minimum altitude over facility on final approach crs, 5400'; over 3-mile DME Fix, 4461'.
Crs and distance, facility to airport, 246°—4.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing BFF VOR, make right turn, climbing to 5600', return to BFF VOR.
*SW (180°-240°) and NW (270°-360°) IFR departures climb on 260' heading to 5200' before departing on crs account 5144' tower, NW and bluffs, SW.
**300-1 required Runway 23.
@ Reduction not authorized for nonstandard REIL.
MSA within 25 miles of facility: 000°-180°—6800'; 180°-270°—6100'; 270°-360°—6300'.

City, Scottsbluff; State, Nebr.; Airport name, Scottsbluff Municipal; Elev., 3961'; Fac. Class., H-BVORTAC; Ident., BFF; Procedure No. VOR Runway 23, Amdt. 3; Eff. date, 5 Aug. 67; Sup. Amdt. No. VOR 1, Amdt. 2; Dated, 21 Sept. 63

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
FSD RBn	FSD VOR	Direct	2700	T-dn%	300-1	300-1	200-½
R 269°, FSD VOR clockwise	R 327°, FSD VOR	Via 7-nautical miles DME Arc.	2700	C-dn	500-1	500-1	500-1½
				S-dn-15¢	500-1	500-1	500-1
R 061°, FSD VOR counterclockwise	R 327°, FSD VOR	Via 7-nautical miles DME Arc.	2700	A-dn	800-2	800-2	800-2
-mile DME Fix, R 327°	FSD VORTAC (final)	Direct	2600				

Procedure turn W side of crs, 327° Outbnd, 147° Inbnd, 2700' within 10 miles.
Minimum altitude over facility on final approach crs, 2600'.
Crs and distance, facility to airport, 147°—4.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles, after passing FSD VOR, climb to 3000' on FSD VOR, R 202° within 20 miles.
%300-1 required for takeoff on Runway 15.
¢For southeastbound aircraft when weather is below 2100-2, flight below 3900' beyond 5 miles E and southeast of airport is prohibited between R 095° and R 135° of the FSD VOR. Restriction due to 3444' tower, 10 miles SE of airport.
cReduction not authorized for nonstandard REIL.
MSA within 25 miles of facility: 000°-090°—3800'; 090°-180°—4500'; 180°-270°—4100'; 270°-360°—3100'.

City, Sioux Falls; State, S. Dak.; Airport name, Joe Foss Field; Elev., 1428'; Fac. Class., H-BVORTAC; Ident., FSD; Procedure No. VOR Runway 15, Amdt. 6; Eff. date, 5 Aug. 67; Sup. Amdt. No. VOR 1, Amdt. 5; Dated, 20 Aug. 66

3. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
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 of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELED, EFFECTIVE 5 AUG. 1967.

City, Scottsbluff; State, Nebr.; Airport name, Scottsbluff Municipal; Elev., 3961'; Fac. Class., BVORTAC; Ident., BFF; Procedure No. VOR/DME No. 1, Amdt. 1; Eff. date, 13 June 64; Sup. Amdt. No. Orig.; Dated, 29 Feb. 64

4. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
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 of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
10-mile DME Fix, FWA VOR, R 134°	LOM (final)	Via localizer crs	2100	T-dn@	300-1	300-1	200-½
Whitely Int	LOM	Direct	2200	C-dn	400-1	500-1	500-1½
New Haven Int	LOM	Direct	2200	S-dn-31°#	300-¾	300-¾	300-¾
Rock Creek Int	LOM	Direct	2200	A-dn	600-2	600-2	600-2
Fort Wayne VOR	LOM	Direct	2100				
R 068°, FWA VOR clockwise	FWA SE ILS crs	Via 10-miles DME Arc.	2600				
R 233°, FWA VOR counterclockwise	FWA SE ILS crs	Via 10-miles DME Arc.	2600				

Radar available.
Procedure turn E side of SE crs, 135° Outbnd, 315° Inbnd, 2100' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2100'.
Altitude of glide slope and distance to approach end of runway at OM, 2045'—3.8 miles; at MM, 1075'—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2600' on NW crs, ILS and proceed to Whitely Int westbound on R 281°, FWA VOR , or as directed by ATC, climb on NW crs, ILS to 2600' and proceed direct to Wolflake VOR.
NOTE: Glide slope unusable below 1001'.
@RVR 4000' authorized Runway 31.
*400-¾ required when glide slope not utilized, reduction below ¾ mile not authorized.
#300' ceiling required, RVR as sole operating minimums not authorized.

City, Fort Wayne; State, Ind.; Airport name, Bair Field; Elev., 801'; Fac. Class., ILS; Ident., I-FWA; Procedure No. ILS Runway 31, Amdt. 14; Eff. date, 5 Aug. 67; Sup. Amdt. No. ILS-31, Amdt. 13; Dated, 17 Dec. 66

ILS STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
R 145°, FSD VOR clockwise	R 160°, FSD VOR	Via 17-mile DME Arc.	3400	T-dn‡%	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1¼
R 160°, FSD VOR clockwise	R 194°, FSD VOR	Via 17-mile DME Arc.	3200	S-dn-3*‡	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2
R 297°, FSD VOR counterclockwise	R 194°, FSD VOR	Via 17-mile DME Arc.	3200				
17-mile DME Fix, R 194°, FSD VOR	OM (final)	Via FSD LOC	3200				
Sioux Falls VOR	LOM	Direct	3200				
Bestland Int	LOM	Direct	3200				
Lennox Int	LOM	Direct	3200				
Russell Int	LOM	Direct	3200				

Procedure turn S side of crs, 206° Outbnd, 026° Inbnd, 3200' within 10 miles.
Minimum altitude at glide slope interception, Inbnd, 3200'.
Altitude of glide slope and distance to approach end of runway at OM, 3118'—5.8 miles; at MM, 1623'—0.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing LOM, climb to 2700' on NE crs of ILS within 10 miles.
% For southeastbound aircraft when weather is below 2100-2, flight below 3900' beyond 5 miles E and SE of airport is prohibited between R 095° and R 135° of the FSD VOR. Restriction due to 3444' tower, 10 miles SE of airport.
%300-1 required for takeoff Runway 15.
‡RVR 2400' authorized runway 3.
*RVR 2400'. Descent below 1628' not authorized unless approach lights are visible.
#500-¾ required when glide slope not utilized. 500-½ authorized with operative ALS except for 4-engine turbojets. 400' minimums authorized after passing the Marie Int.
MSA within 25 miles of LOM: 000°-090°—4500'; 090°-180°—4500'; 180°-270°—3100'; 270°-360°—4100'.

City, Sioux Falls; State, S. Dak.; Airport name, Joe Foss Field; Elev., 1428'; Fac. Class., ILS; Ident., I-FSD; Procedure No. ILS Runway 3, Amdt. 14; Eff. date, 5 Aug. 67; Sup. Amdt. No. ILS Runway 3, Amdt. 13; Dated, 28 Jan. 67

Stonewall Int	LOM (final)	Direct	1600	T-dn*	300-1	300-1	200-½
		Direct	1609	C-dn	500-1	500-1	500-1½
				S-dn-1R*	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2
				Category II special authorization required: TDZ elevation 313.			
				Decision heights: S-dn-1R, DH 150, RVR-1600, 463 MSL RA, 149'; S-n-1R, DH 100, RVR-1200, 413 MSL RA, 99'.			

Radar available.
Procedure turn W side of crs, 186° Outbnd, 006° Inbnd, 1600' within 10 miles. Procedure turn must be authorized by ATC.
Minimum altitude at glide slope interception, Inbnd, 1600'.
Altitude of glide slope and distance to approach end of Runway at OM, 1567'—4.6 miles; at MM, 515'—0.6 mile; at IM, 413'—0.2 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing LOM, proceed direct to Poolesville RBn. Hold N, 186° bearing, Inbnd, 2800', 1-minute right turns.
*RVR 2000' 4-engine turbojet; RVR 1800' other aircraft. Descent below 513' not authorized unless ALS visible.
#Category II missed approach: Proceed direct to Poolesville RBn. Hold N, 186° bearing, Inbnd, 2800', 1-minute right turns, if contact with visual guidance system not established at DH.
MSA within 25 miles of LOM: 000°-090°—2100'; 090°-180°—1700'; 180°-270°—2400'; 270°-360°—2800'.

City, Washington; State, D.C.; Airport name, Dulles International; Elev., 313'; Fac. Class., ILS; Ident., I-DIA; Procedure No. ILS Runway 1R, Amdt. 5; Eff. date, 5 Aug. 67; Sup. Amdt. No. ILS-1R, Amdt. 4; Dated, 2 July 66

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), and 601 of the 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 June 29, 1967.

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

[F.R. Doc. 67-7809; Filed, July 13, 1967; 8:45 a.m.]

Title 22—FOREIGN RELATIONS

Chapter V—United States Information Agency

PART 502—WORLD-WIDE FREE FLOW (EXPORT-IMPORT) OF AUDIO-VISUAL MATERIALS

The following material replaces §§ 502.1–502.14 of Title 22 of the Code of Federal Regulations and will constitute Part 502 thereof.

Sec.
502.1 Summary; general.
502.2 Implementing statute and Executive Order.
502.3 Procedures.
502.4 Consultation of experts.
502.5 Review and appeal.
502.6 Substantive criteria.
502.7 History and background.
502.8 Miscellaneous; coordination with U.S. Customs Bureau.

AUTHORITY: The provisions of this Part 502 are issued under R.S. 161, 5 U.S.C. 301; 22 U.S.C. 1431 et seq.; Pub. Law 89-634 of Oct. 8, 1966; E.O. 11311 of Oct. 14, 1966.

§ 502.1 Summary; general.

(a) The "Audio-Visual Agreement" (short title), also known as the "Beirut Agreement of 1948", is a multi-nation treaty with the formal title, "Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific, and Cultural Character".[1] United States acceptance of this treaty was proclaimed by President Johnson and deposited with the United Nations on October 14, 1966, and formal operations by the United States under the Agreement commenced January 12, 1967. Initial implementation of the treaty by the United States was effected by Public Law 89-634 of October 8, 1966, and Executive Order 11311 of October 14, 1966, and it is further implemented by these regulations. The U.S. Information Agency has been designated by the President to carry out the Agreement for the United States. Export certification, import certificate authentication, rulings, and information, respecting the Agreement may be obtained from the International Communications Media Staff (IMV/C), U.S. Information Agency, Washington, D.C. 20547.

(b) This treaty facilitates the free flow of educational audio-visual materials between nations, by eliminating import duties, import licenses, special taxes, quantitative restrictions and other restraints and costs, by shipment under an international certificate. Each government may issue such certificates as to materials for which basic ownership is in said country. The material must be primarily educational as to its nature and usefulness (see § 502.6(a)(3)). The term

[1] 17 U.S.T. 1578 (T.I.A.S. 6116).

"audio-visual" is defined as embracing the categories exemplified by film prints, motion picture film, filmstrips, videotape, sound recordings, sound/picture recordings, models, charts, posters, maps, globes, slides, and the like.

§ 502.2 Implementing statute and Executive Order.

(a) Public Law 89-634 (10/8/66) amends Schedule 8 of the Tariff Schedules of the United States, as follows:

(1) After the heading to Part 6, insert:
"Part 6 Headnote:

"1. No article shall be exempted from duty under item 870.30 unless a Federal agency or agencies designated by the President determines that such article is visual or auditory material of an educational, scientific, or cultural character within the meaning of the Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific, and Cultural Character. Whenever the President determines that there is or may be profit-making exhibition or use of articles described in item 870.30 which interferes significantly (or threatens to interfere significantly) with domestic production of similar articles, he may prescribe regulations imposing restrictions on the entry of such foreign articles to insure that they will be exhibited or used only for nonprofitmaking purposes."

(2) At the end of Part 6, add this new item:

"870.30 Developed photographic film, including motion-picture film on which pictures or sound and pictures have been recorded; photographic slides; transparencies; sound recordings; recorded videotape; models; charts; maps; globes; and posters; all of the foregoing which are determined to be visual or auditory materials in accordance with headnote 1 of this part ..... Rates of Duty (1), Free; Rates of Duty (2), Free."

(b) Executive Order 11311, "Carrying out Provisions of the Beirut Agreement of 1948 Relating to Audio-visual Materials" provides:

"By virtue of the authority vested in me as President of the United States, including the provisions of the Joint Resolution of October 8, 1966, Public Law 89-634, and section 301 of Title 3 of the United States Code, I hereby order and proclaim that—

"Pursuant to the 'Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific and Cultural Character', made at Beirut in 1948, the Joint Resolution, and headnote 1 to schedule 8, part 6 of the Tariff Schedules of the United States, the United States Information Agency is hereby designated as the agency to carry out the provisions of the Agreement and related protocol, and to make any determinations and to prescribe any regulations required by headnote 1."

(c) Public Law 89-634 further provides:

"It shall be the duty of the Federal agency or agencies so designated to take appropriate measures for the carrying out of the provisions of the Agreement including the issuance of regulations.

"SEC. 2. Agencies of the Federal Government are authorized to furnish facilities and personnel for the purpose of assisting the agency or agencies designated by the President in carrying out the provisions of the Agreement."

§ 502.3 Procedures.

(a) Applicant: An "Applicant" is (1) the U.S. holder of "basic rights" in materials he submits for export certification, (2) the holder of a foreign certificate or his exporter or U.S. importer or the agent of any of them as to materials proposed for import to the United States, or (3) the U.S. consignee of materials proposed for U.S. import under a foreign certificate. Any "Applicant" may request USIA to certify materials for export or to authenticate a foreign certificate for import of materials.

(b) Imports: Educational / informational audio-visual materials, as identified in the Substantive Criteria of the regulations in this part, are permitted duty-free entry into the United States upon authentication by the United States Information Agency of the Certificate of the Government of the country wherein basic ownership is held, or of the certificate of the United Nations Educational, Scientific and Cultural Organization (UNESCO), attesting the educational/informational character of such materials within the meaning of the "Agreement", and compliance with applicable Customs entry procedures (see 19 CFR 10.121).

(c) In order to establish qualification for entry into the United States under the provisions of Tariff Item 870.30, the Applicant shall forward the foreign certificate directly to:

International Communications Media Staff (IMV/C), U.S. Information Agency, Washington, D.C. 20547.

(d) Upon affirmative determination by the U.S. Information Agency as to the qualification of the certified articles for such entry, the Applicant will be advised of the determination, and be provided with an authenticating document for presentation with the related Customs documentation at the Port of Entry, for duty-free clearance under Item 870.30.

(e) If for any reason the U.S. Information Agency is unable to accept and authenticate a foreign certificate, the Applicant will be promptly so notified, together with either (1) request for additional information or (2) the reasons why the certificate cannot be accepted. Qualification or non-qualification of material for entry under Tariff Item 870.30 does not affect its eligibility for entry under other laws of the United States.

(f) Exports: U.S. educational/informational audio-visual materials, as identified in the Substantive Criteria of these Regulations, may, if eligible as provided herein, be certified by the U.S. Information Agency as being "of international educational character," and thus entitled to special import privileges such as duty-free entry abroad in "Beirut countries" (see § 502.7 on history and background, for a list of the countries where there is formal and informal participation under the Beirut Agreement).

(g) For general information and application forms, Applicants should write to:

International Communications Media Staff (IMV/C), U.S. Information Agency, Washington, D.C. 20547.

Applicants seeking certification of materials, should send to the same office, the following:

(1) A completed Application for each subject or series to be certified.

(2) A notarized document evidencing Applicant's basic ownership or right in the materials.

(3) A description of the content of the material (where appropriate and feasible attachments should be included, such as narrations, captions, advertising leaflets, catalogs, etc.; indicate clearly if these attachments are to be returned to the Applicant).

(4) Copies or examples of the materials, if feasible; same to be transmitted prepaid, and will be returned promptly (the question can be discussed with the Agency preliminarily if transmittal seems infeasible due to bulk, fragility or large quantities, or because excessive cost would be involved; one item may serve as an example of a series, or the Agency may have reviewed the material previously in another context).

(h) It is anticipated that action of the Agency on a certification request will usually take about 2 weeks. If a longer interval is expected, the Agency will send the Applicant an interim acknowledgment indicating the action time estimated.

(i) Upon certification, the Applicant will receive the original Certificate and four signed copies. The Applicant should retain the original, so that he may reproduce it by photocopying, to service his future needs in connection with subsequent shipments of identical copies of the same material. A copy of the Certificate should accompany each shipment abroad, but further instructions may be available from the foreign importer.

(j) If for any reason the Agency is unable to certify the materials, the Applicant will be promptly so notified, together with either (1) a request for additional information or (2) the reasons why the certificate cannot be issued. Qualification or non-qualification of material under the Beirut Agreement does not affect the right of export, nor the right of foreign import under other laws.

§ 502.4 Consultation of experts.

(a) The Chief Attestation Officer of the United States (International Communications Media Staff, U.S.I.A.—IMV/C) and the Attestation Officers under his supervision will routinely and continuously receive Agency policy and legal guidance, and protests of Applicants will be reviewed by the Review Board and by the Agency's Director as provided below. The Chief Attestation Officer and his staff will regularly consult experts throughout the Agency and throughout the Government whenever the examination of materials (for certification or authentication) indicates the desirability of substantive expertise in making a fair evaluation. Whenever appropriate, and whenever requested by an

Applicant, experts who have been consulted will be available for discussions with the Applicant.

(b) In addition to such ad hoc consultation of experts, a regular group of advisors exists as a standing committee to advise this program, both as to broad policy and to evaluate specific materials; this is the Interdepartmental Committee on Visual and Auditory Materials for Distribution Abroad, and its Attestation Subcommittee. The Committee is composed of members representing the Department of State, U.S. Information Agency, Agriculture Department, Atomic Energy Commission, Commerce Department, Defense Department, Department of the Army, Department of the Navy, Department of the Air Force, the Marine Corps, Federal Aviation Agency, General Services Administration, Health, Education and Welfare Department, Educa- Department, Library of Congress, National Aeronautics and Space Administration, National Gallery of Art, National Science Foundation, Treasury Department, and the Veterans Administration.

§ 502.5 Review and appeal.

(a) A Review Board for import and export rulings under this Program consists (within USIA) of three members, appointed by the Director, USIA.

(b) Any Applicant may ask for formal review of any ruling of a USIA Attestation Officer. The request for review must be made in writing and addressed to the—

Review Board for the International Audio-Visual Program (IMV/C), U.S. Information Agency, Washington, D.C. 20547.

supported by such data and arguments as he wishes to be considered. If the Applicant wishes the Review Board to screen or examine the materials in question, he should so state and, as to exports, arrange to furnish such materials to the Review Board. The Review Board will render the Applicant a written decision, reversing, modifying or affirming the ruling of the Attestation Officer.

(c) The Applicant may make written appeal to the Director, USIA, from any decision furnished him by the Review Board, provided his Appeal is received by the Agency within 30 days after his receipt of the Review Board decision. The Director will personally review the Agency record of the case, or will advise the Applicant that he is appointing a Designee to do so. In either event, the Director will furnish the Applicant his written decision on the appeal, which shall constitute final administrative action on the case.

§ 502.6 Substantive criteria.

(a) For both exports and imports, the Agency applies the criteria set forth in the "Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific and Cultural Character" (adopted at the Third Session, General Conference of UNESCO, Beirut, 1948), viz:

(1) Audio-visual materials are those exemplified by the following types and forms: developed and/or printed films, filmstrips and microfilm; sound recordings; slides, models, charts, maps, and posters. They include but are not limited to: Motion pictures, videotapes, transparencies, and combinations of sound/picture and sound/printing.

(2) The country wherein the material originated shall be taken to mean, or shall include, the country of "basic ownership" of the material. The country of basic ownership is not necessarily the country of photography or the country of production, nor does it necessarily mean the country where irrevocable reproduction and distribution rights are held; these factors are considered in determining the country of basic ownership.

(3) Audio-visual materials shall be deemed to be of international educational character:

When their primary purpose or effect is to instruct or inform through the development of a subject or aspect of a subject, or when their content is such as to maintain, increase or diffuse knowledge and augment international understanding and good will;

When the materials are representative, authentic, and accurate; and

When the technical quality is such that it does not interfere with the use made of the material.

(b) Interpretation of criteria: (Though neither purposely selective on the one hand nor comprehensive on the other, the following relate to some of the problem areas most frequently encountered.)

(1) The Agency does not certify or authenticate materials the primary purpose or effect of which is to amuse or entertain.

(2) The Agency does not certify or authenticate materials the primary purpose of which is to inform concerning timely current events (newsreels, newscasts, other forms of "spot news").

(3) The Agency does not certify or authenticate materials which by special pleading attempt to influence opinion, conviction or policy (religious, economic, or political propaganda), to espouse a cause, to inculcate any dogma, to constitute a ritual or denominational service, or conversely, when they seem to attack a particular persuasion. Visual and auditory materials intended for use only in denominational programs of moral and religious education and which otherwise meet the criteria set forth under paragraph (a) of this section, may be determined eligible for certification in the judgment of the Agency.

(4) The Agency does not certify or authenticate materials the purpose or effect of which is to stimulate the use of a special process or products to advertise a particular organization or individual, or to raise funds. The Agency considers that an incidental appeal of this sort does not invalidate the educational character of material, such as when the appeal is for service or help in non-competitive, voluntary cooperative participation in public services and does not involve contributions of money or marketable commodities. Normal credits or mention of a sponsor or product are usually deemed "incidental" in this sense; the degree and purpose of advertising may be considered in this connection. In no event, however, will materials be considered eligible which make categorical claims of exclusivity.

(5) The Agency does not regard as augmenting international understanding or good will and cannot certify or authenticate any material which may lend itself to misinterpretation, or misrepresentation of the United States or other countries, their peoples or institutions, or which appear to have as their purpose or effect to attack or discredit economic, religious, or political views or practices.

(6) The Agency does not certify or authenticate any materials which have not in fact already been produced at the time of application.

(c) Classes of material:

(1) Motion picture films, filmstrips and microfilm in exposed and developed negative form, or in positive form, viz., masters or prints; teletranscriptions; kinescopes; videotape, and prints therefrom.

(2) Electronic sound recordings and sound/picture recordings of all types and forms; pressings and transfers of same.

(3) Photographs, transparencies and slides; models, static and moving; charts, globes, maps and posters.

(4) Recorded music may be considered, the Agency recognizing that certain music recordings have as their primary purpose or effect "to instruct or inform" and do otherwise conform to the above requirements. In considering recorded music for which certification or authentication is requested, the Agency may be guided by evidence in the recordings or in collateral submitted material, such as teaching guides, etc., which support the educational or informational purpose or effect of the recordings.

(d) Application of criteria:

(1) The Agency has, as its general approach to certification and authentication, the desire to facilitate, in so far as appropriate, the international circulation of visual and auditory materials. However, the Agency in appraising materials submitted will consider their purpose or effect in relation to their intended educational level, and will exercise its judgment in determining whether the content of the material is of sufficient substance to maintain, increase or diffuse knowledge of the subject it covers, at the intended educational level.

(2) The Agency will avoid the certification or authentication of classes of materials which it believes participating countries would be unwilling to admit free of duty under the terms of the Agreement.

(e) Assistance without certification: The Agency may, in its discretion, issue a letter or other document to facilitate the shipment to a specific country (or countries) of materials intended for specialized or limited use in an educational, scientific or cultural context, if for any technical reason the material may not be eligible for general certification. The users and nature of the intended use abroad of such material must be clearly

established by the Applicant if this assistance "outside the treaty" is to be considered; of course, facilitation of entry comparable to the Beirut standards is not obligatory on the importing nation under this extraordinary procedure.

§ 502.7 History and background.

(a) Educators and producers/distributors of educational/informational materials—particularly those items coming to be known as "audio-visual"—noticed with respect to international commerce in such materials that the tariff and customs laws extant in several countries provided for duty-free, accelerated entry of same if the nature of the materials was satisfactorily established. In order to take advantage of that existing situation, the Geneva Convention of 1933 and the Buenos Aires Convention of 1936 were drafted to provide for a technique of certified shipments as to this international commerce. However, the United States did not join either convention: Geneva, because the procedure was thought to be impractical since it involved the initial shipment of all materials to a commission located in Italy that was to issue all certificates; Buenos Aires, because of the manner of handling propaganda materials.

(b) In 1938, the U.S. Department of State established the policy of this Government to assist in every appropriate way the circulation abroad of American visual and auditory materials, and in 1942 implemented that policy by beginning to certify American audio-visual materials as to their educational/informational nature, to facilitate their shipment and probable duty-free entry abroad. The program was further developed in 1946 by establishment of an interdepartmental committee on attestation, in order to give attestation officers the benefit of government-wide expertise in the reviewing of motion pictures and other audio-visual materials.

(c) Most of the objections to the Geneva and Buenos Aires treaties were overcome in the drafting of the Beirut Agreement of 1948 through the device of certification by an agency of the government of the country of origin of the materials. That treaty has since 1948 been the guide for all U.S.A. export certification. Although delayed in ratification and in the passage of implementing legislation, the U.S.A. has now become a full partner in Beirut, so that (effective January 12, 1967) imports under foreign certificate move in duty-free for the first time.

(d) On August 1, 1953, with the creation of the U.S. Information Agency, this attestation program was transferred to USIA, where it has continued without interruption. As of January 1, 1967, the U.S. Government had issued over 26,000 certificates covering an estimated 175,000 items of visual and auditory materials (a number of the certificates cover a series of items), and over 3,000 different Applicants had submitted materials for export certification. The number of times a certificate is re-used for subsequent shipments of additional copies of the same item is, of course, unknown.

(e) Beirut program countries are as follows:

(1) *Formally participating.*

U.S.A.	Iraq.
Brazil.	Malagasy Republic.
Cambodia.	Norway.
Canada.	Pakistan.
Denmark.	The Philippines.
Ghana.	El Salvador.
Greece.	Syria.
Haiti.	Yugoslavia.
Iran.	Trinidad and Tobago.

(2) *Informally participating.* (USIA has reason to believe—judging from actual practice reported—that USIA certificates have a significantly salutary effect upon the waiver of duties and expediting of imports into these countries.)

Ceylon.	New Zealand.
Costa Rica.	Nicaragua.
Dominican Republic.	Nigeria.
Surinam.	Panama.
Ecuador.	Rhodesia.
Guatemala.	Spain.[1]
India.	Sweden.
Ireland.	Taiwan.
Italy.[1]	Turkey.
Liberia.	Uruguay.

§ 502.8 Miscellaneous; coordination with U.S. Customs Bureau.

(a) Nothing in these regulations shall preclude normal examinations of imported materials under the Customs laws and regulations (Title 19, U.S. Code; Title 19, Code of Federal Regulations), or the application of the laws and regulations governing the importation or prohibition against importation of certain materials including seditious or salacious materials as provided in 19 U.S. Code 1305.

(b) Each USIA action, authenticating a foreign certificate, will be reflected in an Importation Document furnished the Applicant; a copy of each such Importation Document will be simultaneously furnished the U.S. Bureau of Customs (Treasury Department). USIA records and officers are always available to the U.S. Bureau of Customs in connection with all questions within the competence of the Bureau.

(c) Refund of duty: If audio-visual materials, which are claimed to be eligible for duty-free import under these regulations, are sought to be entered under item 870.30 of the Tariff Schedules of the United States prior to the filing of an appropriate importation document as described herein, a deposit of the estimated duties which will be due if the articles do not qualify for free entry under item 870.30 will be required. Liquidation of the entry will be deferred for a period of 90 days during which time the importation document may be filed with the District Director of Customs at the port of entry. If the document is filed within this period, the entry will be liquidated duty free under item 870.30 and the duties deposited will be refunded. If the importer fails to file the required importation document, the entry will be liquidated dutiable under the customs laws. In such case, the importer is allowed a period of 60 days after liquidation in which he may protest an adverse ruling by the District Director of Customs as to the dutiability of the articles. For customs regulations relating to entry of articles conditionally free under item 870.30 see 19 CFR 10.121. U.S. importers and consignees who, due either to inadvertence or lack of knowledge as to these procedures, believe that a recent import shipment of audio-visual materials is eligible for duty-free treatment under the regulations in this part (regardless of whether the U.S. Customs entry of duty has already been liquidated by payment and delivery effected) may contact the USIA office identified in the regulations in this part to obtain advice and information respecting steps necessary to effect a Customs adjustment for duty-free entry.

(d) Although U.S. law and the treaty permit the restriction of use of these materials to "nonprofitmaking purposes", this Government has not imposed such a restriction, so that regular commercial uses are permissable. Also, this treaty does not describe or categorize eligible importers or consignees, so that any commercial enterprise may be the recipient of these international shipments.

(e) Postal clearing fee: Articles delivered by mail, which are eligible for duty-free entry under the regulations in this part, are, additionally, not subject to the standard Postal Clearing Fee normally imposed by the U.S. Post Office Department, provided there has been a timely filing with the appropriate U.S. Customs Office of the documentation required by the regulations in this part.

ROBERT W. AKERS,
Acting Director.

[F.R. Doc. 67-8125; Filed, July 13, 1967; 8:47 a.m.]

[1] Limited participation.

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 518—AVAILABILITY OF INFORMATION

Effective upon publication in the FEDERAL REGISTER, Part 518 is revised to read as follows:

Sec.

Sec.

AUTHORITY: The provisions of this Part 518 issued under sec. 3012, 70A Stat. 157, apply sec. 1, 81 Stat. 54–56, sec. 3, 60 Stat. 238, secs. 283, 641, 793, 795, 797, 1905, 2507, 62 Stat. 697, as amended, 725, 736, 23 amended, 737, 738, 791, 977, as amended, sec. 506, 64 Stat. 593; 5 U.S.C. 552, 18 U.S.C. 283, 641, 793, 795, 797, 1905, 28 U.S.C. 2507, 44 U.S.C. 396.

§ 518.1 Purpose.

The provisions of Part 518 govern policies and procedures for the release, outside of the Department of the Army, of information contained in Army records.

§ 518.2 General policies.

(a) The policy of the Department of the Army is that maximum information shall be made available from Army records. Requests for information from, or copies of, identifiable Army records will be granted unless the request involves a category of information that is exempted from the requirement of disclosure by 5 U.S.C. 552, and § 518.10.

(b) All requests for information will be acted upon fairly, completely, and expeditiously. Delay will not be permitted even though requests appear to be minor in nature. Information within a category which is normally exempt from public disclosure under § 518.10 should be made available if no legitimate purpose exists for withholding it from the public. Information from Army files will not be withheld from the public because it may reveal or suggest error or inefficiency.

§ 518.3 Scope.

The provisions of this Part 518 apply to requests for Army records received from any source outside the Department of the Army. It is not intended, however, to limit release of information to agencies or individuals in the Federal Government whose official duties entitle them to secure the records concerned. The policies set forth in this Part 518 govern the release of information in all other instances. Requests for Army records will be denied only on the grounds authorized in this Part 518, the Armed Services Procurement Regulation (Subchapter A, Chapter I of this title), and the Federal Personnel Manual. Notwithstanding any limitations contained in the other regulations listed in this section. The following regulations set forth additional procedures for the release of certain records or information therefrom:

(a) News media and other public information channels—AR 360–5.

(b) Litigation—AR 27–5.

(c) Patents and inventions—AR 27–6.

(d) Disciplinary actions—AR 345–60.

(e) General Accounting Office comprehensive audits—AR 36–20.

(f) Confinement of persons presently or formerly confined in the United States disciplinary barracks (paragraph 127, AR 210–170).

(g) Release of information from—

(1) Inspector general reports—AR 20–1.

(2) Aircraft accident investigations—AR 95–30.

(3) Traffic accident investigations—AR 190–15.

(4) Criminal investigation reports—AR 195–10.

(5) Safety reports and records—AR 385–40.

(6) Medical records, and files in Records Centers—AR 345–200.

(7) Claims reports—AR 27–20.

(8) Military personnel records—AR 640–12.

(9) Civilian personnel records—CPR's C1, E2, M1, R1; Federal Personnel Manual, Chapters 293 and 339.

(h) Procurement matters—Armed Services Procurement Regulation (ASPR) (Subchapter A, Chapter I of this title) and the Army Procurement Procedure (APP) (Parts 591 to 612 of this chapter).

(i) Information to the Federal Bureau of Investigation for investigation and prosecution of offenses—AR 22–160.

(j) Defense (classified) information. Information classified pursuant to AR 380–5 (Part 505 of this chapter) may not be released pursuant to this Part 518. However, if it appears that information from, access to, or copies of defense information are of proper and direct concern to a requesting party, and that the granting of the request would be appropriate if the papers were not classified, declassification will be considered for the whole document or portions thereof. See paragraph 15, AR 380–6. Necessary coordination will be made with the command intelligence officer, or the Assistant Chief of Staff for Intelligence, as appropriate. In addition, classified documents may be used for unofficial research purposes under conditions set forth in paragraph 66–AR 345–200.

(k) Release of information to foreign nationals—AR 345–200.

(l) Technical reports—AR 70–31.

§ 518.4 Definition of Army records.

For the purpose of this Part 518, the following definition of "record," taken from 44 U.S.C. 366, applies:

> * * * All books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by any agency of the United States Government in pursuance of Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of date contained therein.

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

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

§ 518.5 Requests for Army records.

(a) Subject to the procedural requirements of this regulation and the exemptions contained in § 518.10, copies of, or information from, Army records will be made available upon proper request from any person. A proper request requires:

(1) A description of the record requested with sufficient particularity to enable the Department of the Army to locate the record with a reasonable amount of effort.

(2) A willingness and ability to pay the costs associated with locating and providing copies of the record requested.

(b) There is no obligation to create a record to satisfy a request for information. When the information requested exists in the form of several records at several locations the applicant will be referred to those sources if gathering the information would be so burdensome as to interfere materially with the operations of the Army.

(c) If the requested record originated within another agency, the request will be promptly referred to that agency for disposition. A member of the public who requests a copy of material primarily concerning a member of Congress or a Congressional Committee, or a copy of a transcript of testimony given before a Congressional Committee, will be advised to direct his request to the member or committee concerned.

§ 518.6 Examination and reproduction of records.

(a) Authority to release records includes authority to permit their examination. When authority to examine records is granted, the examination normally will be permitted at the place where the papers are maintained or stored, during regular business hours, and under such circumstances and procedures as are deemed appropriate by the custodian.

(b) Original and record copies of Army records may not be released. Copies should be furnished instead. A charge may be imposed for conducting a search and preparing copies of records in accordance with the provisions of AR 37–30 and Part 288, Chapter I of this title.

§ 518.7 Procedure for release of records to the public.

(a) Upon receipt of a request conforming with the requirements of § 518.5, the commander of a unit, installation, or activity will furnish access to, or copies of, Army records, unless the information contained therein falls within one or more of the exemptions set forth in § 518.10. The appropriate judge advocate or legal officer should be consulted on matters of legal interpretation. If, in the judgment of the commander, the request involves a record containing infor-

mation falling within the limitations of § 518.10 the applicant should be advised that he may appeal the commander's decision to the appropriate officer designated in § 518.11. Such an appeal will be made in writing and will be submitted to the commander to whom the original request was directed. The commander will transmit the request to the appropriate officer designated in § 518.11, together with a statement of his grounds for refusing the request and his recommendation if any as to permitting the release of exempted information pursuant to § 518.11.

(b) Information releasable by commands subordinate to Headquarters, Department of the Army, may also be released by the agency within Headquarters, Department of the Army, primarily concerned.

(c) The following records, exempt from disclosure to the general public, will none the less be released on request to the individuals specified:

(1) *Medical records.* The following information will be released by commanding officers of medical treatment facilities or records centers:

(i) Information on the condition of sick and injured patients will be released to the relative of such patients, in order to allay their anxiety.

(ii) Information that the patient's condition has reached a critical stage will be released to the nearest known relative or the person designated by the patient to be informed in case of an emergency.

(iii) Information that a diagnosis of psychosis has been made will be released to the nearest known relative or the person designated by the patient.

(iv) Information will be released to local officials with respect to all births, deaths, and cases of communicable diseases where such reports are required by pertinent local laws.

(v) Medical records relating to present or former military personnel, dependents, civilian employees, or patients in a medical treatment facility of the Department of the Army, are the proper and direct concern of the individual to whom they pertain, and will be released to him. In the event he has been adjudged insane or is dead, the records are the proper and direct concern of the next of kin or his legal representative, and will be released to them. If the information might prove injurious to the physical health of the patient, the information will not be released to the individual concerned. In such a case, the information will be released only to his next of kin or legal representative.

(vi) Copies of medical records may be furnished to a Federal or State hospital or penal institution when the individual to whom they pertain is a patient or an inmate therein. If the patient or his legal representative consents, the medical records of the patient will be released to a civilian physician.

(vii) Copies of medical records, or information therefrom, may be furnished to authorized representatives of the National Academy of Sciences, National Research Council, or any other accredited agency, when engaged in cooperative studies undertaken at the specific request of, or with the consent of, The Surgeon General.

(viii) In connection with the collection of claims in favor of the Government, pertinent portions of an injured party's medical records may be furnished to the judge advocate or legal officer of the command for release to the tort-feasor's insurer, if appropriate, even though the injured party does not consent thereto.

Information released to third persons under the provisions of subdivisions (v), (vi), and (vii) of this subparagraph will be accompanied by a statement to the effect that the information is released upon condition that it will not be disclosed to other persons, except in accordance with the accepted limitations which relate to privileged communications between doctor and patient.

(2) Military personnel records will be released by the custodian as follows:

(i) Statement of military service: The Department of the Army is required by statute to provide certain information relating to the service of an individual to that individual or his legal representative. (Sec. 601 of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended; 50 U.S.C. App. 581.)

(ii) Papers relative to applications for, designation of beneficiaries under, and allotments in payment of premiums for National Service Life Insurance are the proper and direct concern of the applicant or insured, and will be released to him. In the event of his death or insanity, the beneficiaries designated in the policies, or the next of kin, are considered to have a direct and proper concern in these records, and the records will be released to them.

(iii) Copies of Army documents recording the death of a member of the military service, a dependent, or a civilian employee will be released to his next of kin, his life insurance carrier, and legal representative.

(iv) Papers relating to the pay and allowances or allotments of a member or former member of the military service will be released to the individual to whom they pertain, his authorized representative or, in the case of deceased personnel, the next of kin or legal representative.

(3) Civilian personnel records: Civilian personnel officers having custody of papers relating to the pay and allowances or allotments of a current or former civilian employee will release them to the individual to whom they pertain, his authorized representative, and, in the case of deceased employees, the next of kin or legal representative. Authority to release civilian personnel records does not include authority to release statements of witnesses, medical records, or other reports or documents, pertaining to compensation for injuries or death of an Army civilian employee. See paragraph 1-4, chapter 339, Federal Personnel Manual. Such information will be released only by the appropriate officials designated in § 518.11.

(4) In cases under subparagraphs (1) through (3) of this paragraph, requests for information by individuals acting in a representative capacity on behalf of another individual will include evidence in writing of the requestor's representative capacity. In cases in which the release of the requested information is limited to the individuals concerned, the records may be released to other individuals or organizations upon presentation of evidence in writing of the consent of the individual concerned.

§ 518.8 Releases to Congress.

(a) *Congressional requests.* Requests by Members of Congress (or staffs of congressional committees) for inspection or copies of official records will be handled as follows:

(1) Defense (classified) records: Applicable provisions of AR 380-5 will be followed.

(2) Civilian personnel records: Members of Congress may examine official personnel folders subject to observance of applicable instructions governing the release of disciplinary action information. See CPR R1. 3-6 and paragraph 7b, AR 345-60.

(3) Information pertaining to disciplinary action: See paragraph 7b, AR 345-60.

(4) Military personnel records: These records will not be released except by Headquarters, Department of the Army. Requests from Members of Congress (or staffs of congressional committees) will be referred direct to the Chief of Legislative Liaison, Department of the Army, Washington, D.C. 20310.

(5) Except for the records set forth in this section and in § 518.19 installation commanders may furnish the requested records.

(b) Reports to Chief of Legislative Liaison.

(1) Upon release of information to Members of Congress or staffs of congressional committees, the Chief of Legislative Liaison, Department of the Army, will be immediately informed of the action taken.

(2) Requests from Members of Congress or staffs of congressional committees for nonreleasable or defense (classified) information will be referred by the most expeditious means to the Chief of Legislative Liaison, Department of the Army, for action. Referrals will include the material requested together with the recommendations of the transmitting agency.

§ 518.9 Litigation.

Whenever information is released under the provisions of this Part 518 for use in litigation involving the United States, the official responsible for investigative reports (paragraph 6b, AR 27-1) will be advised of such release so that he may include a notation in any investigative report that he may be required to submit pursuant to section II, AR 27-1.

§ 518.10 Exemptions.

Except as authorized in §§ 518.7(c), 518.8 and 518.11, information contained

in the following records will not be released:

(a) Those classified in the interests of national defense and foreign policy pursuant to AR 380–5.

(b) Those containing rules, regulations, orders, manuals, directives, and instructions which provide only internal guidance to DoD personnel. Examples include:

(1) Operating rules, guidelines and manuals for investigators, inspectors, auditors, and examiners, and schedules or methods involved.

(2) Negotiating and bargaining techniques, positions, and limitations.

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

(c) Those containing information which statutes authorize or require to be withheld from the public. Examples include:

(1) Trade and financial information provided in confidence by businesses (18 U.S.C. 1905).

(2) Technical data, including technical data regarding munitions (50 U.S.C. 2023 and 22 U.S.C. 1934).

(3) National Security Agency information (50 U.S.C. 402).

(4) Information relating to inventions which are the subject of patent applications on which Patent Secrecy Orders have been issued (35 U.S.C. 181–188).

(d) Documents containing information received from an individual, a foreign nation, an international organization, a state or local government, a corporation, or any other private organization with the understanding that they will be retained on a privileged or confidential basis. Such records include documents containing:

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

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

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

(4) Commercial information such as formulae, designs, drawings, and other technical data submitted in confidence in connection with research, grants or contracts.

(5) Personal statements given in the course of inspections or investigations, where such statements are received in confidence.

(e) Except as provided in subparagraph (6) of this paragraph, internal communications within and among agencies and components. Examples include:

(1) Staff papers containing staff advice, opinions, and suggestions, preliminary to a decision or action. These include, for example, reports of inspections, audits, investigations or surveys which pertain to safety, security, or the internal management, administration, or operation of the Department of the Army, which contain recommendations or advice to an official authorized to take action on the subject matter concerned.

(2) Advice, suggestions, or reports prepared on behalf of the Department of the Army by boards, committees, councils, groups, panels, conferences, commissions, task forces, or other similar groups that are formed to provide advice and recommendations.

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

(4) Records which are exchanged among agency personnel or within and among components or agencies preparing for anticipated legal proceedings before any federal, state or military court, or before any regulatory body. These include papers and advice exchanged internally in preparation for administrative settlement of potential litigation, such as claims against the Government.

(5) Records of evaluations of contractors and their products which could be used improperly to the advantage or to the detriment of private interests.

(6) If any such intra- or inter-agency information requested would routinely be made available through the discovery process in the course of litigation with the agency, then it should not be withheld from the general public. If, however, the information would not routinely be made available through the discovery process except by a decision of the court based on the particular needs of a litigant balanced against the interests of the agency in maintaining its confidentiality, then the record or document is exempt from the requirement of disclosure to the public.

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

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

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

(ii) Files containing reports, records, and other material pertaining to individual cases in which administrative action may be taken.

(2) In determining whether the release of information would result in a clearly unwarranted invasion of privacy, consideration should be given, in cases involving alleged misconduct, to the relationship of the alleged misconduct to an individual's official duties, the amount of time which has passed since the alleged misconduct, and the degree to which the individual's privacy has already been invaded by any investigation of proceedings which have taken place. For example, after completion of appellate review, unclassified records of court-martial proceedings should always be made available, since they represent a record of proceedings open to the public in which the relevant conduct of the member has been fully explored. (Records of court-martial proceedings may be made available at an earlier stage if to do so in the judgement of The Judge Advocate General would not interfere with their use by counsel and reviewing authorities.)

(3) When the sole and exclusive basis for withholding information is protection of the personal privacy of an individual, the information will not be withheld from him or from his designated legal representative.

(g) Investigatory files compiled for the purpose of enforcing civil, criminal, or military law, including Executive orders or regulations validly adopted pursuant to law.

(1) This exemption includes statements of witnesses and other material based on the information developed during the course of the investigation and all materials prepared in connection with related government litigation and adjudicative proceedings.

(2) Any rights conferred by existing law or regulation upon specified persons or classes of persons to obtain access to investigatory files are not hereby diminished.

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

(i) Documents containing geological and geophysical information and data (including maps) concerning wells.

§ 518.11 Appeals and exceptions.

(a) Authority to take action upon appeals from decisions of local commanders under § 518.7 and to release exempted records under paragraph (b) of this section is assigned to the officials indicated below. The named officials will coordinate all matters relating to the release of exempted information which have public relations aspects with the Chief of Information or with the appropriate information officer in accordance with AR 10–5 and AR 360–5. In cases where the exempted information requested is related to actual or potential litigation by or against the United States, its release will be coordinated with the Judge Advocate General. In cases in which the officials designated below determine that the information requested is not exempt under § 518.10 they will release it on their own authority and will inform the Chief of Information or the Judge Advocate General of its release, as appropriate.

(1) The Adjutant General or his designee is authorized to take action upon all requests involving military personnel

records, and medical records of retired, separated, or inactive duty military personnel. Requests for medical records of former military personnel, not covered by the provisions of AR 345–200, will be coordinated with The Surgeon General.

(2) The Surgeon General or his designee is authorized to take action upon all requests involving medical records of active duty military personnel, former military personnel, dependents, any person given a physical examination in connection with prospective appointment, induction or enlistment, and other civilians.

(3) The Deputy Chief of Staff for Personnel or his designee is authorized to take action on requests for release of information contained in civilian personnel records.

(4) The Provost Marshal General or his designee is authorized to take action on requests for release of information contained in criminal investigation reports (DA Form 2800).

(5) Commanders designated in paragraph 32, AR 380–5, are authorized to release defense security information under conditions specified in paragraph 32, AR 380–5.

(6) The Heads of Procuring Activities as listed ASPR 1–201.14 (§ 1.201–14 of this title) are authorized to take action on requests for release of information contained in procurement records.

(7) The Judge Advocate General or his designee is authorized to take action on all other requests except those involving IG reports. Authority to act on IG reports is as prescribed in AR 20–1. The Judge Advocate General is also authorized to take action on requests within the purview of subparagraphs (1) through (4) of this paragraph in cases involving litigation in which the United States has an interest.

(b) The officers named in paragraph (a) of this section may in appropriate cases permit the release of exempted records described in § 518.10 (b) and (i) unless nondisclosure is required by statute. Material exempt under § 518.10(a) may not be released under this section, but must be declassified before release in accordance with the provisions of AR 380–6. Requests for exceptions under this paragraph shall include an explanation of the applicant's interest in the exempted record and the use proposed to be made of it.

§ 518.12 Appeals to the Secretary of the Army.

If a request for an Army record is denied by the officer authorized to take action upon such request in § 518.11, or his designee, the applicant will be informed in writing of the basis for the denial (with reference to the appropriate exemption set forth in § 518.10), and of his opportunity to submit a final appeal in writing to the Secretary of the Army. Such appeals will be submitted to the appropriate officer designated in § 518.11, and will be transmitted by that officer, together with all other materials pertaining to the request, to the Office of the Secretary of the Army.

§ 518.13 Unofficial research in Department of the Army files by U.S. citizens.

(a) *General.* (1) The Chief of Information, U.S. Army, will monitor for the Secretary of the Army the program of unofficial research in Department of the Army files.

(2) Department of the Army files in Army records centers and in facilities of the General Services Administration, subject to conditions set forth in this section, are available for use in connection with approved unofficial research. Space and facilities will be furnished by the custodians to authorized researchers. No withdrawal of the files from the premises will be made for the purpose or unofficial research.

(3) All requests for permission to conduct unofficial research in Department of the Army files will be submitted in duplicate on DA Form 2740 (Application To Use Department of the Army Files). Requests for DA Form 2740 should be addressed to The Adjutant General, ATTN: AGAR, Department of the Army, Washington, D.C. 20315.

(b) *Use of unclassified files in the National Archives and in Federal records centers.* Department of the Army files transferred to the General Services Administration are maintained in the divisions of the National Archives and in the Federal records centers. Requests for access to unclassified files should be directed to the appropriate element of the General Services Administration having custody of the files to be used in the unofficial research. The head of each of these elements is responsible for authorizing access to unclassified Department of the Army files in his custody and acts on all inquiries relating to the use of these files for unofficial research purposes. Unclassified files and information therefrom are made available for unofficial research purposes under the conditions and procedures specified by the respective custodians.

(c) *Use of unclassified files in Army records centers.* Requests for access to unclassified files in Department of the Army records centers will contain, as a minimum, the name of the requester, a description of the research project, and the purpose of the research project. Requests should be directed to the head of the records center having custody of the files in which the research is to be conducted. If the location of the files is not known, the requests should be submitted to The Adjutant General, ATTN: AGAR, Department of the Army, Washington, D.C. 20315. The head of the records center is responsible for authorizing access to unclassified files in his custody.

(d) *Use of classified files*—(1) *Authority.* Discretionary authority is vested in the Secretary of the Army by Executive Order 10816 (24 F.R. 3777, May 12, 1959) to permit persons performing unofficial historical research projects to have access to classified Army records when in his judgment or that of his delegated representative such access is clearly consistent with the interests of national defense and the researchers are trustworthy.

(2) *Delegation of authority.* The authority cited in paragraph (a) of this section is further delegated to the Chief of Information, United States Army.

(3) *Responsibility.* Access to classified files in Army records centers and facilities of the General Services Administration will be permitted for use in connection with unofficial historical research only when the Chief of Information, U.S. Army is satisfied after appropriate inquiry that:

(i) Access to the information will be clearly consistent with the interests of national defense and that the persons to be granted access are trustworthy.

(ii) The relationship of the researcher to the research project is established as being bona fide.

(iii) The researcher agrees that prior to publication or dissemination he will submit his manuscript for clearance to the Chief of Public Information, Attn: Office for the Freedom of Information, Office of the Secretary of the Army, Washington, D.C. 20310.

(4) *Applications.* All requests for access to classified files in Army records centers and in facilities of the General Services Administration will be submitted to the custodian. If the location of the files is not known, the request will be submitted to The Adjutant General, Attn: AGAR. All applications for access to classified files will be submitted in duplicate on DA Form 2740 (Application To Use Department of the Army Files), accompanied by:

(i) DD Form 398 (Statement of Personal History), will be prepared in five copies.

(ii) DA Form 1111 (Certificate of Nonaffiliation With Certain Organizations) will be prepared in one copy.

(iii) FD Form 258 (FBI U.S. Department of Justice Fingerprint Card).

(iv) A signed statement by the researcher and his assistants as follows:

STATEMENT

I, the undersigned, fully understand that any classified information which I may receive from Army records affects the national defense of the United States within the meaning of the espionage laws and that its transmission to an unauthorized person is prohibited under penalties of the statutes pertaining thereto (Title 18, U.S.C., Sections 793 and 794).

(5) *Research operations, notes, and manuscripts*—(i) *Security review of classified documents.* In order to facilitate the use of classified records, authorized researchers will be required to select the classified documents which are to be used. After the documents have been selected and before any notes are made from the documents, The Adjutant General will arrange with the custodian of the records for a review of the documents for possible declassification. Any documents which are declassified will be made available to the researcher.

(ii) *Use of classified documents.* An authorized researcher also may be permitted to examine documents which are not declassified pursuant to the review

under subdivision (i) of this subparagraph. This examination will be limited to a review for background purposes, and notes will not be made from the documents. An exception may be granted to permit the making of a limited number of notes when the researcher can restrict the documents to only a few which are vital to his research project. Notes taken from these documents will be handled as provided below.

(iii) *Format of classified notes.* To facilitate the review and clearance of notes made from classified records, as required in subdivision (v) of this subparagraph, researchers will be required to:

(*a*) Type notes on letter size paper (8" x 10½") using only one side of sheet. Each sheet of notes will pertain to not more than one document.

(*b*) Indicate at the top of each note made from a classified document the origin of the document used, its date, subject, folder number or identification, file location, and security classification.

(*c*) Number each sheet of notes consecutively.

(*d*) Leave the last 3 inches on the bottom of each sheet of notes blank for use by reviewing authorities.

(*e*) Prepare and maintain classified notes separately from unclassified notes.

(iv) *Safeguarding classified notes.* The Adjutant General will arrange with custodians of classified records to insure that notes made from classified records are not removed by researchers. Such notes will be safeguarded as defense information until declassified.

(v) *Review and clearance of classified research notes.* (*a*) The Adjutant General will arrange with the custodian for classified notes made from Army records to be forwarded to him. The Adjutant General will refer the notes for a security review to the appropriate Headquarters, Department of the Army offices having primary interest in the subject matter. The offices concerned will return the notes with recommendations on declassification to The Adjutant General, Attention: AGAR–S, for declassification action.

(*b*) When the security review has been completed, notes which have been declassified will be returned to the researcher by The Adjutant General. Notes or portions thereof which cannot be declassified will be retained by The Adjutant General.

(vi) *Review of manuscript.* Researchers who are permitted access to classified records for unofficial research will submit their final manuscripts for clearance to the Chief of Public Information, Attention: Office for the Freedom of Information, Office of the Secretary of the Army, Washington, D.C. 20310. On completion of clearance action, the Chief of Public Information will return the manuscript to the researcher.

(e) *Reproduction of documents.* Reproduction of unclassified documents by photographic means may be undertaken at Army records centers for unofficial research purposes. Cost of copy reproduction will be borne by the individual for whom the documents are reproduced. Charges for copy reproduction will be made in accordance with prevailing fees. Arrangement of files for copy reproduction purposes will be the responsibility of appropriate personnel of the records center.

§ 518.14 Unofficial research in medical records.

(a) *General.* Army medical records in medical treatment facilities, Army records centers, and in facilities of the General Services Administration may be made available to qualified individuals for the purpose of unofficial research and study. Space and facilities will be furnished by the custodians to authorized researchers. Medical records will not be removed from the premises of the custodian for the purpose of unofficial research. Commanders of medical facilities will not borrow retired records for use by unofficial researchers.

(b) *Responsibilities.* (1) The Surgeon General is responsible for approving requests for access to medical records for unofficial research and study, except as indicated in subparagraph (2) of this paragraph.

(2) Commanders of Army medical facilities are responsible for approving requests from personnel under their command jurisdictions for access to medical records in their facilities.

(c) *Applications.* Except as indicated in paragraph (b)(2) of this section, all requests for access to medical records for unofficial research and study will be addressed to The Surgeon General, Department of the Army, Washington 25, D.C., Attn: MEDDD–HO. The application will contain the following information:

(1) Name and address of the researcher, and any assistants.

(2) Professional qualifications of the researcher, and any assistants.

(3) Description of the project or field of study in which the researcher is engaged.

(4) Reason for requesting the use of Army records.

(5) Particular records to which access is requested and their location.

(6) Inclusive dates during which access is desired.

(d) *Conditions.* Prior to being granted access to medical records, each individual named in the application will be required to sign an agreement stating that:

(1) Information obtained from Army medical records will be treated in accordance with the ethical principles of the medical profession.

(2) The identity of individuals referred to in the medical records will not be divulged without permission of the individuals concerned, and that photographs of an individual, or any exterior portion of the body of an individual will not be released without the consent of the individual concerned.

(3) The researcher understands that permission to examine the records does not imply approval of the project or field of study by The Surgeon General.

(4) All identifying entries pertaining to an individual will be deleted from abstracts or reproduced copies of medical records.

(5) Any published material or lectures on the particular project or study will contain a statement as follows: "The use of Army medical records in the preparation of this material is acknowledged, but it is not to be construed as implying official approval of the Department of the Army of the conclusions presented."

(e) *Reproductions of documents.* Reproductions of documents may be obtained under provisions of § 518.13(e).

§ 518.15 Location of and access by individual concerned or designated representative to military personnel records maintained by The Adjutant General and the Administrator of General Services.

(a) *Purpose.* This section sets forth the locations of and the conditions under which members and former members of the Army, in a status shown below, may review their individual official military personnel files maintained by The Adjutant General and the Administrator of General Services.

(1) Personnel on active duty.

(2) Reserve Component personnel not on active duty.

(3) Retired personnel

(4) Separated personnel.

(b) *Location of records.* (1) Records of the following personnel are located in The Adjutant General's Office, Personnel Records Division, Department of the Army, The Pentagon, Washington, D.C., 20310:

(i) All active duty commissioned, warrant officer, and enlisted personnel (including members of Reserve Components on extended active duty).

(ii) General officers of all components (active, inactive, or retired).

(2) Records of the following personnel are located in the U.S. Army Records Center, TAGO, 9700 Page Boulevard, St. Louis, Mo. 63132:

(i) Officers and warrant officers completely separated on or after October 6, 1945.

(ii) Officers (except general officers), warrant officers, and enlisted members of Reserve Components not on active duty.

(iii) Enlisted personnel, now separated, whose last date of entry was on or after October 6, 1945.

(iv) All retired officers (except general officers), and all retired enlisted personnel.

(v) Field personnel files of officers (including general officers), warrant officers, and enlisted personnel of the Standby and Retired Reserve.

(3) Records of the following personnel are in the Army Branch, Military Personnel Records Center, GSA, 9700 Page Boulevard, St. Louis, Mo. 63132:

(i) Officer and warrant officer personnel who were completely separated during the period July 1, 1917 through October 5, 1945 inclusive, and who did not re-enter the Army after October 5, 1945.

(ii) Enlisted personnel who were completely separated during the period November 1, 1912 through October 5, 1945 inclusive, and who did not re-enter the Army after October 5, 1945.

(c) *Access and review.* (1) Records of personnel will be made available for access and review by the individual concerned or his authorized representative.

(2) Access to records of personnel in a status shown in paragraph (a) of this section is permitted either in TAGO, Personnel Records Division, The Pentagon, Washington, D.C. or the USARCEN, TAGO, 9700 Page Boulevard, St. Louis, Mo.

(d) *Appointments.* Except in unusual circumstances, a person (or his designated representative) desiring access to his records will contact The Adjutant General, Personnel Records Division, Military Personnel File Review Group (Oxford 7-1111) to arrange for review in Washington, D.C., or the Commanding Officer, U.S. Army Records Center, TAGO, to arrange for review in St. Louis, Mo., at least 2 normal working days in advance of the time the appointment is desired. If access necessitates transfer of records between Washington, D.C., and St. Louis, Mo., or vice versa, request for review should be made 4 working days in advance of the desired appointment. Records will be made available only during normal office hours, Monday through Friday.

(e) *Representative.* An individual may designate in writing a representative, including a legal representative, to review his file if he cannot do so himself. Officers assigned to career management activities or to The Adjutant General's Office may not be designated as representatives for the purpose of reviewing records.

(1) At the time the review is to be made, the written authorization (paragraph (g) of this section) will be presented by the representative to an official employee of the agency or activity (paragraph (c)(2) of this section) in which the review is desired to be conducted. The authorization will not be mailed.

(2) Individuals are cautioned as to the possibility of misinterpretations of the facts reflected in their records by representatives who may not be completely familiar with the personnel policies of the Department of the Army.

(f) *Next of kin.* The privilege to review records is not extended to survivors or next of kin of deceased personnel. A power of attorney does not operate to authorize access to records in these instances.

(g) *Sample letter of authorization.*

To: The Adjutant General,
Department of the Army,
Washington, D.C. 20310
or
Commanding Officer,
U.S. Army Records Center, TAGO,
9700 Page Boulevard,
St. Louis, Mo. 63132

I (name (typed or printed)) request that (full name and address), my authorized representative, be allowed to review my personnel records in the same manner as would be permitted if I presented myself for this purpose.

I am (state present status, i.e., whether on active duty, retired, separated, or a member of the Reserve Components not on active duty).

Signature
Grade, branch of service
Service number

§ 518.16 Supply of maps to the general public.

(a) The sale or distribution of unclassified maps and related materials to individuals and commercial firms is incidental to the primary function of the Army. When requests for maps and related material are received, the following criteria for sale or release will apply:

(1) Material supplied will contain no copyright data.

(2) Maps of foreign areas supplied will be at a scale of 1:500,000 and smaller except as provided in subparagraph (3) of this paragraph.

(3) Unclassified maps of foreign areas at a scale larger than 1:500,000 but smaller than 7:75,000 may be supplied when considered in the best interests of the United States subject to third-nation restrictions. Questionable cases will be referred to the Chief of Engineers, Department of the Army, or appropriate oversea command. All materials so released will contain an appropriate note restricting its use to the individual or firm concerned.

(4) Suitable materials are not available through commercial organizations or in civil agencies of the Federal Government.

(5) Sale will not deplete stocks below quantity deemed necessary to fulfill requirements of the military services.

(6) Large-scale maps, aerial photographs and geodetic control of foreign areas may be released on a need-to-know basis as determined by the Chief of Engineers or appropriate oversea command subject to third-nation restrictions or desire of nation concerned. All material so released will contain an appropriate note restricting its use to the individual or firm concerned.

(b) A sales list of maps and related material available to the public can be obtained on request to: Army Map Service, Corps of Engineers, 6500 Brooks Lane, Washington, D.C. 20315.

(c) Loan of maps to foreign elements: Exhibit, loan, or supply of domestic or foreign maps or related products to foreign elements including governments, military organizations, commercial firms, individuals, and foreign military or civil students attending U.S. military schools:

(1) Requests will be forwarded directly to the Assistant Chief of Staff for Intelligence, Department of the Army for decision.

(2) Most maps of foreign areas at scales of 1:250,000 or larger are subject to third party agreements. That is, the country originally providing the maps (first party) to the United States (second party) has required an agreement that the map will not be released to any third party without prior consent of the first party.

(3) Domestic maps on the public sale list may be released without approval of the Assistant Chief of Staff for Intelligence, U.S. Army.

§ 518.17 Information published in the *Federal Register* or made available for public inspection and copying.

(a) *Information published in the* FEDERAL REGISTER. (1) 5 U.S.C. 552 requires that certain information concerning the Army be made available for the use of the general public through publication in the FEDERAL REGISTER. The following information is made available to the public through publication in the FEDERAL REGISTER:

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

(ii) The procedures, both formal and informal, by which the Army conducts its business with the public.

(iii) Rules of procedure which must be followed, forms to be completed, sources from which these forms may be obtained, and instructions on the scope and content of any papers, reports, or examinations required to be submitted pursuant to such rules of procedure.

(iv) Statements of general policy and substantive rules of general applicability affecting the public.

(2) No member of the general public will be required to resort to, or be adversely affected by, any matter that is required to be published in the FEDERAL REGISTER, and not so published, unless he has actual and timely notice of the information contained therein.

(b) *Information available for public inspection and copying.* (1) Subject to the exemptions set forth in § 518.19, the following categories of information will be made available for public inspection and copying:

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

(ii) Statements of policy and interpretations of less than general applicability which affect the public, but are not published in the FEDERAL REGISTER.

(iii) Administrative staff manuals and instructions, or portions thereof, prescribing Army policies that are determinative of the rights of members of the public, unless these documents are published and offered for sale. This provision does not apply to instructions for employees on the tactics and techniques to be used in performing their duties, or to instructions relating only to the internal management of the Army. Examples of manuals and instructions not normally made available are:

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

(*b*) Operations and maintenance manuals and technical information con-

cerning munitions, equipment and systems.

(iv) Any materials that are published in the FEDERAL REGISTER pursuant to paragraph (a) of this section.

(2) The following are illustrative of the information that will normally be made available for public inspection and copying:

(i) Army regulations, special regulations, general orders, Department of the Army circulars, Department of the Army pamphlets, the Army Procurement Procedure, and the Armed Services Procurement Regulation.

(ii) Final decisions by boards of review created under the Uniform Code of Military Justice, decisions of the Armed Services Board of Contract Appeals, and decisions of the Army Contract Adjustment Board.

(iii) Any final rules, orders, and opinions in the adjudication of cases of general public interest which may be cited as precedents.

(3) Except for the material specified in subparagraph (5) of this paragraph, any material described in this paragraph is available for public inspection and copying in Room 1A518, The Pentagon, Washington, D.C. 20310, which is open from 0830 to 1700 (8:30 a.m. to 5 p.m.) Monday through Friday.

(4) The Army Library maintains an index system by subject matter to the materials available. The following are examples of the type of index that will be maintained for public reference.

(i) An index of administrative publications (DA Pamphlet 310–1). This pamphlet includes a topical index to Department of the Army regulations, special regulations, circulars, pamphlets, and general orders.

(ii) An index to all materials published in the FEDERAL REGISTER in accordance with paragraph (a) of this section.

(iii) An index to Court-Martial Reports.

(iv) An index to the Armed Services Procurement Regulation. This index can also be used for reference to the Army Procurement Procedure, which follows an identical paragraph numbering system.

(v) An index to the decisions of the Armed Services Board of Contract Appeals.

(vi) An index to the decisions of the Army Contract Adjustment Board issued after July 4, 1967.

(vii) The Army Library maintains a master list of all available indexes and will assist members of the general public in their use of these indexes.

(5) Final decisions by boards of review created under the Uniform Code of Military Justice are available for public inspection and copying at The U.S. Army Judiciary, Office of The Judge Advocate General, 5611 Columbia Pike, Washington, D.C. 20315. An index to all final decisions of boards of review issued after July 4, 1967, is also available at this facility.

(6) The cost of copying any documentary materials made available pursuant to this paragraph will be imposed in accordance with AR 37–30.

(7) Identifying details which if revealed would be a clearly unwarranted invasion of privacy may be deleted from a final opinion, order, statement of policy, interpretation, staff manual, or instruction made available for inspection and copying. However, in every case, the justification for deletion must be fully explained in writing.

(8) No material described in subparagraph (1) of this paragraph, issued, promulgated, or adopted after July 4, 1967, which is not indexed and made available for public inspection and copying may be relied upon, used, or cited as precedent against any member of the public unless such person has actual or timely notice of its terms. If the material described in subparagraph (1) of this paragraph was issued, promulgated, or adopted before July 4, 1967, it need not be indexed, but must be made available for inspection and copying in accordance with this paragraph.

§ 518.18 Officers to whom requests for information may be directed.

(a) *Army publications.* Requests for copies of Army publications or indexes—The Adjutant General, ATTN: AGAM–DI, Department of the Army, Washington, D.C. 20315.

(b) *Medical records.* (1) Requests involving medical records of military personnel may be directed as follows:

(i) Army personnel separated on or after January 1, 1960, and reservists not on active duty—Commanding Officer, U.S. Army Administration Center, 9700 Page Boulevard, St. Louis, Mo. 63132.

(ii) Army officer personnel separated between July 1, 1917, through December 31, 1959, and Army enlisted personnel separated between November 1, 1912, and December 31, 1959—Center Manager, National Personnel Records Center, GSA, 9700 Page Boulevard, St. Louis, Mo. 63132.

(iii) Army personnel separated prior to dates specified in (ii) above—Assistant Archivist for Military Archives, Office of Military Archives, NARS, GSA, Washington, D.C. 20408.

(iv) Military personnel on active duty—the medical treatment facility where they are maintained, if known. If the medical facility is not known, the request may be directed to The Adjutant General, ATTN: AGPF, Department of the Army, Washington, D.C. 20310, if involving commissioned or warrant officer personnel, or to Commanding Officer, U.S. Army Personnel Support Center, Fort Benjamin Harrison, Ind. 46249, if involving enlisted personnel.

(2) *Records of civilians.* Requests for the medical records of civilian employees and all dependents may be directed to the medical treatment facility where maintained, if known. If unknown, or if the records have been retired, requests may be addressed to the Center Manager, National Personnel Records Center, GSA, 111 Winnebago Street, St. Louis, Mo. 63118.

(c) *Military personnel records.* Requests for military personnel records or information may be routed to the same addresses as indicated in paragraph (b) of this section.

(d) *Legal records.* (1) Requests involving records of trial by general court-martial—Chief, U.S. Army Judiciary, Office of The Judge Advocate General, Department of the Army, Washington, D.C. 20315. Requests involving records of trial by summary and special court-martial—The Adjutant General, Washington, D.C. 20310.

(2) Requests involving the administrative settlement of claims—Chief, U.S. Army Claims Service, Office of The Judge Advocate General, Fort Holabird, Md. 20219.

(3) Requests involving debarred or suspended contractors—The Assistant Judge Advocate General for Civil Law, Office of The Judge Advocate General, Department of the Army, Washington, D.C. 20310.

(4) All other requests involving legal matters—The Judge Advocate General, Department of the Army, Washington, D.C. 20310.

(e) *Civil Works program.* Requests involving records relating to construction operation, and maintenance for improvement of rivers, harbors, and waterways for navigation, flood control, and related purposes, including shore protection work of the Department of the Army, may be directed to the appropriate division or district office of the Corps of Engineers, if known; otherwise, to the Chief of Engineers, Department of the Army, Washington, D.C. 20315.

(f) *Civilian personnel records.* Requests involving personnel records of civilian employees other than those pertaining to former employees, may be directed to the installation at which the individual is employed. Requests involving personnel records of former civilian employees may be directed to the Center Manager, National Personnel Records Center, GSA, 111 Winnebago Street, St. Louis, Mo. 63118.

(g) *Procurement matters.* Requests for material relating to procurement activities may be forwarded to the contracting officer concerned, or if not feasible, to the appropriate procuring activity. If the contracting officer or procuring activity is not known, requests may be forwarded to the Assistant Secretary of the Army (I&L).

(h) *Other requests.* Requests involving records of the Department of the Army, not otherwise provided for in this section, may be directed to The Adjutant General, Department of the Army, Washington, D.C. 20310.

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

[F.R. Doc. 67–8032; Filed, July 13, 1967; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter 1—Federal Communications Commission

[FCC 67-813]

PART 0—COMMISSION ORGANIZATION

Order Regarding Delegation of Authority to Chief, Broadcast Bureau

In the matter of revision of § 0.281 of the Commission's rules and regulations concerning Delegations of Authority to the Chief, Broadcast Bureau.

1. The Commission has reconsidered its delegations of authority to the Chief of the Broadcast Bureau contained in § 0.281 of its rules. Upon reappraisal, the Commission has concluded that it would be conducive to the orderly and expeditious handling of its business and would serve the public interest to revise the authority so delegated, as reflected in the attached rules.

2. These amendments relate to internal Commission organization and practice so that the prior notice provisions of section 4 of the Administrative Procedure Act do not apply. Authority for the promulgation of these amendments is contained in sections 4(i), 4(j), 5(b), and 303(r) of the Communications Act of 1934, as amended.

3. *Accordingly, it is ordered*, Effective July 18, 1967, that Part 0 of the rules and regulations is amended as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: July 5, 1967.

Released: July 10, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

1. In Part 0 of Chapter 1 of Title 47 of the Code of Federal Regulations, § 0.281 is amended by adding the following:

§ 0.281 Authority delegated.

* * * * *

(dd) To accept and grant reinstatement applications beyond the 30-day period in § 1.534(b) of this chapter.

(ee) To grant temporary operation by remote control pending receipt and consideration of a formal application.

(ff) To waive the provisions of the note to §§ 1.571 and 73.37 of this chapter to the extent necessary to accept and grant an application by an existing standard broadcast facility for change of site or antenna efficiency, which would result in new or increased co-channel or first adjacent channel overlap, if it is found that good cause for the change exists, and such overlap is not in excess of 2 miles along the line of maximum penetration.

(gg) To grant, grant in part, or dismiss, as appropriate, informal applications for Presunrise Service Authority (PSA) in accordance with § 73.99 of this chapter, and to suspend, modify, or withdraw such authority under the circumstances outlined therein.

(hh) To grant temporary authority for subchannel operation.

(ii) In conjunction with the Office of Chief Engineer, to rule on objections based on claimed phonetic similarity arising under § 1.550 of this chapter.

(jj) In conjunction with the Office of Chief Engineer, to waive the provisions of § 1.550(d)(1) of this chapter if an examination of the call signs of the broadcast stations notified by applicant clearly indicates that no significant likelihood of public confusion could arise and that no purpose would be served by the waiting period prescribed.

[F.R. Doc. 67-8135; Filed, July 13, 1967; 8:48 a.m.]

[1] Commissioners Lee and Wadsworth absent.

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

PART 5—RULE-MAKING PROCEDURES

This amendment adds a new Part 5 "Rule-making Procedures" to the regulations of the Office of the Secretary. The purpose of the part is to describe the procedures applicable to that Office in prescribing public rules and provides for appropriate participation by interested persons. It does not apply to rule making by the National Transportation Safety Board, the U.S. Coast Guard, the Federal Aviation Administration, the Federal Highway Administration, the Federal Railroad Administration, or the St. Lawrence Seaway Development Corporation.

The new part provides for general notices of proposed rule making, to be published in the FEDERAL REGISTER, except in cases where the Secretary finds that notice is impractical, unnecessary, or contrary to the public interest, and except for interpretive rules, general statements of policy, and rules relating to Departmental organization, procedure, or practices. The authority to conduct rule-making proceedings and to issue final rules may be delegated to any Assistant Secretary or the General Counsel.

The new Part also provides for the consideration of petitions for rule making, petitions for exemption from adopted rules, and petitions for extension of time to comment on notices of proposed rule making.

Sections 556 and 557 of Title 5, United States Code (formerly sections 7 and 8 of the Administrative Procedure Act) do not apply to rule making under the new Part. Therefore, hearings are not a required part of the rule-making procedure. However, hearings may be held as a supplementary fact-finding procedure, whenever it is considered necessary or desirable. Any hearing held would be nonadversary, with no formal pleadings and no adverse parties, and any resultant rule would not necessarily be based exclusively on the record of the hearing.

All final rules will be published in the FEDERAL REGISTER, unless, in accordance with section 552(a) of Title 5, United States Code, actual and timely notice has been given to all persons subject to it.

Since this amendment relates to Departmental organization, procedures, and practices, notice and public procedure hereon is unnecessary and it may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

This amendment is made under the authority of section 9 of the Department of Transportation Act (P.L. 89-670; 49 U.S.C. 1657).

In consideration of the foregoing, Title 49 of the Code of Federal Regulations is amended by adding the following new Part 5 "Rule-making Procedures", effective July 14, 1967.

Issued in Washington, D.C., on July 7, 1967.

ALAN S. BOYD,
Secretary of Transportation.

Subpart A—General

AUTHORITY: The provisions of this Part 5 issued under sec. 9, 80 Stat. 944; 49 U.S.C. 1657.

Subpart A—General

§ 5.1 Applicability.

(a) This part prescribes general rule-making procedures that apply to the issue, amendment, and repeal of rules of the Secretary of Transportation. It does not apply to rules issued by the National Transportation Safety Board, U.S. Coast Guard, Federal Aviation Administration, Federal Highway Administration, Federal Railroad Administration, or St. Lawrence Seaway Development Corporation.

(b) For the purposes of this part, "Secretary" means the Secretary of Transportation or the Under Secretary of Transportation, or any of the following to whom the Secretary has delegated authority to conduct rule-making proceedings:

(1) Any Assistant Secretary.
(2) The General Counsel.

Any of these officers may redelegate that authority to the head of any office who reports to him.

(c) Records relating to rule-making proceedings are available for inspection as provided in Part 7 of this subtitle.

§ 5.3 Initiation of rule making.

The Secretary initiates rule making on his own motion. However, in doing so, he may, in his discretion, consider the recommendations of other agencies of the United States and of other interested persons.

§ 5.5 Participation by interested persons.

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

§ 5.7 Regulatory docket.

(a) Records of the Office of the Secretary of Transportation concerning rule-making actions, including notices of proposed rule making, comments received in response to those notices, petitions for rule making or exemption, petitions for rehearing or reconsideration, grants and denials of exemptions, denials of petitions for rule making, and final rules are maintained in current docket form in the Office of the General Counsel.

(b) Any person may examine any docketed material at that office and may obtain a copy of any docketed material upon payment of the prescribed fee.

Subpart B—Petitions for Rule Making or Exemptions

§ 5.11 Filing of petitions.

(a) Any person may petition the Secretary to issue, amend, or repeal a rule, or for a permanent or temporary exemption from any rule.

(b) Each petition filed under this section must—

(1) Be submitted in duplicate to the Docket Clerk, Office of the General Counsel, Department of Transportation, Washington, D.C. 20590;

(2) Set forth the text or substance of the rule or amendment proposed, or of the rule from which the exemption is sought, or specify the rule that the petitioner seeks to have repealed, as the case may be;

(3) Explain the interest of the petitioner in the action requested including, in the case of a petition for an exemption, the nature and extent of the relief sought and a description of the persons to be covered by the exemption;

(4) Contain any information and arguments available to the petitioner to support the action sought; and

(5) In the case of a petition for exemption, unless good cause is shown in that petition, be submitted at least 60 days before the proposed effective date of the exemption.

§ 5.13 Processing of petitions.

(a) *General.* Each petition received under § 5.11 of this part is referred to the head of the office responsible for the subject matter of that petition. No public hearing, argument, or other proceeding is held directly on a petition before its disposition under this section.

(b) *Grants.* If the Secretary determines that the petition contains adequate justification, he initiates rule-making action under Subpart C of this part or grants the exemption, as the case may be.

(c) *Denials.* If the Secretary determines that the petition does not justify initiating rule-making action or granting the exemption, he denies the petition.

(d) *Notification.* Whenever the Secretary determines that a petition should be granted or denied, the office concerned and the Office of the General Counsel prepare a notice of that grant or denial for issuance to the petitioner, and the Secretary issues it to the petitioner.

Subpart C—Procedures

§ 5.21 General.

(a) Unless the Secretary finds, for good cause, that notice is impractical, unnecesary, or contrary to the public interest, a notice of proposed rule making is issued and interested persons are invited to participate in the rule-making proceedings with respect to each substantive rule.

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

(c) In his discretion, the Secretary may invite interested persons to participate in the rule-making proceedings described in § 5.29 of this subpart.

§ 5.23 Contents of notices.

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

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

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

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

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

(4) A statement of the time within which written comments must be submitted and the required number of copies; and

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

§ 5.25 Petitions for extension of time to comment.

(a) Any person may petition the Secretary for an extension of time to submit comments in response to a notice of proposed rule making. The petition must be submitted in duplicate not later than 3 days before expiration of the time stated in the notice. The filing of the petition does not automatically extend the time for petitioner's comments.

(b) The Secretary grants the petition only if the petitioner shows a substantive interest in the proposed rule and good cause for the extension, and if the extension is in the public interest. If an extension is granted, it is granted as to all persons and is published in the FEDERAL REGISTER.

§ 5.27 Consideration of comments received.

All timely comments are considered before final action is taken on a rule-making proposal. Late filed comments may be considered so far as possible without incurring additional expense or delay.

§ 5.29 Additional rule-making proceedings.

The Secretary may initiate any further rule-making proceedings that he finds necessary or desirable. For example, he may invite interested persons to present oral arguments, participate in conferences, appear at informal hearings, or participate in any other proceeding.

§ 5.31 Hearings.

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

(b) The Secretary designates a representative to conduct any hearing held under this part. The General Counsel designates a member of his staff to serve as legal officer at the hearing.

§ 5.33 Adoption of final rules.

Final rules are prepared by representatives of the office concerned and the Office of the General Counsel. The rule is then submitted to the Secretary for his consideration. If the Secretary adopts the rule, it is published in the FEDERAL REGISTER, unless all persons subject to it are named and are personally served with a copy of it.

[F.R. Doc. 67-8124; Filed, July 13, 1967; 8:47 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 7, Amdt. 4]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Business in Engineering and Architectural Services for Purpose of Receiving Financial Assistance

On April 4, 1967, there was published in the FEDERAL REGISTER (32 F.R. 5516)

a proposal to amend the Small Business Size Standards Regulation by establishing a new $2.5 million annual receipts financial assistance size standard for concerns primarily engaged in SIC Industry No. 8911, Engineering and architectural services.

Interested persons were given an opportunity to present their comments or suggestions thereon within 30 days after publication of the proposal in the FEDERAL REGISTER.

After consideration of information which SBA has obtained from Government data, and of all other information concerning the proposal, SBA has determined to establish a new $2.5 million annual receipts size standard for financial assistance purposes only for concerns primarily engaged in rendering engineering services.

Accordingly, the amendment set forth below is hereby adopted.

Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by adding new subparagraph (10) to § 121.3–10(d) thereof to read as follows:

§ 121.3–10 Definition of small business for SBA loans.

* * * * *

(d) *Services.* * * *

(10) As small if it is primarily engaged in rendering engineering services and its annual receipts do not exceed $2.5 million.

Effective date: This amendment shall become effective on publication in the FEDERAL REGISTER.

Dated: June 12, 1967.

R. C. MOOT,
Acting Administrator.

[F.R. Doc. 67-8110; Filed, July 13, 1967; 8:46 a.m.]

Chapter III—Economic Development Administration, Department of Commerce

PART 301—ESTABLISHMENT AND ORGANIZATION

Part 301 of Chapter III, Title 13 of the Code of Federal Regulations is amended as follows:

1. The "Authority" statement is revised to read:

AUTHORITY: The provisions of this Part 301 issued under secs. 214, 302, 701, 79 Stat. 17, 19, 570; 40 U.S.C. App. A 214, 302; 42 U.S.C. 3211; Department Order 5–A, as amended, 31 F.R. 16728–16729 Volume 32, Number 135, July 14, 1967, unless otherwise noted.

2. Paragraph (u) of § 301.2 is revised to read as follows:

§ 301.2 Definitions.

* * * * *

(u) *Secretary.* "Secretary" when used in this chapter without further designation means the Secretary of Commerce, the Assistant Secretary for Economic Development when exercising authorities delegated by the Secretary of Commerce in Department Order 5–A, or any person duly authorized to act for the Secretary of Commerce in his name or stead.

* * * * *

3. Section 301.32 is revised to read:

§ 301.32 Assistant Secretary.

(a) The Economic Development Administration is headed by the Assistant Secretary for Economic Development, who directs the programs and is responsible for the conduct of all activities of the Administration subject to the policies and directives prescribed by the Secretary of Commerce.

(b) He will assist the Secretary in the general supervision and coordination of the Federal Cochairmen and in effecting a resolution of policy questions between the Regional Commissions, their Federal Cochairmen, the Federal Development Committees, and other Federal agencies.

§ 301.35 [Amended]

4. The last phrase of the second sentence of § 301.35, which reads: "provides the principal point of liaison with and support to the Federal Cochairmen and regional commissions." is revised to read: "provides a principal point of liaison with and support to the Federal Cochairmen and regional commissions.".

Dated: July 6, 1967.

A. B. TROWBRIDGE,
Secretary of Commerce.

[F.R. Doc. 67-8028; Filed, July 13, 1967; 8:45 a.m.]

PART 307—REGIONAL ACTION PLANNING COMMISSIONS

Part 307 of Chapter III of Title 13 is completely revised to place general supervision of the Federal Cochairmen directly with the Secretary and to make the regulations conform more closely with statutory language. As revised Part 307 reads as follows:

AUTHORITY: The provisions of this Part 307 issued under sec. 701, 79 Stat. 570; 42 U.S.C. 3211.

Subpart A—Economic Development Regions

§ 307.1 Authority.

The Secretary is authorized by section 501 of the Act to designate multistate economic development regions, with the concurrence of the States in which such regions will be wholly or partially located, if he finds that the areas within such regions are related geographically, culturally, historically, and economically, and that the region has lagged behind the whole Nation in economic development.

§ 307.2 Purpose of designation.

Economic development regions are designated in order to give the participating States, through the formulation of a common economic development program, the advantages of joint and coordinated action on economic problems extending beyond the boundaries of a single State, and of more effective utilization of the various existing State and Federal programs to implement the regional overall economic development program.

§ 307.3 Criteria for designation.

In order to establish an economic development region under the Act, the Secretary of Commerce must find that:

(a) There is a relationship between the areas within such region geographically, culturally, historically, and economically.

(b) With the exception of Alaska and Hawaii, the region is within contiguous States, and

(c) Upon consideration of the following matters, among others, the region has lagged behind the whole Nation in economic development for the following reasons:

(1) The rate of unemployment is substantially above the national rate,

(2) The median level of family income is significantly below the national median,

(3) The level of housing, health, and education facilities is substantially below the national level,

(4) The economy of the area has traditionally beeen dominated by only one

or two industries which are in a state of long-term decline,

(5) The rate of outmigration of capital or labor or both is substantial,

(6) The area is adversely affected by changing industrial technology,

(7) The area is adversely affected by changes in national defense facilities or production, and

(8) Indices of regional production indicate a growth rate substantially below the national average.

§ 307.4 Documentation required for designation.

As a basis for designation, the Secretary may request, over the signature of the respective Governors, a formal document requesting designation. This document should contain the following elements:

(a) Compilation of data and statistics about the region which demonstrate that the region meets the statutory criteria under section 501 of the Act,

(b) An outline and discussion of the major general and specific regionwide problems, which need to be resolved on a regional basis,

(c) An analysis which demonstrates why a regionwide approach would be more effective in solving these problems than a State-by-State approach, and

(d) A list of regionwide programs that might appropriately be undertaken in an effort to overcome these problems.

Subpart B—Modification of Regional Boundaries

§ 307.20 Authority and purpose.

Section 503(a)(1) of the Act directs each regional action planning commission established pursuant to the Act to "advise and assist the Secretary in the identification of optimum boundaries for multistate economic development regions." The purpose of this subpart is to set forth the principles and procedures by which the Secretary will consider and act upon proposed boundary adjustments recommended by the commissions.

307.21 Documentation required for modification.

The recommendations of a regional commission for modifications in existing regional boundaries should be accompanied by sufficient documentation to justify the proposed changes, including:

(a) A statistical analysis of the expanded territory in terms of the criteria in § 307.3 of the regulations of this part;

(b) Where appropriate, additional statistics and analyses evidencing inadequate or retarded economic development;

(c) A statistic profile of the expanded territory in terms of population, employment and income;

(d) Information concerning the economic, cultural, historic, or geographic relationship with the areas already situated within the designated economic development region;

(e) A description of the specific economic development problems which are common to the designated region and to the proposed additional territory, and for which action by the regional commission is needed;

(f) A comparison of the economic ties of the additional territory to the designated region as opposed to its economic ties to areas outside the designated region;

(g) The written concurrence of the Governor of the State or States whose territory would be affected by the expansion of the region.

Subpart C—Regional Commission

§ 307.30 Establishment.

The Secretary, in accordance with section 502 of the Act, shall invite and encourage the States wholly or partially located in a designated economic development region to establish a multistate regional commission.

§ 307.31 Membership.

(a) Membership on a regional commission consists of one Federal member, hereinafter referred to as the "Federal Cochairman," and one member from each State participating in the region.

(b) The Federal Cochairman is appointed by the President, by and with the advice and consent of the Senate, and may have an alternate who is similarly appointed. The State member may be the Governor, his designee, or such other person as may be provided by the law of the State which he represents. Each State member may have an alternate, appointed by the Governor or as may otherwise be provided by law.

§ 307.32 Voting.

(a) Decisions by a regional commission require the affirmative vote of the Federal Cochairman and of a majority, or at least one if only one of two, of the State members.

(b) An alternate shall vote in the event of the absence, death, disability, removal, or resignation of the State member or Federal Cochairman.

§ 307.33 Initial meeting.

The Federal Cochairman, after appointment by the President and confirmation by the Senate, is authorized to call the initial organizational meeting of the regional commission, at which time, among other things, the State members may elect a State Cochairman, and the commission may declare its establishment, adopt a charter listing its functions, and adopt resolutions governing the internal administration of the commission.

§ 307.34 Program development criteria.

(a) The Secretary, in accordance with the provisions of section 504 of the Act, through the Federal Cochairman, shall encourage each regional commission in its development of recommendations for programs and projects for future regional economic development, and in the establishment of priority ranking for such programs and projects, to follow procedures that will insure consideration of the following factors:

(1) The relationship of the project or class of projects to overall regional development including its location in an area determined by the State to have a significant potential for growth;

(2) The population and area to be served by the project or class of projects including the relative per capita income and unemployment rates in the area;

(3) The relative financial resources available to the State or political subdivision or instrumentalities thereof which seek to undertake the projects;

(4) The importance of the project or class of projects in relation to other projects or classes of projects which may be in competition for the same funds;

(5) The prospects that the project, on a continuing basis, will improve the opportunities for additional employment, raise the average level of income, or otherwise foster the economic and social development of the area served by the projects.

(b) In order to assist the Federal Cochairmen in carrying out their responsibilities under this section, the Secretary may from time to time issue program planning guidelines for their use and convenience.

§ 307.35 Reports.

In accordance with section 509 of the Act, each regional commission makes a comprehensive and detailed annual report each fiscal year to the Congress with respect to the commission's activities and recommendations for programs. Before the Federal Cochairman approves the report he shall consult with the Secretary, who will insure coordination of any proposals made in the report with the proposals of the several other commissions and those of the interested Federal departments and agencies.

§ 307.36 Powers and duties generally.

The regional commission is authorized by section 506 of the Act to:

(a) Adopt, amend, and repeal bylaws, rules, and regulations governing the conduct of its business and the performance of its functions;

(b) Appoint and fix the compensation of an executive director and such other personnel as may be necessary to enable the commission to carry out its functions, except that such compensation shall not exceed the salary of the alternate to the Federal Cochairman on the commission and no member, alternate, officer, or employee of such commission, other than the Federal Cochairman on the commission and his staff and his alternate, and Federal employees detailed to the commission under paragraph (c) of this section, shall be deemed a Federal employee for any purpose;

(c) Request the head of any Federal department or agency (who is so authorized by section 506(3) of the Act) to detail to temporary duty with the commission such personnel within his administrative jurisdiction as the commission may need for carrying out its functions, each such detail to be without loss of seniority, pay, or other employee status;

(d) Arrange for the services of personnel from any State or local govern-

ment or any subdivision or agency thereof, or any intergovernmental agency;

(e) Make arrangements, including contracts, with any participating State government for inclusion in a suitable retirement and employee benefit system of such of its personnel as may not be eligible for, or continue in, another governmental retirement or employee benefit system, or otherwise provide for such coverage of its personnel, and the Civil Service Commission of the United States is authorized to contract with such commission for continued coverage of commission employees, who at date of commission employment are Federal employees, in the retirement program and other employee benefit programs of the Federal Government;

(f) Accept, use, and dispose of gifts or donations of services or property, real, personal, or mixed, tangible or intangible;

(g) Enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in carrying out its functions and on such terms as it may deem appropriate, with any department, agency, or instrumentality of the United States or with any State, or any political subdivision, agency, or instrumentality thereof, or with any person, firm, association, or corporation;

(h) Maintain an office in the District of Columbia and establish field offices at such other places as it may deem appropriate; and

(i) Take such other actions and incur such other expenses as may be necessary or appropriate.

§ 307.37 Hearings.

In accordance with section 507 of the Act, each regional commission may:

(a) Hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute so much of its proceedings and reports thereon as it may deem advisable; a Cochairman of such commission, or any member designated by the commission for the purpose, is authorized by the Act to administer oaths when it is determined by the commission that testimony shall be taken or evidence received by oath, and

(b) Arrange for the head of any Federal, State or local department or agency who is authorized by the Act, and to the extent not otherwise prohibited by law, to furnish to the commission such information as may be available to or procurable by such department or agency.

§ 307.38 Records.

The Act requires each regional commission to keep complete records of its transactions, which shall be made available for public inspection.

Subpart D—Review of Commission Proposals

§ 307.50 Authority and purpose.

Section 503(b) of the Act requires the Secretary to "present such plans and proposals of the Commissions as may be transmitted and recommended to him (but are not authorized by any other section of the Act) first for review by the Federal agencies primarily interested in such plans and proposals and then, together with the recommendations of such agencies, to the President for such action as he may deem desirable." The Secretary, in cooperation with the Federal Cochairmen, will determine appropriate procedures for obtaining review of commission proposals by interested departments and agencies.

§ 307.51 Comprehensive planning.

Commission plans and proposals normally should be supported by regional programs which have been endorsed by the commissions which, when fully developed, will ordinarily include the following elements:

(a) *Review of prior studies.* The regional plan should include a review of prior studies concerning the region's economy, together with an indication of the relevance of such studies to the region's current problems.

(b) *Framework for analysis.* The regional plan should include an estimate of the gaps in research and data needed to conduct effective development planning.

(c) *Review of the regional economy.* The regional plan should include projections of population and labor force and employment by key industrial sectors, and an inventory of natural resources. It should analyze the present capability of the infrastructure to support economic growth. It should identify the major growth centers within the region which are capable of long-term economic growth.

(d) *Review of conditions inhibiting growth.* The regional plan should include a review of the major factors which have caused the region to lag behind the Nation as a whole in economic development.

(e) *Review of major plans and pending decisions.* The regional plan should include a review of public and available private plans for capital expansion and investment, and should relate these other public and private plans to the commission's regional plan.

(f) *Establishment of regional goals.* The regional plan should include an explicit statement of the region's economic goals, such as reducing unemployment, raising personal income, raising educational levels, and so forth.

(g) *Determination of a development strategy.* The regional plan should set forth an explicit strategy for achieving the region's specified development goals. This strategy should included an analysis of the extent to which public investment should be concentrated or dispersed, and what kinds of public investments are the most critical for achieving a higher rate of economic growth.

(h) *Review of existing program adequacy.* The regional plan should include a review and analysis of the extent to which existing Federal, State, and local programs are adequate to support the commission's goals and strategies. It should identify the major gaps, modifications, or supplements to existing programs which will help carry out the commission's development strategy.

(i) *Criteria for project identification.* The regional plan should include an analysis of the classes of projects which are consistent with the commission's goals and programs and an identification on a regionwide basis of the locations and types of projects necessary to carry out the regional plan for economic development.

§ 307.52 Review standards.

In reviewing the commission's regional plans and proposals prior to making recommendations to the President, the Secretary will consider the following factors:

(a) *Consistency with national economic trends.* The projections of economic activity contained in the plans will be compared with trends in the national economy. Such projections of regional growth should be reasonably consistent with the projections of national growth and other projections of regional growth, particularly when the regional projections depend for their success upon growing regional exports to national markets.

(b) *Interregional consistency.* Regional plans developed by the commissions should be reasonably consistent with each other, taking into account the differing needs and objectives of the various regions.

(c) *Transference of employment.* The regional plans should not provide for nor encourage the pirating of industry into the region from other parts of the Nation.

(d) *National benefits.* The regional plans should attempt to provide reasonable assurance that economic growth within the region can be sustained with a minimum amount of subsidization; and that the identifiable benefits from the proposed regional program bear a reasonable relationship to the estimated Federal investment.

Subpart E—Administrative Grants

§ 307.60 Authority and purpose.

(a) The Secretary is authorized by section 505(b) of the Act to review and approve the administrative expenses of each regional commission, and to pay such expenses as he approves from Federal funds appropriated for such purposes. For the period ending June 30 of the second full fiscal year following the date of establishment of a commission, the entire administrative expenses

of the commission as approved by the Secretary shall be paid by the Federal Government. Thereafter, not to exceed 50 per centum of such expenses may be paid by the Federal Government.

(b) The purpose of this subpart is to outline the procedures by which such administrative expenses will be paid by the Federal Government.

§ 307.61 Procedure for obtaining administrative expenses.

(a) As a condition to receiving administrative expense funds from the Federal Government, each commission shall submit a proposed budget to the Secretary in such form as he may prescribe. The proposed commission budget should itemize each category of expenditure and contain a proposed work statement indicating the work program and schedule of activities for the commission during the period for which funds are requested.

(b) Such administrative expense funds as are approved by the Secretary shall be made available on a quarterly basis. Approved funds will be deposited into a special trust account established by the U.S. Treasury for the exclusive use of the regional commissions. Expenditures from such trust funds shall be made only upon the proper certification of a duly authorized officer of the commission, except that expenditures from funds reserved for payment to the Department of Commerce for the provision of administrative support to the commissions may be certified by the Secretary or his designee.

§ 307.62 Terms and conditions.

(a) Approval of administrative expense grants are normally subject to the following terms and conditions:

(1) Federal grant assistance may be used only in the performance of the activities and work program outlined in the commission's budget request as approved by the Secretary;

(2) The procurement of supplies, materials, equipment, furniture, and services shall be in compliance with the standard procurement procedures established by the commission, except that such procurement should be channeled, to the maximum extent deemed practicable by the commission, through the established procurement channels of the Department of Commerce; the Department may act as agent for the commission pursuant to a properly executed delegation of authority;

(3) The rate of compensation for positions paid from grant funds should be generally comparable to the rate paid by the Federal Government for similar positions, and commission employees who occupy such positions should generally meet the comparable Federal experience and educational requirements for similar positions;

(4) Reimbursement for travel costs, including transportation, food and lodging incurred by personnel in performance of their official duties while away from their regular place of duty, should be generally comparable to that provided by the standard travel regulations of the Federal Government;

(5) The commission should limit both the number of its employees and the funds spent therefor to the number and amounts set forth in its application as approved by the Secretary, except that this limitation does not apply to additional employees not in any way compensated from funds made available under the Federal administrative expense grant;

(6) The commission must agree to comply with the Civil Rights Act of 1964 and, as a condition to the entitlement to any Federal funds, execute a document of assurance as required by regulations of the Department of Commerce (Part 8 of Subtitle A, Title 15, Code of Federal Regulations);

(7) Technical information resulting from the commission's activities should be freely made available to the general public;

(8) The commission must agree to assign any patents resulting from inventions developed through Federal funds to the Federal Government;

(9) The commission must agree to assign any copyrights for material produced through Federal funds to the Federal Government, and to obtain necessary permissions to use materials copyrighted by others;

(10) Such other terms and conditions as may be imposed in the Offer of Grant Assistance.

(b) In appropriate circumstances, and after due notice and adequate opportunity for hearing, the Secretary may suspend the financial assistance approved under this subpart upon a formal finding that the commission is in violation of the terms of the grant offer or the provisions of these regulations.

(c) No part of the Federal grant funds shall be used, either directly or indirectly, to assist, solicit, or encourage the relocating of any establishment from one area to another or to assist, solicit, or encourage the transfer of contract or subcontract work which would result in a transfer of jobs causing unemployment at the location where such work was previously performed, or to pay any part of the compensation or expense of employees who may at any time engage in such activities for which such funds may not be used.

(d) The commission shall keep such records as will fully disclose the amount and disposition of the total budgeted funds, the purpose of undertaking for which such funds were used, the amount and nature of all contributions from other sources, and such other records as may be necessary. Commission records pertaining to the expenditures of Federal funds should be preserved for a period of not less than three (3) years following disbursement of funds.

(e) The Secretary of Commerce and the Comptroller General of the United States or their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records of the commission pertaining to the expenditure of Federal funds that will facilitate an effective audit.

Subpart F—Technical Assistance

§ 307.70 Authority and purpose.

The Secretary is authorized by section 505(a) of the Act to provide technical assistance which would be useful in aiding the commissions to carry out their functions under the Act and to develop recommendations and programs.

§ 307.71 Type and form of assistance.

(a) Technical assistance may be undertaken by the Secretary either (1) on his own initiative with respect to the regions generally or with respect to an existing or proposed region for which a commission has not yet formed, or (2) upon the request of any regional commission. It may include studies and plans evaluating the needs of, and developing potentialities for, the economic growth of such region, and research on improving the conservation of human and natural resources of the region.

(b) Technical assistance may be provided through:

(1) Members of the staff of the Department of Commerce;

(2) The payment of funds to other departments or agencies of the Federal Government;

(3) The employment of private individuals, partnerships, firms, corporations, or suitable institutions, under contracts entered into for such purposes.

(4) Grants in aid to the commissions.

§ 307.72 Procedure for obtaining technical assistance.

(a) In requesting technical assistance, each commission should submit an overall program for such research and technical assistance for the 12-month period following the first commission request. This overall program should take into account existing studies and sources of information and identify the information needed to further the commission's planning activities.

(b) Each commission proposal for research and for technical assistance should be related to its overall program of research and technical assistance.

(c) Proposals for research and technical assistance may be submitted to the Secretary or his designee who will assist the commissions in determining whether similar research is underway or results otherwise already available. On request the Secretary or his designee will provide technical advice on the scope and objective of the proposed study to the commission.

(d) At the request of the commissions the Secretary will arrange for the procurement of such research and technical assistance.

§ 307.73 Limitations.

Technical assistance funds may not be used to cover the cost of work already performed or of services already provided.

§ 307.74 Repayment.

The Secretary may in his discretion require the repayment of technical as-

sistance and prescribe the terms and conditions of such repayment.

§ 307.75 Additional information.

The Secretary may require such additional information and evidence supplemental to the request for technical assistance as he deems appropriate.

Subpart G—Coordination of Federal Cochairmen

§ 307.80 Authority and purpose.

(a) The Secretary of Commerce is authorized by section 601(a) of the Act to "coordinate the Federal Cochairmen appointed heretofore or subsequent to this Act." The President, by letter dated June 17, 1966, asked the Secretary of Commerce to "assume the general supervision of the Federal Cochairmen, and otherwise take the lead within the Federal Government in providing a means for all Federal agencies concerned to present their views and exchange information as a basis for the development of such policies." The President also has directed each of the Federal Cochairmen to seek the guidance of the Secretary and that of the Department of Commerce with respect to each proposal coming before their respective commissions.

(b) The purpose of this subpart is to outline a procedure for insuring that the requirements of policy coordination set forth in the Act and in the President's letter of June 17, 1966, are effectively carried out.

§ 307.81 Role of Federal Cochairmen.

Federal Cochairmen appointed by the President to regional action planning commissions represent Federal policies and interests on the commission. In carrying out this responsibility, Federal Cochairmen will actively present to the commissions the policies and viewpoints of the executive branch.

§ 307.82 Procedures for coordination.

In carrying out their assigned responsibilities, the Federal Cochairmen shall maintain a close working relationship with the Secretary and, under his guidance, shall maintain continuous liaison with the departments and agencies of the Federal Government.

Pursuant to this responsibility, each Federal Cochairman shall:

(a) Send minutes of all commission meetings to the Secretary;

(b) Provide a written monthly report to the Secretary, setting forth the major policy issues expected to arise in the course of the program and to be considered by the regional commission;

(c) Keep the Secretary advised of matters affecting the Federal interest in an important or novel way;

(d) Ascertain, in consultation with the Secretary, Federal policy regarding major matters to come before the commission.

Subpart H—Advisory Committee

§ 307.90 Purpose.

In accordance with section 602 of the Act, the Secretary shall appoint a National Public Advisory Committee on Regional Economic Development to advise him relative to the carrying out of his duties under the Act.

§ 307.91 Membership.

The Advisory Committee shall consist of 25 members and shall be composed of representatives of labor, management, agriculture, State and local government, and the public in general. From the members appointed to such Committee, the Secretary shall designate a Chairman.

§ 307.92 Meetings.

The Advisory Committee shall hold not less than two meetings during each calendar year and otherwise at the call of the Chairman.

Dated: July 6, 1967.

ALEXANDER B. TROWBRIDGE,
Secretary of Commerce.

[F.R. Doc. 67-8029; Filed, July 13, 1967; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Parts 211, 212, 214, 241, 292]

IMMIGRATION REGULATIONS

Notice of Proposed Rule Making

Pursuant to section 553 of Title 5 of the United States Code (P.L. 89-554, 80 Stat. 383), notice is hereby given of the proposed issuance of the following rules pertaining to miscellaneous amendments to Parts 211, 212, 214, 241, and 292. The amendment to § 211.1(b)(1) confers benefits upon persons affected thereby; the amendment to § 212.8(b)(5) is clarifying in nature; the amendment to § 214.3(b) relieves restrictions; and the amendments to § 241.1 and § 292.5(a) relate to agency procedure. In accordance with section 553, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 757, 119 D Street NE., Washington, D.C. 20536, written data, views, or arguments relative to these proposed rules. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the day of publication of this notice will be considered.

In Part 211—Documentary Requirements: Immigrants; Waivers, the third sentence of subparagraph (1) *Form I-151, Alien Registration receipt card* of paragraph (b) *Aliens returning to an unrelinquished lawful permanent residence* of § 211.1 *Visas* is amended to read as follows: "An alien regularly serving as a crewman in any capacity required for normal operations and services aboard an aircraft or vessel of American registry who is returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad not exceeding one year may, in lieu of an immigrant visa, present Form I-151 duly issued to him, notwithstanding travel to, in, or through any of the restricted places named in this subparagraph pursuant to his employment as a crewman."

In Part 212—Documentary Requirements: Nonimmigrants; Waivers; Admission of Certain Inadmissible Aliens; Parole, subparagraph (5) of paragraph (b) *Aliens not required to obtain labor certifications* of § 212.8 *Certification requirement of section 212(a)(14)* is amended to read as follows: "(5) an alien who establishes satisfactorily that he has been accepted by an institution of learning in the United States for a full course of study of at least two full consecutive academic years and that he has sufficient financial resources to support himself and will not seek employment during that period. If it will be necessary for the spouse of such a student to accept employment in the United States, the spouse must obtain a labor certification notwithstanding the provisions of subparagraph (2) of this paragraph."

In Part 214—Nonimmigrant Classes, the sixth sentence of paragraph (b) *Supporting documents* of § 214.3 *Petitions for approval of schools* is amended to read as follows: "Except in connection with a petition submitted by a school or school system owned and operated as a public educational institution or system by the United States or a State or political subdivision thereof, or by a school listed in the current U.S. Office of Education publication, 'Accredited Higher Institutions' or 'Education Directory, Part 3, Higher Education,' or by a secondary school operated by or as part of a school so listed, a school catalogue, if one is issued, shall also be submitted with each petition."

In Part 241—Judicial Recommendations Against Deportation, § 241.1 is amended to read as follows:

§ 241.1 Notice; recommendation.

For the purposes of clause 2 of section 241(b) of the Act, notice to the district director having administrative jurisdiction over the place in which the court imposing sentence is located shall be regarded as notice to the Service. The notice shall be transmitted to the district director by the court, a court official, or by counsel for the prosecution or the defense, at least 5 days prior to the court hearing on whether a recommendation against deportation shall be made. If less than 5 days' notice is received and sufficient time remains to prepare proper representations, due notice shall be regarded as having been made. When less than 5 days' notice is received and sufficient time is not available to prepare proper representations, but the 30-day statutory period will expire before proper representations can be prepared, an objection shall be interposed to the recommendation against deportation on the ground that due notice was not received. If the notice is received after the running of the 30-day statutory period, it shall be regarded as an invalid notice and whatever Service proceedings are warranted shall be instituted irrespective of the recommendation against deportation. The district director, or an official acting for him, in presenting representations to the court, shall advise the court the effect a favorable recommendation would have upon the alien's present and prospective deportability. A recommendation against deportation by the sentencing court made to the district director receiving the notice shall be regarded as made to the Attorney General.

In Part 292—Representation and Appearances, the last sentence of paragraph (a) *Representative capacity* of § 292.5 *Service upon and action by attorney or representative of record* is amended to read as follows: "Except where otherwise specifically provided in this chapter, whenever a notice, decision, or other paper is required to be given or served, it shall be done by personal service or by first class, certified, or registered mail upon the attorney or representative of record or upon the person himself if unrepresented."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Dated: July 10, 1967.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 67-8105; Filed, July 13, 1967; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 8278]

AIRWORTHINESS DIRECTIVES

Avions Marcel Dassault Fan Jet Falcon Airplanes, Serial Nos. 1 Through 94

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Avions Marcel Dassault Fan Jet Falcon airplanes, Serial Nos. 1 through 94. There have been inflight failures of the pressurization control microswitch installation which have caused jamming of the engine power levers in a low-power range. Since this condition is likely to exist or develop in other airplanes of the same type, the proposed airworthiness directive would require the modification of the type MF 2006 pressurization control microswitch installation by the addition of a support, P/N MY.20.240.3801, and a leaf spring, P/N MY 20.240.3802, in accordance with Avions Marcel Dassault Service Bulletin No. 211 (76-4).

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before August 14, 1967, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be

changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

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

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

AVIONS MARCEL DASSAULT. Applies to Fan Jet Falcon airplanes, Serial Nos. 1 through 94.

Compliance required within the next 200 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent jamming of the engine power lever, modify the type MP 2006 pressurization control microswitch installation by the addition of a support P/N MY.20.240.3801, and a leaf spring, P/N MY.20.240.3802, in accordance with Avions Marcel Dassault Service Bulletin No. 211 (76-4), revision 1, dated April 4, 1967, or later SGAC-approved revision, or an equivalent approval by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region.

Issued in Washington, D.C., on July 6, 1967.

EDWARD C. HODSON,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-8111; Filed, July 13, 1967; 8:46 a.m.]

[14 CFR Part 39]

[Docket No. 8277]

AIRWORTHINESS DIRECTIVES

Avions Marcel Dassault Fan Jet Falcon Airplanes, Serial Nos. 1 Through 89, Except Serial Nos. 73, 78, 82, 85, and 87

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Avions Marcel Dassault Fan Jet Falcon airplanes, Serial Nos. 1 through 89, except Serial Nos. 73, 78, 82, 85, and 87. Field inspections of these airplanes have revealed numerous incidents of wing to fuselage recess and attachment bolt corrosion. Since this condition is likely to exist or develop in other airplanes of the same type, the proposed airworthiness directive would require repetitive inspections of the recesses of the wing fuselage junction and specified attachment bolts for corrosion and the incorporation of Dassault Modifications M1014A, M1014C, and M1057 when corrosion is detected but in any event not later than December 31, 1968.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before August 14, 1967, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

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

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

AVIONS MARCEL DASSAULT. Applies to Fan Jet Falcon Airplanes Serial Nos. 1 through 89, except Serial Nos. 73, 78, 82, 85, and 87.

Compliance required as indicated.

To detect and prevent corrosion of the wing to fuselage recesses and the wing to fuselage attachment bolts, accomplish the following, unless already accomplished:

(a) For all airplanes, within the next 200 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 200 hours' time in service from the last inspection, visually inspect the recesses of the wing fuselage junction for signs of corrosion, in accordance with Dassault Service Bulletin No. 282 (57-14), dated April 12, 1967, or later SGAC-approved or FAA-approved revision, or in accordance with an FAA-approved equivalent.

(b) For airplanes without Dassault Modifications M1014A and M1014C and with more than 400 hours' time in service on the effective date of this AD, within the next 200 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 600 hours' time in service from the last inspection, inspect the wing to fuselage attachment bolts for signs of corrosion, in accordance with Dassault Service Bulletin No. 282 (57-14), dated April 12, 1967, or later SGAC-approved or FAA-approved revision, or in accordance with an FAA-approved equivalent.

(c) For airplanes without Dassault Modifications M1014A and M1014C and with less than 400 hours' time in service on the effective date of this AD, prior to the accumulation of 600 hours' time in service, and thereafter at intervals not to exceed 600 hours' time in service from the last inspection, inspect the wing to fuselage attachment bolts for signs of corrosion in accordance with Dassault Service Bulletin No. 282 (57-14), dated April 12, 1967, or later SGAC-approved or FAA-approved revision, or in accordance with an FAA-approved equivalent.

(d) If corrosion is found when conducting the inspections required by paragraphs (a), (b), or (c), within the next 200 hours' time in service, comply with paragraph (f).

(e) If no corrosion is found during the inspections required by paragraphs (a), (b), or (c), incorporate the modifications specified in paragraph (f) prior to the accumulation of 1,200 hours' time in service from the effective date of this AD, but in any event not later than December 31, 1968.

(f) Incorporate Dassault Modifications M1014A, M1014C, and M1057, in accordance with Dassault Service Bulletins No. 234, revision 1, dated April 12, 1967, and No. 259, dated April 12, 1967, or later SGAC-approved or FAA-approved revisions, or an FAA-approved equivalent.

(g) The repetitive inspections, required by paragraphs (a), (b), and (c), may be discontinued after the incorporation of Dassault Modifications M1014A, M1014C, and M1057.

Issued in Washington, D.C., on July 6, 1967.

EDWARD C. HODSON,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-8112; Filed, July 13, 1967; 8:46 a.m.]

[14 CFR Part 39]

[Docket No. 7620]

AIRWORTHINESS DIRECTIVES

British Aircraft Corp. Model BAC 1-11, 200 and 400 Series Airplanes

Amendment 39-321 (31 F.R. 16125), AD 67-1-1, established service life limits for flap carriage links P/N AB09 A943 on British Aircraft Corp. Model BAC 1-11, 200 and 400 Series airplanes until such links are replaced with modification PM 2245 links P/N AB09 A3657. However, service experience after the issuance of Amendment 39-321 indicates that it is necessary to establish service life limits for the post modification PM 2245 flap links P/N AB09 A3657. Therefore, the agency is considering superseding Amendment 39-321 with a new AD that establishes service life limits for both flap carriage links P/N AB09 A943 and post modification PM 2245 flap links P/N AB09 A3657.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before August 14, 1967, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

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

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

BRITISH AIRCRAFT. Applies to Model BAC 1-11, 200 and 400 Series airplanes.

Compliance required as indicated.

To prevent fatigue failures of the flap carriage links P/N AB09 A943 and post modification PM 2245 flap carriage links P/N AB09 A3657, accomplish the following:

(a) For airplanes equipped with carriage links P/N AB09 A943, within the next 500 landings after January 15, 1967, or before the accumulation of the number of landings specified in Column 2 or Column 3, as applicable, for the respective flap numbers

specified in Column 1, whichever occurs later, and thereafter at intervals not to exceed the number of landings specified for that flap number and series of airplane, replace carriage links P/N AB09 A943 with new links of the same part number; or replace with carriage links P/N AB09 A3657. If carriage links P/N AB09 A3657 are used as replacements, they must be replaced in accordance with the requirements of paragraph (b).

(Column 1) Flap No. (link location)	(Column 2) Number of landings 200 series airplanes	(Column 3) Number of landings 400 series airplanes
1	3,000	2,000
2	12,000	8,000
3	24,000	16,000

(b) For airplanes equipped with carriage links P/N AB09 A3657, within the next 300 landings after the effective date of this AD or before the accumulation of the number of landings specified in column 2 or column 3, as applicable, for the respective flap number specified in column 1, whichever occurs later, and thereafter at intervals not to exceed the number of landings specified for that flap number and series of airplane, replace carriage links P/N AB09 A3657 with new links of the same part number, or replace with carriage links P/N AB09 A943. If carriage links P/N AB09 A943 are used as replacements, they must be replaced in accordance with the requirements of paragraph (a).

(Column 1) Flap No. (link location)	(Column 2) Number of landings 200 series airplanes	(Column 3) Number of landings 400 series airplanes
1	4,000	3,000
2	16,000	12,000
3	32,000	24,000

(c) For the purpose of complying with this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing each airplane's hours' time in service by the operator's fleet average time from takeoff to landing for the airplane type.

(British Aircraft Corp. (Operating), Ltd. (Weybridge Division), Alert Service Bulletin No. 27-A-PM 2245, Issue 2, pertains to this subject.)

This Supersedes Amendment 39-321, AD 67-1-1.

Issued in Washington, D.C., on July 6, 1967.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-8113; Filed, July 13, 1967; 8:46 a.m.]

[14 CFR Part 39]

[Docket No. 8279]

AIRWORTHINESS DIRECTIVES

Dart Model 542-4 and 542-10 Engines

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Dart Model 542-4 and 542-10 engines. There have been instances of cracking and crazing of fuel and oil pressure indicator hoses due to heat deterioration resulting in fuel and oil leaks. Since this condition is likely to exist or develop in other engines of the same type, the proposed airworthiness directive would require periodic inspection of specified fuel and oil hoses and the replacement of defective hoses. The proposed AD also provides that the inspections of the fuel hoses may be discontinued after the incorporation of Rolls-Royce Modifications 1455 or 1467 and that the inspections of the oil pressure hoses may be discontinued after the incorporation of Rolls-Royce Modification 1453.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before August 14, 1967, will be considered by the Administrator before taking action upon the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

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

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

ROLLS-ROYCE. Applies to Dart Model 542-4 and 542-10 engines.

Compliance required as indicated, unless already accomplished. To prevent failure of fuel and oil hoses, accomplish the following:

(a) For fuel hoses, P/N's RU.21448, RK.-38339A, RK.29902, RK.38340A, RU.21447, RK.-29900A, RK.38361, RU.21455A, RK.29901A, and oil pressure indicator hose P/N RU.-21440A, with 700 or more hours total time in service on the effective date of this AD, within the next 100 hours' time in service after the effective date of this AD and at intervals thereafter not to exceed 125 hours' time in service from the last inspection, remove and inspect for cracks and crazing in accordance with Rolls-Royce Alert Service Bulletin DA73-A49 or later ARB-approved issue, or FAA-approved equivalent.

(b) For fuel hoses, P/N's RU.21448, RK.1-38339A, RK.29902, RK.38340A, RU.21447, RK.-29900A, RK.38361, RU.21455A, RK.29901A, and oil pressure indicator hose P/N RU.-21440A, with less than 700 hours' time in service on the effective date of this AD, before the accumulation of 800 hours' time in service and at intervals thereafter not to exceed 125 hours' time in service from the last inspection, remove and inspect for cracks and crazing in accordance with Rolls-Royce Alert Service Bulletin Da 73-A49 or later ARB-approved issue, or FAA-approved equivalent.

(c) If cracking or crazing of the hose is detected during the inspections required by (a) and (b), before further flight, replace with a new assembly.

(d) The repetitive inspections required under (a) or (b) for the fuel hoses may be discontinued following the incorporation of ARB-approved Rolls-Royce Modification 1455 or 1467, or FAA-approved equivalent.

(e) The repetitive inspections required under (a) or (b) for the oil pressure indicator hoses may be discontinued following the incorporation of ARB-approved Rolls-Royce Modification 1453, or FAA-approved equivalent.

Issued in Washington, D.C., on July 7, 1967.

EDWARD C. HODSON,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-8114; Filed, July 13, 1967; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-SW-48]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations which would alter the Albuquerque, N. Mex., control zone. The northerly extension of the control zone would be increased from 5.5 to 7 miles so as to conform to revised criteria applicable to control zone extensions.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal Docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed that the Albuquerque, N. Mex., control zone, as described in FAR, Part 71, § 71.171 (32 F.R. 2072) be amended to read:

ALBUQUERQUE, N. MEX.

Within a 5-mile radius of Albuquerque Sunport Airport/Kirtland AFB (latitude 35°02'42" N., longitude 106°36'02" W.); within 2 miles each side of the extended centerline of Runway 35, extending from the 5-mile radius zone to 7 miles N of the N end

of Runway 35; within 2 miles each side of the extended centerline of Runway 17, extending from the 5-mile radius zone to 5 miles S of the S end of Runway 17; and within 2 miles each side of the Albuquerque VORTAC 090° radial, extending from the 5-mile radius zone to the VORTAC.

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

Issued in Fort Worth, Tex., on July 6, 1967.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 67-8115; Filed, July 13, 1967; 8:46 a.m.]

[14 CFR Part 77]

[Docket No. 8276; Notice No. 67-29]

OBJECTS AFFECTING NAVIGABLE AIRSPACE

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amendments that would make minor substantive changes and editorial corrections to Part 77 of the Federal Aviation Regulations.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before September 1, 1967, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Currently, subdivisions (i), (ii), and (iii) of § 77.13(a)(2), and paragraph (a)(4) of § 77.13 specify that the notice requirements of paragraph (a) of § 77.13 apply to certain construction or alteration proposals on or near any airport, if that airport is listed in the Airport Directory of the current Airman's Information Manual or is operated by a Federal military agency. Consequently, civil airports in the Alaska and Pacific Regions are excluded because they are listed in the Alaska and Pacific Airman's Guide and Chart Supplement and not in the Airport Directory. Furthermore, airports that are planned, proposed, or under construction are not listed in any of the above-mentioned publications.

This amendment proposes to make the notice requirements of paragraph (a) of § 77.13 applicable to proposals near an airport that is listed in the current Alaska or Pacific Airman's Guide and Chart Supplement, or is a planned or proposed airport or airport under construction, that is the subject of a notice or proposal on file with the FAA. This would be in addition to the present requirement applicable to construction or alteration proposals near an airport that is either listed in the Airport Directory of the current Airman's Information Manual or is operated by a Federal military agency. Additionally, the proposed amendment specifies that the affected airport must be available for public use.

The runway lengths referred to in subdivisions (i) and (ii) of § 77.13(a)(2) are the actual lengths of the runways and should not be confused with corrected runway lengths. The amendment would avoid possible confusion by using the term "actual length" in each instance.

Paragraph (a)(3) of § 77.13 refers to an interstate highway but does not define this term. This proposal would limit this reference to highways designated as part of the National System of Military and Interstate Highways. These highways are designated by a "blue shield," i.e., US No. 95, and are designed with minimum vertical clearance of 17 feet at crossings.

Paragraph (a)(5) of § 77.13 requires a notice of proposed construction or alteration when requested by the FAA. The objective of this Part is to provide notice to the FAA of proposed construction that would be an obstruction to air navigation. If the FAA is aware of the construction already, it obviously has no need of further notice of that construction. Since the FAA has not utilized this provision and it serves no useful purpose, it is proposed to delete this requirement.

Paragraph (c) of § 77.15 presently identifies certain types of objects, the locations and heights of which are fixed by their functional purposes, for which notice is not required. FAA-approved aircraft arresting devices are not named in this paragraph, therefore, a strict interpretation of this paragraph might not include FAA-approved aircraft arresting devices. To avoid this possibility, § 77.15(c) should be amended to include specifically an "aircraft arresting device". Additionally, certain editorial changes are proposed that would eliminate unnecessary repetition.

Section 77.17 lists the Regional offices of the FAA and specifies that the notice of construction required by § 77.13(a) shall be submitted to the applicable Regional office. The FAA has now established area offices and it is proposed that the notice of construction be submitted to the Area Manager of the Federal Aviation Area Office having jurisdiction over the area in which the construction or alteration will be located. A list of the area offices and the areas covered by each office is shown for the convenience of the public.

Section 77.21 states the scope of Subpart C—Obstruction Standards which replaced and revoked similar standards in Technical Standard Order TSO/N18 when Part 77 was revised effective May 1, 1965. The third sentence of § 77.21(a) would be reworded to state more clearly the applicability of the standards to navigation facilities and controlled airspace. Section 77.21(c) would be revised to include a reference to the airports listed in the Alaska and Pacific Airman's Guide, and would require that a civil airport must be available for public use to come within the classes of airports to which this Part is applicable.

Section 77.23 contains the standards for determining obstructions. In that section it is proposed to combine that portion of the standard contained in paragraph (a)(8) with the related information in paragraph (c).

It is proposed to clarify the fact that there are two ends to a primary surface by changing the phrase "the end of the primary surface" to "each end of the primary surface" as it appears in paragraph (b) and (c) of § 77.27.

It is proposed to amend § 77.39 to clarify the fact that a determination to which § 77.39(d) is applicable may be revised or extended under the provisions of § 77.37(b). This is in accordance with the FAA's interpretation of that section, and effects no substantive change therein.

In consideration of the foregoing, it is proposed to amend Part 77 as hereinafter set forth:

1. Paragraph (a)(2), (3), (4) and (5) of § 77.13 would be amended as follows:

§ 77.13 Construction or alteration requiring notice.

(a) * * *

(2) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes:

(i) 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of each airport specified in subparagraph (5) of this paragraph with at least one runway more than 3,200 feet in actual length, excluding heliports and seaplane bases without specified boundaries.

(ii) 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of each airport specified in subparagraph (5) of this paragraph with its longest runway no more than 3,200 feet in actual length, excluding heliports and seaplane bases without specified boundaries.

(iii) 25 to 1 for a horizontal distance of 5,000 feet from the nearest point of the nearest landing and takeoff area of each heliport specified in subparagraph (5) of this paragraph.

(3) Any highway, railroad, or other traverse way for mobile objects, of a height which if adjusted upward 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, 15 feet for other highways, 25 feet for a railroad, and, for any other traverse way, an amount equal to the height of the highest unshielded mobile objects that would normally traverse it, would exceed a standard of subparagraph (1) or (2) of this paragraph.

(4) Any construction or alteration on an airport specified in subparagraph (5) of this paragraph.

* * * * *

(5) Paragraph (a) applies to any of the following airports, and to seaplane bases with specified boundaries.

(i) An airport that is available for public use and is listed in the "Airport Directory" of the current Airman's Information Manual or in either the Alaska or Pacific Airman's Guide and Chart Supplement.

(ii) A planned or proposed airport or an airport under construction, that is the subject of a notice or proposal on file with the Federal Aviation Administration, provided, except for military airports, it is clearly indicated that that airport will be available for public use.

(iii) An airport that is operated by an Armed Force of the United States.

* * * * *

2. Section 77.15(c) would be amended to read as follows:

§ 77.15 Construction or alteration not requiring notice.

* * * * *

(c) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, approved by the Administrator, the location and height of which is fixed by its functional purpose.

* * * * *

3. Section 77.17 (a) and (d) would be amended to read as follows:

§ 77.17 Form and time of notice.

(a) Each person who is required to notify the Administrator under § 77.13 (a) shall send two executed copies of FAA Form 117, "Notice of Proposed Construction or Alteration," to the Area Manager, FAA Area Office having jurisdiction over the area within which the construction or alteration will be located. Copies of FAA Form 117 may be obtained from the headquarters of the Federal Aviation Administration, the regional and the area offices.

The Area offices' geographic areas of jurisdiction for each FAA Region are:

1. *Eastern Region, Jamaica, Long Island, N.Y.*

(a) *New York Area Office, John F. Kennedy International Airport, Jamaica, Long Island, N.Y. 11430.* States of New York (counties of Bronx, New York, Kings, Queens, Richmond, Nassau, Suffolk, Westchester, Rockland, Orange, Putnam, Dutchess, Ulster, Sullivan), New Jersey, Delaware, and Pennsylvania (counties of Tioga, Clinton, Centre, Huntington, Franklin, and all counties east thereof).

(b) *Boston Area Office, Burlington, Mass. 01804.* The States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, and New York (except the counties under the jurisdiction of the FAA New York Area Office).

(c) *Cleveland Area Office, Rocky River, Ohio 44116.* The States of Ohio, Kentucky, and Pennsylvania (counties of Potter, Cameron, Clearfield, Blair, Bedford, Fulton, and all counties west thereof).

(d) *Washington Area Office, Falls Church, Va. 22046.* The States of Maryland, Virginia, West Virginia, and the District of Columbia.

2. *Southern Region, Atlanta, Ga.*

(a) *Atlanta Area Office, Atlanta, Ga. 30320.* The States of Georgia, North Carolina, and South Carolina.

(b) *Memphis Area Office, Memphis, Tenn. 38118.* The States of Tennessee, Alabama, and Mississippi.

(c) *Miami Area Office, Miami, Fla. 33159.* The State of Florida.

(d) *San Juan Area Office, San Juan, P.R. 00913.* Puerto Rico and the Virgin Islands.

3. *Southwest Region, Fort Worth, Tex.*

(a) *Albuquerque Area Office, Albuquerque, N. Mex. 87108.* The State of New Mexico and that area of the State of Texas lying west of the 100th meridian.

(b) *Fort Worth Area Office, Fort Worth, Tex. 76101.* The States of Arkansas and Oklahoma and that area of the State of Texas lying east of the 100th meridian and north of latitude 31°30'00" N.

(c) *Houston Area Office, Houston, Tex. 77060.* The State of Louisiana and that area of the State of Texas lying east of the 100th meridian and south of latitude 31°30'30" N.

4. *Central Region, Kansas City, Mo.*

(a) *Kansas City Area Office, Kansas City, Mo. 64110.* The States of Missouri, Kansas, Iowa, and Nebraska.

(b) *Chicago Area Office, Des Plaines, Ill. 60018.* The States of Illinois, Indiana, and Michigan.

(c) *Minneapolis Area Office, Minneapolis, Minn. 55450.* The States of Montana, North Dakota, South Dakota, Minnesota, and Wisconsin.

5. *Western Region, Los Angeles, Calif. 90045.*

(a) *Denver Area Office, Denver, Colo. 80207.* The States of Colorado and Wyoming.

(b) *Los Angeles Area Office, Los Angeles, Calif. 90045.* The State of Arizona and that area of the State of California lying within and south of the counties of Santa Barbara, Kern, and Inyo.

(c) *Salt Lake City Area Office, Salt Lake City, Utah 84116.* The States of Idaho, Nevada, and Utah.

(d) *San Francisco Area Office, Burlingame, Calif. 94010.* That area of the State of California lying within and north of the counties of San Luis Obispo, Kings, Tulare, and Mono.

(e) *Seattle Area Office, Seattle, Wash. 98108.* The States of Washington and Oregon.

6. *Alaskan Region, Anchorage, Alaska.* Alaska.

7. *Pacific Region, Honolulu, Hawaii.* Areas contained within the Honolulu, Wake, and Guam Flight Information regions (excluding the Pacific Trust Territory Island and Christmas Island) and American Samoa.

* * * * *

(d) Each person who is required to notify the Administrator under paragraphs (b) and (c) of § 77.13, or both, shall send an executed copy of FAA Form 117-1, "Notice of Progress of Construction or Alteration" to the FAA Area Office having jurisdiction over the area involved.

4. The third sentence of § 77.21(a) and paragraph (c) would be amended to read as follows:

§ 77.21 Scope.

(a) * * * The standards apply to an existing air navigation facility and to the use of navigable airspace by aircraft, such as an air navigation aid, airport, Federal airway, instrument approach procedure, approved off-airway route, control zone, or transition area. Additionally, they apply to a planned facility or use, or a change in an existing facility or use, if a proposal therefor is on file with the FAA or the Department of Defense on the date the notice required by § 77.13(a) is filed.

* * * * *

(c) The standards in this subpart apply to the effect of construction or alteration proposals upon an airport if, at the time of filing of the notice required by § 77.13(a), that airport is—

(1) Available for public use and is listed in the "Airport Directory" of the current Airman's Information Manual or in either the Alaska or Pacific Airman's Guide and Chart Supplement; or,

(2) A planned or proposed airport or an airport under construction, that is the subject of a notice or proposal on file with the Federal Aviation Administration, provided, except for military airports, it is clearly indicated that that airport will be available for public use; or,

(3) An airport that is operated by an Armed Force of the United States.

* * * * *

5. Section 77.23(a)(8) would be amended to read as follows:

§ 77.23 Standards for determining obstructions.

(a) * * *

(8) The surface of a takeoff and landing area of an airport or any imaginary surface established under § 77.25, 77.27, 77.28, or 77.29. However, no part of the takeoff and landing area itself may be considered an obstruction. Each airport imaginary surface that is established for a civil airport is based on runway lengths corrected in accordance with the current FAA airport design standards to no gradient and standard conditions of temperature and elevation.

6. Section 77.23(c) would be deleted.

7. The first sentence of paragraph (b), paragraph (c), the first sentence in paragraphs (c)(1), (2)(i), (ii), and (iii) of § 77.27 would be amended by striking out the words "at the end of the primary surface" and inserting "at each end of the runway" in place thereof.

8. Section 77.39(b) would be amended to read as follows:

§ 77.39 Effective period of determination of no hazard.

* * * * *

(b) In any case, including determinations to which paragraph (d) of this section applies, where the proposed construction or alteration has not been started during the applicable period by actual structural work, such as the laying of a foundation, but not including excavation, any interested person may, at least 15 days before the date the final determination expires, petition the FAA official who issued the determination to:

(1) Revise the determination based on new facts that change the basis on which it was made; or

(2) Extend its effective period.

* * * * *

This amendment is proposed under the authority of sections 307, 313 and 1101 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354, and 1501).

Issued in Washington, D.C., on July 6, 1967.

WILLIAM E. MORGAN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 67-8116; Filed, July 13, 1967; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 17585; FCC 67-802]

EDUCATIONAL RESERVATIONS AT SAVANNAH, PEMBROKE, COLUMBUS, AND WARM SPRINGS, GA.

Table of Assignments

1. On March 30, 1967, the Georgia State Board of Education (the Board) filed a petition for rule making requesting that the Commission change the assignments of Channel *9— from Savannah, Ga., to Pembroke, Ga., and of Channel *28 from Columbus, Ga., to Warm Springs, Ga. No statements in opposition to the petition have been filed.

2. The Board points out that it is licensee of Station WVAN–TV, which is operating on Channel *9 about 1 mile from Pembroke, and about 30 miles from Savannah. Station WJSP–TV is being operated on Channel *28 within 3 miles of Warms Springs, approximately 30 miles from Columbus. The locations of WVAN–TV and WJSP–TV were selected as part of an overall plan to achieve statewide coverage.

3. The identification of WVAN–TV with Savannah and of WJSP–TV with Columbus is confusing viewers. Complaints have been received from people who have been unable to find listings of the stations in the Savannah and Columbus newspapers and who have had mail addressed to the stations at these localities returned to them by the post office. Therefore, the Board requests that the channels involved be reassigned to the cities requested.

4. Since Stations WVAN–TV and WJSP–TV are operating at locations considerably removed from the communities listed in the Table of Assignments, we are proposing to adjust the pattern of educational television broadcast channels in Georgia by shifting Channel *9— from Savannah to Pembroke and Channel *28 from Columbus to Warm Springs. The above changes will not require any other changes in the Table of Assignments and will have no impact on the unassigned channels available for use in the areas.

5. Accordingly, pursuant to the authority contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended; it is proposed to amend the Table of Assignments in § 73.606(b) of the Commission rules by changing channel assignments in the State of Georgia, as follows:

City	Channel Nos.	
	Present	Proposed
Savannah, Ga.	3+, *9–, 11, 22	3+, 11, 22
Pembroke, Ga.		*9–
Columbus, Ga.	3, 9+, *28, 38, 54	3, 9+, 38, 54
Warm Springs, Ga.	*22	*22, *28

6. Pursuant to applicable procedures set out in section 1.415 of the Commission rules, interested parties may file comments on or before August 14, 1967, and reply comments on or before August 24, 1967. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

7. In accordance with the provisions of § 1.419 of the rules, and original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: July 5, 1967.

Released: July 10, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8138; Filed, July 13, 1967; 8:49 a.m.]

[47 CFR Part 89]

[Docket No. 17581; FCC 67-797]

SPECIAL EMERGENCY RADIO SERVICE

Medical Associations Eligible for Authorizations

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Special Emergency Radio Service was established to provide radio communications for certain activities relating to the safety of life and property. Section 89.507 of the rules makes the service available to physicians for communications relating to the safety of life and for urgent messages relating to their medical duties. In many areas of the country physicians rely heavily on their local medical societies for such services as receiving and relaying telephone requests for medical aid from patients, and arranging for available physicians to respond to calls for medical aid during evenings, weekends and holidays. These functions of medical societies also clearly relate to the safety of life and come within the scope of the Special Emergency Radio Service. Therefore, it would appear that medical societies should have access to this service for radio facilities which would aid in discharging these functions more efficiently. This would be consistent with the purpose for which that Service was established and with the types of communications permitted in § 89.507.

3. Individual doctors may, of course, establish joint communications systems on a cooperative nonprofit basis under the provisions of § 89.13 of our rules. Many of these systems operated under § 89.13 have been integrated or are associated closely with the above-mentioned services offered by medical societies, which indicates that these cooperative systems used by physicians can be best operated by or under the auspices of local medical societies.

4. Accordingly, we propose to amend § 89.507 of our rules to make medical associations eligible for radio station authorizations in Special Emergency Radio Service. Under our proposal, eligibility to the Special Emergency Radio Service would be limited to associations and societies which are chartered by a national, state, or regional medical association or society, such as the American Medical Association. However, eligibility would not be confined to the chapters of the AMA, but would be extended to any bona fide medical association or society. Associations formed for the primary purpose of rendering a communications service to their members would not qualify. Physicians who would wish to operate a joint radio system independent from the local medical society would, of course, be able to do so under the provisions of § 89.13.

5. Medical societies would be eligible in Special Emergency to obtain a license to operate a system for the transmission of messages relating to safety of life, and to the medical duties of their member physicians, including, of course, relaying such messages to individual doctors. The association would be permitted to transmit messages only to its members who are eligible to hold licenses in their own names. Service would be rendered on a nonprofit, cost-sharing basis. Records which reflect this cost-sharing, nonprofit basis would be maintained by the association and held available for inspection by Commission representatives.

6. Authority for the proposed amendments is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before August 14, 1967, and reply comments on or before August 24, 1967. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

8. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, and comments filed should be furnished the Commission.

Adopted: July 5, 1967.

Released: July 10, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

Section 89.507 of the Commission's rules would be amended to read as follows:

§ 89.507 Physicians and veterinarians.

(a) *Eligibility.* The following are eligible for authorizations in the Special

[1] Commissioner Lee not participating; Commissioner Cox abstaining from voting.

[1] Commissioners Bartley and Cox dissenting, Commissioner Wadsworth absent.

Emergency Radio Service under this category:

(1) An individual physician or a school of medicine;

(2) An association of physicians in a locality (such as county, city, a metropolitan area) which is chartered by a national, state, or regional association of physicians; and

(3) A veterinarian or a school of veterinary medicine.

(b) *Eligibility showing.* The initial application shall be accompanied by a statement in sufficient detail to permit a ready determination of the applicant's eligibility. Any subsequent application may refer to information previously filed if there has been no change in the status of the applicant's eligibility. In the event changes have occurred which affect the original eligibility statements, a new showing must accompany the application.

(c) *Class and number of stations available.* Each physician, veterinarian, school of medicine, or school of veterinary medicine normally may be authorized to operate not more than one base station and two mobile units. Additional base stations or mobile units will be authorized only in exceptional circumstances when the applicant can show a specific need therefor.

(d) *Permissable communications.* Except for test transmissions as permitted by § 89.151, stations authorized under this section may be used as follows:

(1) Stations licensed to physicians, schools of medicine, veterinarians, or to schools of veterinary medicine may be used only for the transmission of messages pertaining to the safety of life or property and urgent messages relating to the medical duties of the licensee.

(2) Stations authorized to associations of physicians may be used only for the transmission of messages pertaining to safety of life and urgent messages relating to the medical duties of those members of the association who would be eligible for authorization under paragraph (a) of this section. Radio Service may be rendered only on a nonprofit, cost-sharing basis.

[F.R. Doc. 67-8139; Filed, July 13, 1967; 8:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

CUT JADE STONES, JADE JEWELRY, CARVINGS, OTHER MANUFACTURES

Availability of Certificates of Origin

Notice is hereby given that, effective July 3, 1967, certificates of origin issued by the Department of Commerce and Industry of the Government of Hong Kong under procedures agreed upon between that Government and the Office of Foreign Assets Control in connection with the Foreign Assets Control Regulations are again available with respect to the importation into the United States directly, or on a through bill of lading, from Hong Kong of the following commodity:

Jade, cut stones, jewelry, carvings, other manufactures.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 67-8178; Filed, July 12, 1967; 2:38 p.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial Nos. N-209 etc.]

NEVADA

Notice of Proposed Classification

Notice is hereby given of a proposal to classify the lands described below, Serial Nos. N-209, 210, 211, 212, 213, 376, 569, 1033, through exchange under section 8 of the Taylor Grazing Act, 43 U.S.C. 315g, for lands in the Hot Springs Range, Osgood Mountains and Eden Valley within Humboldt County, Nev. This publication is made pursuant to the Act of September 19, 1964, 43 U.S.C. 1412.

The District Advisory Board, local governmental officials, and other interested parties have been notified of this proposal. Information derived from discussions and other sources indicate that these lands meet the criterion of 43 CFR 2410.1-3(c)(4), which authorizes classification of lands for "exchange under appropriate authority where they are found to be chiefly valuable for public purposes because they have special values, arising from the interest of exchange proponents, for exchange for other lands which are needed for the support of a Federal program." Information concerning the lands, including the record of public discussions, is available for inspection and study at the Las Vegas District Office, Bureau of Land Management, 1859 North Decatur Boulevard, Las Vegas, Nev.

The lands affected by this proposal are located in Ash Meadows, Nye County, Nevada, and are described as follows:

MOUNT DIABLO MERIDIAN, NEVADA

T. 17 S., R. 49 E.,
Sec. 25, NE¼NE¼, W½E½, W½;
Sec. 26, Lots 4-8, inclusive, NE¼SW¼, N½SE¼;
Sec. 35, Lots 8-14, inclusive, NE¼, E½NW¼, NE¼SW¼, N½SE¼;
Sec. 36, N½.
T. 18 S., R. 49 E.,
Sec. 1, Lots 10-13, inclusive;
Sec. 2, Lots 1-5, inclusive, S½NE¼, SE¼NW¼.
T. 15 S., R. 50 E.,
Sec. 25, E½NW¼.
T. 17 S., R. 50 E.,
Sec. 9, Lots 7-12, inclusive;
Sec. 10, Lots 5, 6, 9-14, inclusive;
Sec. 11, Lots 11-14, inclusive;
Sec. 14, Lots 3-6, inclusive, 11-14 inclusive;
Sec. 15, Lots 1-4, inclusive;
Sec. 16, NW¼NW¼;
Sec. 17, NE¼, S½SW¼, W½SE¼;
Sec. 20, N½, N½SW¼;
Sec. 21, Lots 1-6, inclusive;
Sec. 22, Lot 1;
Sec. 28, E½NE¼, E½SW¼, SW¼SW¼, SE¼;
Sec. 29, NW¼NE¼, NE¼NW¼, SW¼SW¼, E½SE¼;
Sec. 30, Lots 3-10, inclusive, E½SW¼, W½SE¼;
Sec. 31;
Sec. 32, E½NE¼, SW¼NE¼, W½W½, N½SE¼;
Sec. 33, N½NE¼, SW¼NE¼, W½NW¼;
Sec. 34;
Sec. 36, SE¼NE¼, E½SE¼.
T. 18 S., R. 50 E.,
Sec. 1, Lots 1-4, inclusive;
Sec. 2, Lots 3, 4, S½NW¼, SW¼;
Sec. 3, Lots 1, 2, 3, SE¼;
Sec. 4, Lot 3, S½NW¼, SW¼, W½SE¼;
Sec. 5, Lots 1-4, inclusive, S½N½, SE¼;
Sec. 6, Lots 1, 2, 8-10, inclusive, S½NE¼, SE¼NW¼;
Sec. 9, W½E½, E½NW¼;
Sec. 10, E½, NW¼, NE¼SW¼;
Sec. 11, N½N½, NW¼SW¼, S½SW¼, SW¼SE¼;
Sec. 12, NE¼;
Sec. 14, NE¼;
T. 17 S., R. 51 E.,
Sec. 31, Lot 2, NW¼NE¼, S½NE¼, E½NW¼, SE¼;
Sec. 32, SW¼.
T. 18 S., R. 51 E.,
Sec. 5, Lots 2, 3, 4, S½N½, S½;
Sec. 6, Lots 1, 7, SE¼NE¼, SE¼SW¼;
Sec. 7, Lots 1, 2, SE¼NE¼, E½NW¼;
Sec. 8;
Sec. 17, W½E½, W½;
Sec. 18, SE¼NE¼, SE¼.

The areas described aggregate 13,663.19 acres.

For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Las Vegas District Manager, Bureau of Land Management, Las Vegas, Nev.

For the State Director.

A. JOHN HILLSAMER,
Acting Land Office Manager.

[F.R. Doc. 67-8103; Filed, July 13, 1967; 8:45 a.m.]

National Park Service

CRATER LAKE NATIONAL PARK

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5, Public Law 89-249, 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 negotiate a concession contract with Crater Lake Lodge, Inc., authorizing it to continue to provide concession facilities and services for the public at Crater Lake National Park for a period of thirty (30) years.

The foregoing concessioner has performed its obligations under a prior contract to the satisfaction of the National Park Service and, therefore, pursuant to the act cited above, is entitled to be given preference in the negotiation of a new contract. However, pursuant to the act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice.

Interested parties should contact the Chief of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: July 7, 1967.

EDWARD HUMMEL,
Assistant Director,
National Park Service.

[F.R. Doc. 67-8104; Filed, July 13, 1967; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

DEPARTMENT OF AGRICULTURE 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, Office of Scientific and Technical Equipment, 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 Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment 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. 67-00104-60-77030. Applicant: U.S. Department of Agriculture, Agricultural Research Services, Eastern Utilization Research and Development Division, 600 East Mermaid Lane, Philadelphia, Pa. 19118. Article: Nuclear magnetic resonance spectrometer, JEOL model, JNM-C-60H with cooling water conditioner, model JNM-CW-1. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: Applicant states:

A high resolution nuclear magnetic resonance spectrometer is required for determinations of the molecular structure of organic compounds synthesized or isolated or derived from animal fats, for the study of hydrogen bonding in such compounds, and for the determination of the composition of mixtures * * *.

Application received by Commissioner of Customs: June 2, 1967.

Docket No. 67-00139-33-86500. Applicant: University of Louisville, 2301 South Third Street, Louisville, Ky. 40208. Article: Viscometer, "Cone-in-Cone," Gear Box "Zero-Max," Thermo-Couple Pump with accessories and ancillary equipment. Manufacturer: Industrial Supply Co., Australia. Intended use of article: Applicant states:

Instrument will be used to determine the viscosity of whole blood and plasma at varying shear rates.

Application received by Commissioner of Customs: June 26, 1967.

Docket No. 67-00142-65-46040. Applicant: University of California, Lawrence Radiation Laboratory, East End of Hearst Avenue, Berkeley, Calif. 94720. Article: Electron Microscope, Hitachi-Perkin Elmer, model HU-650 and ancillary equipment. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: Applicant states:

To be used by the senior scientific staff and graduate students for research in studying theory of electron diffraction, multiple beam interactions, and crystalline structure of materials using photomicrographs at magnifications of one hundred thousand times with resolving details separated by less than ten angstroms.

Application received by Commissioner of Customs: June 26, 1967.

Docket No. 67-00143-33-46040. Applicant: The University of New Mexico School of Medicine, 900 Stanford Drive NE., Albuquerque, N. Mex. 87106. Article: Electron Microscope, Hitachi-Perkin Elmer, model HS-7S. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: Applicant states:

Training and instruction in biological fine structure techniques and practice.

Application received by Commissioner of Customs: June 26, 1967.

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

[F.R. Doc. 67-8095; Filed, July 13, 1967; 8:45 a.m.]

SAN FERNANDO VALLEY STATE COLLEGE 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, Office of Scientific and Technical Equipment, 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 Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment 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. 67-00145-01-77030. Applicant: San Fernando Valley State College, 18111 Nordhoff Street, Northridge, Calif. 91326. Article: Nuclear Magnetic Resonance Spectrometer, model R-20. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: Applicant states:

The instrument will be used to instruct students in the principles of nuclear magnetic resonance and the use and operation of NMR spectrometers. * * *

In addition to the instructional purposes, the instrument will also be used in a variety of research programs by graduate students and faculty. These experiments will involve essentially all of the above with the further limitation that all such experiments must involve a high degree of accuracy and precision. This would be particularly important in the kinetic and thermodynamic experiments.

Application received by Commissioner of Customs: June 27, 1967.

Docket No. 67-00146-33-46040. Applicant: Duke University Medical Center, Durham, N.C. 27706. Article: Electron Microscope, model EM-300. Manufacturer: N. V. Philips, Holland. Intended use of article: Applicant states:

Highest possible resolution electron microscopic studies of thin sections of nerve tissue, negative stained preparations of cells membrane fractions and macromolecules.

Application received by Commissioner of Customs: June 27, 1967.

Docket No. 67-00147-70-63550. Applicant: University of Michigan, Flint College, 1321 East Court Street, Flint, Mich. 48503. Article: Digital Polarimeter, model 141. Manufacturer: Perkin-Elmer and Co., Germany. Intended use of article: Applicant states:

We wish to measure the optical rotation of liquids and solutions of compounds which absorb light in the visible region, ultraviolet region, or both.

Application received by Commissioner of Customs: June 27, 1967.

Docket No. 67-00148-75-42800. Applicant: Texas A. & M. University, Cyclotron Institute, College Station, Tex. 77843. Article: Analyzing Magnet. Manufacturer: Instrument AB Scanditronix, Sweden. Intended use of article: Applicant states:

To magnetically analyze and direct charge particle beams emitted from the Texas A. & M. University Variable Energy Cyclotron.

Application received by Commissioner of Customs: June 27, 1967.

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

[F.R. Doc. 67-8096; Filed, July 13, 1967; 8:45 a.m.]

MIDWESTERN UNIVERSITY 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, Office of Scientific and Technical Equipment, 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 Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment 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.: 67-00150-01-77030 Applicant: Midwestern University, 3400 Taft Street, Wichita Falls, Tex. Article: Nuclear Magnetic Resonance Spectrometer, model R-20 and accessories. Manufacturer: Hitachi Ltd., Japan. Intended use of article: Applicant states:

The instrument will be used primarily in the training of undergraduate [chemistry] students in NMR technology and for faculty and student research projects.

Application received by Commissioner of Customs: June 27, 1967.

Docket No.: 67-00151-01-77040 Applicant: New Mexico State University, Las Cruces, N. Mex. 88001. Article: Mass Spectrometer, Hitachi Perkin-Elmer RMU-6E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: Applicant states:

A. Instruct students in mass spectrometry and its applications as outlined in the following studies.

B. Determination of the molecular weight of organic and inorganic compounds with high precision, and variations in molecular weight due to isotopic substitution into the molecule.

C. Identification of unknown compounds.

D. Determination of the fragmentation patterns of gases, liquids, and solids as a means of determining molecular structure.

E. Determination of molecular fragmentation mechanisms due to electron impact.

F. Determination of the abundance and position of isotopic atomic species in product molecules as a means of determining mechanisms of chemical reactions.

G. Analysis of complex mixtures by gas chromatographic partitioning with the eluted gas stream introduced directly into the mass spectrometer.

H. Studies of metastable ion transitions in order to determine whether a suspected daughter ion is a true fragment or a decomposition product.

I. Determination of appearance potentials.

J. Determination of negative ion spectra.

K. Studies of chemical reaction kinetics.

L. Studies of ion-molecule reactions.

Application received by Commissioner of Customs: June 27, 1967.

Docket No. 67-00152-33-46040. Applicant: Children's Hospital Research Foundation, Elland and Bethesda Avenues, Cincinnati, Ohio 45229. Article: Electron Microscope, Norelco, model EM-300. Manufacturer: Philips Electronics and Pharmaceutical Industries Corp., The Netherlands. Intended use of article: This instrument will be used in biological research and teaching. Specific research projects include the following: "1. The nature of the structural lesion in the glycogen storage disease. 2. Studies on the structure of the kidney glomerular basement membrane * * *" 3. Development of methods of tracing albumin in intestinal tissue. 4. Research of negatively stained viral suspensions. Application received by Commissioner of Customs: June 27, 1967.

Docket No.: 67-00153-33-46500 Applicant: The Johns Hopkins University School of Medicine, Department of Anatomy, 725 North Wolfe Street, Baltimore, Md. 21205. Article: Ultramicrotome, model "Om U2." Manufacturer: Reichert, Austria. Intended use of article: The article will be used to cut more than 100 consecutive sections of a single layer of cells grown in tissue culture. Application received by Commissioner of Customs: June 27, 1967.

Docket No.: 67-00154-65-61040 Applicant: University of California, Lawrence Radiation Laboratory, Post Office Box 808, End of East Avenue, Livermore, Calif. 94550. Article: Microhardness Tester, Nikon High Temperature, model EOFY Type No. 1. Manufacturer: Nippon Kogaku K. K., Japan. Intended use of article: The article will be used for measuring and photographically recording the hardness of metallic and nonmetallic solids that are at temperatures to 1600° C. and in a noncorrosive atmosphere. Application received by Commissioner of Customs: June 28, 1967.

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

[F.R. Doc. 67-8097; Filed, July 13, 1967; 8:45 a.m.]

UNIVERSITY OF CALIFORNIA

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

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

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

Docket No. 67-00020-65-46040. Applicant: University of California, Lawrence Radiation Laboratory, End of East Avenue, Livermore, Calif. 94550. Article: Electron Microscope-Hitachi Model HU-125. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: Applicant states:

This instrument will be used for research purposes by the Lawrence Radiation Laboratory under Contract No. W-7405-ENG-48 with the Atomic Energy Commission. Specific use will be in studies of "High Z" materials such as uranium alloys and other materials which, because of their nature, cannot be thinned properly. The behaviour of "High Z" materials is such that an electron microscope of 125 KV is needed to provide adequate penetration.

Comments: Comments were received from one domestic manufacturer, Radio Corporation of America (RCA), which alleged inter alia that "RCA model No. EMU-4 Electron Microscope is of equivalent scientific value to the instrument for which duty-free entry has been requested for the purposes stated in the application for which the instrument is intended to be used." (RCA comment, May 5, 1967, par. (3).) Decision: Application approved. No instrument or apparatus of equivalent scientific value to such article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: Applicant intends to use the foreign article in studies of "High Z" materials such as uranium alloys and other materials which, because of their nature, cannot be thinned properly. (Exhibit II to application.) Since these specimens cannot be made sufficiently thin, the electron microscope must be capable of furnishing an electron beam with adequate penetrating power for the thicker samples. Because penetrating power is a function of accelerating voltage, this characteristic is pertinent to the purpose for which the foreign article is intended to be used. The foreign article offers a maximum of 100 kilovolts. The domestic manufacturer claims that the 100 kilovolt capability of the EMU-4 provides sufficient accelerating voltage for the purposes for which the foreign article is intended to be used and that the additional 11.5 percent penetrating power provided by the foreign article is not a pertinent characteristic. (RCA comment, par. (4).) The applicant notes that the increase in penetrating power is around 15 percent and that a 20-percent increase has been demonstrated experimentally. (Letter from applicant dated May 12, 1967, p. 1.)

However, even a difference of 11.5 percent in penetrating power is significant because of the additional information derived from observation of the thicker samples which are representative of the major portion of materials to be investigated with the use of the foreign article. Therefore, we find that the RCA electron microscope is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

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

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

[F.R. Doc. 67-8098; Filed, July 13, 1967; 8:45 a.m.]

Office of the Secretary

ORGANIZATION AND DELEGATION OF AUTHORITY

The orders set forth below were issued by the Assistant Secretary of Commerce for Administration and are published in the FEDERAL REGISTER to describe the central and field organization, and the functions and responsibilities of the staff offices and staff officers, of the Department of Commerce which report to him, and otherwise to comply with the requirements of 5 U.S.C. 552(a)(1).

Dated: July 11, 1967.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[Dept. Order 134-1]

OFFICE OF ADMINISTRATIVE SERVICES

SECTION 1 *Purpose.* The purpose of this order is to delegate authority to the Director, Office of Administrative Services, and prescribe the organization and functions of the Office of Administrative Services.

SEC. 2 *General.* The Office of Administrative Services shall be headed by a Director, who shall report and be responsible to the Assistant Secretary for Administration. The Director shall be assisted by the Deputy Director who shall perform the functions of the Director during the latter's absence.

SEC. 3 *Delegation of authority.* .01 Pursuant to the authority vested in the Assistant Secretary of Commerce for Administration by Department Order 134 and subject to the applicable provisions of law, regulation, and such policies and instructions as the Assistant Secretary for Administration may prescribe, the Director, Office of Administrative Services, is delegated the authority vested in the Assistant Secretary for Administration in the field of administrative and related support services consisting of property and supply management, procurement, space management, safety, motor vehicle management, communications, and other Department-wide functions as assigned.

.02 The Director, Office of Administrative Services, is delegated the authority vested in the Assistant Secretary for Administration by Department Order 9 to settle and pay claims for damage to, or loss of, personal property incident to his service, under the provisions of Public Law 88-558 (31 U.S.C. 240 et seq.), filed by an employee (or his duly authorized representative) of the Office of the Secretary. For purposes of exercising this authority, the Director, Office of Administrative Services, is designated Claims Officer.

.03 The Director, Office of Administrative Services, may redelegate his authority, to the extent permitted by law, to appropriate officials in the Office of Administrative Services and operating units, subject to such conditions in the exercise of such authority as he may prescribe. However, the authority delegated to the Director as Claims Officer may not be redelegated.

SEC. 4 *Organization and functions.* .01 The Office of Administrative Services shall consist of:

Office of the Director.
Program Development Staff.
Departmental Library Division.
Procurement Division.
Services Division.
Property and Records Division.

.02 The Director shall be an adviser to, and serve as the representative of, the Assistant Secretary for Administration on all matters pertaining to administrative and related support services throughout the Department consisting of: Property and supply management, procurement, space management, safety, motor vehicle management, communications; and other Department-wide functions as assigned by the Assistant Secretary for Administration.

.03 The Director shall also be responsible for providing direct services, performed by the Departmental Library Division, the Procurement Division, the Services Division, and the Property and Records Division, for the Office of the Secretary, and for other operating units in the Department of Commerce as may be determined by the Assistant Secretary for Administration.

.04 The Deputy Director shall be the chief operating aide to the Director, shall provide general direction of the operations of the Office and shall perform such other duties and assignments as the Director may prescribe.

.05 The Program Development Staff shall develop Departmental plans, policies, standards and control systems, and provide functional assistance and guidance throughout the Department with respect to the management of functions specified in paragraph .02 of this section.

.06 The Departmental Library Division shall provide direct library services for the Office of the Secretary and such other operating units of the Department as may be located in the Commerce Building and serve as a reference source for libraries of operating units outside the Main Commerce Building.

.07 The Procurement Division shall develop plans, policies and standards, and administer and coordinate a program, for the procurement of property and services for the Office of the Secretary and assigned operating units in the Department.

.08 The Services Division shall provide the following services for organization units of the Department as prescribed in paragraph .03 of this section: Telecommunications, cash receivables, imprest fund, travel services, correspondence routing and control, mail and messenger services, office machine repairs, sales and distribution of Department publications, receiving, shipping, motor vehicle services; and other services as assigned.

.09 The Property and Records Division shall provide the following services for organization units of the Department as prescribed in paragraph .03 of this section: Personal property management, space management, records management, forms management, labor services, building services liaison with General Services Administration, parking facilities; and other services as assigned.

SEC. 5 *Department of Commerce Administrative Services Council.* There shall be a Department of Commerce Administrative Services Council, which shall consist of the Director, Office of Administrative Services, as Chairman, the Deputy Director, and the chief administrative services officers of the primary operating units of the Department. The Council will meet on call from the Chairman for the purpose of advising and assisting in the development of policy and programs for the maximum effectiveness of administrative and facilitative services throughout the Department.

Effective date: June 27, 1967.

[Dept. Order 134-2]

OFFICE OF AUDITS

SECTION 1 *Purpose.* The purpose of this Organization and Function Supplement is to establish the Office of Audits as a staff service office in the Office of the Assistant Secretary of Commerce for Administration, to delegate authority to the Director, and to prescribe the functions of the Office of Audits.

SEC. 2 *General.* .01 The Office of Audits, previously established as the Office of Internal Audit under Department Order No. 175, is hereby established as a staff service office in the Office of the Assistant Secretary of Commerce for Administration.

.02 The Office of Audits shall be headed by a Director who shall be an adviser to, and serve as the representative of, the Assistant Secretary for Administration in matters relating to auditing, and shall serve as adviser to all Departmental officials with respect to audit matters.

SEC. 3 *Delegation of authority.* .01 Pursuant to the authority vested in the Assistant Secretary of Commerce for Administration by Department Order No. 134 (Revised), and subject to the applicable provisions of law, regulation and such policies and directives as the Assistant Secretary for Administration may prescribe, the Director, Office of Audits is delegated the authority vested in the Assistant Secretary for Administration with respect to auditing the operating, administrative, and financial activi-

ties of all organization units of the Department.

.02 The Director, Office of Audits, may redelegate his authority to appropriate officials of the Office of Audits and primary organization units of the Department subject to such conditions in the exercise of such authority as he may prescribe.

SEC. 4. *Functions.* The Office of Audits shall:

1 Develop, prescribe, and coordinate the Departmental audit policies and guidelines for audit organizations in the bureaus and offices to implement the programing and execution of comprehensive audits;

2 Perform comprehensive audits of primary organization units that do not have an internal audit staff and prepare related audit reports, including recommendations for the improvements of operations, to the Assistant Secretary for Administration, and direct special audits and examinations, as required, in the Department's offices and bureaus;

3 Provide continuous review of audit programs of bureaus and offices to determine whether the scope, emphasis, priority and utilization of audit manpower are appropriate to the current needs of the Department's offices and bureaus;

4 Formulate, direct, and prescribe programs designed to further the career development of individual members of the audit staffs of the Department's offices and bureaus; to obtain high quality professional staffs of accountants and auditors; and to obtain appropriate recognition of the professional character of the work done by members of the audit staffs;

5 Review, analyze, and evaluate audit reports and accomplishments of audit organizations in the Department's offices and bureaus to determine the significance and effectiveness of the audit work proposed or performed; and to digest and report to the Assistant Secretary for Administration significant findings revealed in these audit reports;

6 Participate in formulating departmental accounting principles, standards, and procedures through recommendations contained in audit reports; and

7 Represent the Assistant Secretary for Administration in conferences and negotiations with officials of other Federal agencies or other groups with respect to audit matters pertaining to the Department's offices and bureaus;

SEC. 5 *Department of Commerce Audit Council.* There shall be a Department of Commerce Audit Council consisting of the Director, as Chairman, and the heads of the various audit organizations of the Department's offices and bureaus as members. The Council will meet on call from the Chairman for the purpose of assisting in the development of departmental audit policies necessary to achieve maximum effectiveness of the audit activity throughout the Department.

Effective date: January 28, 1963.

[Dept. Order 134-3]

OFFICE OF BUDGET AND FINANCE

SECTION 1 *Purpose.* The purpose of this order is to delegate authority to the Director, Office of Budget and Finance, and to prescribe the organization and functions of the Office of Budget and Finance.

SEC. 2 *General.* .01 The Office of Budget and Finance is hereby continued as a staff service office in the Office of the Assistant Secretary of Commerce for Administration.

.02 The Office of Budget and Finance shall be headed by a Director who shall report and be responsible to the Assistant Secretary of Commerce for Administration. The Director shall be assisted by a Deputy Director who shall perform the functions of the Director during the latter's absence.

SEC. 3 *Delegation of authority.* .01 Pursuant to the authority vested in the Assistant Secretary of Commerce for Administration by Department Order 134 and subject to the applicable provisions of law, regulation, and such policies and directives as the Assistant Secretary of Commerce for Administration may prescribe, the Director, Office of Budget and Finance, is delegated the authority vested in the Assistant Secretary for Administration in the fields of budget and finance.

.02 The Director, Office of Budget and Finance, may redelegate his authority to appropriate officials of the Office of Budget and Finance and to operating units of the Department subject to such conditions in the exercise of such authority as he may prescribe.

SEC. 4 *Organization and functions.* .01 The Office of Budget and Finance shall comprise:

a. Office of the Director: Director; Deputy Director.
b. Financial Systems Policy Division.
c. Budget Coordination Division.
d. Budget Review and Analysis Staff.
e. Fiscal Services Division.

.02 The Director shall be the Budget Officer for the Department of Commerce, shall be the adviser to, and serve as the representative of, the Assistant Secretary for Administration in matters relating to budget and finance and shall serve as adviser to other departmental officials with respect to these matters. He shall be responsible for the financial management of the Working Capital Fund. He shall represent the Department on budgetary and financial matters affecting the Department, and shall establish and maintain close working relationships with the Bureau of the Budget, with the Appropriations Committees, and with other Government agencies.

.03 The Deputy Director shall be the chief operating aide to the Director, shall provide general direction of the operations of the office, and shall perform such other duties and assignments as the Director may prescribe.

.04 The Financial Systems Policy Division shall formulate policies, and establish standards and criteria for systems of accounting, for administrative control of funds and other financial resources, and for managerial-financial reporting; review accounting and financial management systems and programs of operating units for conformance with established policies, standards and criteria, and with modern accounting practices, and for effectiveness and efficiency; and provide liaison with the General Accounting Office, Treasury Department and Bureau of the Budget on accounting and financial management matters.

.05 The Budget Coordination Division shall establish standards and criteria for preparation of budget estimates and justifications; provide coordination of budget programs and activities which require consolidated action by the Department; disseminate and interpret Bureau of the Budget directives and circulars on budget matters; prepare instructions for submission of budget estimates and coordinate their preparation and review; maintain information on status and progress of Appropriations Committees activities and appropriations bills; prepare Department budget summaries and analyses; maintain Department's budget history; coordinate administration of interagency budget programs and estimates; provide technical assistance to examining groups and operating units as requested on technical budget matters; and maintain liaison with Bureau of the Budget staff and with staffs of Appropriations Committees on budget matters.

.06 The Budget Review and Analysis Staff shall within their assigned program areas examine all budget proposals for conformance to policies, for adequacy of justifications and appropriation language, for existence of statutory authorization, for feasibility and economy of the proposals, for accuracy and consistency of schedules, and for conformity with instructions governing submission of budget estimates; examine and clear apportionment requests; analyze program and financial plans and proposals for reprograming for conformance to departmental policies and commitments; maintain a continuous review of the status of obligations, expenditures and program progress; provide staff assistance and advice to Secretarial Officers and other officials in the preparation of budgets and related materials, and in the solution of budgeting and financing problems; evaluate budgeting and financial policies and programs and make recommendations to appropriate officials when improvements are needed; and provide continuous liaison and point of contact between officials in assigned program areas and appropriate staff of the Office of the Secretary and Bureau of the Budget on budget and finance matters.

.07 The Fiscal Services Division shall manage the Working Capital Fund and, on a reimbursable basis through the Working Capital Fund, shall provide accounting and financial reporting services to the Office of the Secretary and other operating units; provide payrolling services to the Office of the Secretary and other operating units; render consolidated financial reports for the Department; and provide budget and related

financial services for General Administration, other funds of operating units and miscellaneous accounts.

SEC. 5 *Department of Commerce Budget and Finance Councils.* .01 There shall be a Department of Commerce Budget Council, which shall consist of the Director, as Chairman, the Chief, Budget Coordination Division, and the budget officers of the primary operating units. The Council will meet on call from the Chairman for the purpose of advising and assisting in the development of budget policies and programs necessary to achieve maximum effectiveness of such activities throughout the Department.

.02 There shall be a Department of Commerce Finance Council, which shall consist of the Director, as Chairman, the Chief, Financial Systems Policy Division, and the chief finance or accounting officer of each primary operating unit. The Council will meet on call from the Chairman for the purpose of advising and assisting in the development of finance and accounting policies and programs necessary to achieve maximum effectiveness of such activities throughout the Department.

Effective date: October 18, 1966.

[Dept. Order 134-4]

OFFICE OF EMERGENCY READINESS

SECTION 1 *Purpose.* The purpose of this order is to delegate authority to the Director, Office of Emergency Readiness, and prescribe the functions of the Office of Emergency Readiness.

SEC. 2 *General.* The Office of Emergency Readiness shall be headed by a Director, who shall report and be responsible to the Assistant Secretary for Administration. The Director shall be assisted by a Deputy Director, who shall perform the functions of the Director during the latter's absence.

SEC. 3 *Delegation of authority.* .01 Pursuant to the authority vested in the Assistant Secretary of Commerce for Administration by Department Order 134, and subject to the applicable provision of law, regulation, and such policies, directives and instructions as the Assistant Secretary for Administration may prescribe, the Director, Office of Emergency Readiness, is delegated the authority vested in the Assistant Secretary for Administration in the fields of national emergency plans and programs of the Department for the continuity of essential functions, civil defense, defense mobilization, disaster assistance, and related activities.

.02 The Director, Office of Emergency Readiness, may redelegate his authority to appropriate officials of the Office of Emergency Readiness, and operating units of the Department subject to such conditions in the exercise of such authority as he may prescribe.

SEC. 4 *Functions.* .01 The Director shall be an adviser to, and serve as the representative of, the Assistant Secretary for Administration on all programs of the Department pertaining to the continuity of essential function, civil defense, and defense mobilization activities, and disaster assistance, and shall serve as adviser to other Departmental officials with respect to these matters.

.02 The Office of Emergency Readiness shall:

a. *Pre-emergency planning.* 1. Direct the development, coordination, testing, evaluation and implementation of emergency preparedness plans and programs for the continuity of essential functions, civil defense, defense mobilization, and assistance in a major disaster.

2. Represent the Department on interagency defense mobilization and civil defense planning committees, boards, working groups, and related activities.

3. Serve as the Department's principal liaison with the Office of Emergency Planning in the Executive Office of the President, the Office of Civil Defense in the Department of Defense and other Federal, State, and local governments, departments and agencies to assure the correlation and compatibility of preparedness plans and programs and the maximum utilization of existing resources and capabilities of the Department.

4. Provide leadership, guidance, and assistance to bureaus and offices in the development of plans which provide for an operational capability to carry out their essential emergency functions.

5. Assure the preparation of emergency readiness plans for the offices in the Office of the Secretary.

6. Develop and administer the Department's policy on:

(a) The acquisition, maintenance and operations of all emergency relocation sites;

(b) The continuity of essential functions, including: line of succession, predelegation of emergency authorities, composition and training of relocation cadres, emergency essential records program, emergency communications, assignment and training of the Communications Corps, civil defense and disaster control organization and training, damage assessment, and tests and exercises;

(c) The National Defense Executive Reserve;

(d) Code of Emergency Federal Regulations; and

(e) Natural and other major disaster assistance.

7. Review and appraise the emergency plans and programs developed by the bureaus and offices of the Department to determine their adequacy, completeness, feasibility, and operational capability to be implemented under the various contingencies, in terms of the assigned emergency functions and The National Plan for Emergency Preparedness.

8. Assure the development of a civil defense and disaster control program for the Department, and the development and maintenance of a capability to provide for the protection and welfare of employees at regular and emergency relocation sites. This includes radiological monitoring and reporting, first aid, rescue, fire fighting, and the supervision control of protective facilities, services, and other related welfare activities.

9. Coordinate the plans and procedures of bureaus and offices to assure that Department resources will be promptly mobilized to provide assistance to States and local governments in major disasters.

10. Provide guidance to State governments, primarily through the Regional Emergency Planning Coordinators, in developing and testing State plans for the emergency management of national resources assigned to the Department, by the Office of Emergency Planning's Comprehensive Program for the Emergency Management of Resources, and The National Plan for Emergency Preparedness.

11. Participate in planning and evaluation of periodic National, Regional and/or Department emergency tests and exercises.

12. Keep the Secretary, Assistant Secretary for Administration, and the other officials of the Department advised as to the current status of readiness and capability to carry out emergency functions of the Department.

b. *Preemergency operations.* 1. Develop and coordinate Department Orders and Administrative Orders pertaining to emergency preparedness planning, procedures, operations and related programs of the Department.

2. Review and evaluate emergency preparedness programs in the budgets of bureaus and offices of the Department and participate in the revision of estimates of appropriations affecting the programs;

3. Control the issuance and revision of approved plans and supporting documents forming the Department's emergency plans for the continuity of essential functions and operations;

4. Establish a Departmental emergency operations center for the Main Commerce Building and a Headquarters relocation site;

5. Establish and maintain a Defense Condition Alerting Schedule for Washington Headquarters of the Department;

6. Coordinate the Department's National Defense Executive Reserve program;

7. Establish and maintain a program for the selection, protection, and reporting of records essential to the emergency functions of the Department;

8. Assign responsibility for the control of radiological material issued to the Department under Atomic Energy Commission license, together with instruments, for training and operations;

9. Develop and exercise functional control over civil defense, disaster control, damage assessment, and related organization, training and operations programs of the Department;

10. Control approval of the obligation of funds for emergency relocation activities charged against the Working Capital fund;

11. Coordinate the plans, announcements, and arrangements for personnel, facilities, supplies and equipment required for the Department's participation in civil defense and defense mobilization tests and exercises; and

12. Coordinate the submission of the Department's reports to the Joint Committee on Defense Production and other Congressional inquiries as well as reports

requested by the Office of Emergency Planning, Office of Civil Defense, General Services Administration and other agencies.

c. *Emergency operations.* 1. Activate and manage a Departmental emergency operations facility in the Main Commerce Building; and

2. Activate and operate an emergency operations facility at the Department's Headquarters relocation site.

d. *Field activities.* 1. Provide support through Regional Emergency Planning Coordinators assigned to the Office of Emergency Planning/Office of Civil Defense Regional offices as follows:

(a) Represent the Department on regional, State, and local government committees, boards and working groups involved in emergency preparedness plans and programs, including continuity of essential functions, emergency management of resources, civil defense, disaster assistance, and related activities;

(b) Provide guidance and assistance to those elements of State governments charged with preparedness planning for the emergency management of resources for which the Department has been assigned responsibilities;

(c) Serve as the Department's principal adviser to the Directors of the respective Office of Emergency Planning/Office of Civil Defense Regions on matters relating to the bureau and office functions of the Department of Commerce;

(d) Serve as liaison between the field installations of the Department and the Office of Emergency Planning/Office of Civil Defense Regional Directors in emergency preparedness matters;

(e) Coordinate the emergency preparedness planning of field installations;

(f) Provide guidance and assistance to field installations in the selection, acquisition and maintenance of relocation sites to be utilized as emergency operating facilities in the event of a national defense emergency;

(g) Establish and maintain an emergency essential records file at the Office of Emergency Planning/Office of Civil Defense emergency operations center, and provide guidance and advice to field installations on provisions for emergency essential records;

(h) Establish and maintain a Regional Defense Condition (DEFCON) Alerting Schedule for field installations;

(i) Participate in planning and evaluation of periodic Regional, State and/or local government emergency preparedness tests and exercise; and

(j) Prepare reports on the status of emergency preparedness plans, programs and operations.

2. Furnish Departmental representation at the Office of Emergency Planning special facility division. The Departmental representative shall:

(a) Serve as liaison officers for the Department with officials of the division regarding national emergency plans and preparedness programs for the continuity of Government;

(b) Provide surveillance over emergency relocation sites established as headquarters facilities for the Department;

(c) Plan, develop and maintain in operational readiness a network of emergency communications for the Department including (1) the development and maintenance of emergency communications; (2) standing operating procedures; (3) recruitment, training, and maintenance of operating proficiency of the Department's Communications Corps; and (4) periodic tests and exercises of communications equipment, systems and facilities; and

(d) Maintain cognizance over Department assistance in major disasters.

Effective date: June 27, 1967.

[Dept. Order 134-5]

OFFICE OF INVESTIGATIONS AND SECURITY

SECTION 1 *Purpose.* The purpose of this order is to delegate authority to the Director, Office of Investigations and Security, and prescribe the organization and functions of the Office of Investigations and Security.

SEC. 2 *General.* The Office of Investigations and Security shall be headed by a Director who shall report and be responsible to the Assistant Secretary for Administration. The Director shall be assisted by a Deputy Director who shall perform the functions of the Director during the latter's absence.

SEC. 3 *Delegation of authority.* .01 Pursuant to the authority vested in the Assistant Secretary of Commerce for Administration by Department Order 134, and subject to the applicable provisions of law, regulation, and such policies and directives as the Assistant Secretary for Administration may prescribe, the Director, Office of Investigations and Security, is hereby delegated authority vested in the Assistant Secretary for Administration with respect to investigations, personnel security, physical security, and general security.

.02 The Director, Office of Investigations and Security, may redelegate his authority to appropriate officials of the Office of Investigations and Security and to operating units of the Department subject to such conditions in the exercise of such authority as he may prescribe.

SEC. 4 *Organization and functions.* .01 The principal officials of the Office of Investigations and Security and their responsibilities are as follows:

a. The Director, who shall be the Department Security Officer and shall be an adviser to, and serve as the representative of, the Assistant Secretary for Administration on matters relating to investigations, personnel security, physical security, and general security; serve as adviser to all other Departmental officials with respect to these matters; plan, coordinate, and review Departmental policies, programs, and procedures with respect to these matters; and serve as the liaison representative of the Department with other Departments of Government and outside agencies on matters pertaining to security;

b. The Deputy Director, who shall be the chief operating aide of the Director, and in addition shall be responsible for functions related to personnel security; and

c. The Assistant Director for Physical and Documentary Security, who shall be responsible for functions related to physical and documentary security.

.02 The functions of the Office of Investigations and Security shall include the following:

a. *Investigations.* 1. Conduct all liaison with investigative agencies of the Federal Government and with local governments (State, county and municipal) on matters of personnel suitability or security; and

2. Investigate suspected misconduct and impropriety on the part of employees of the Department which are brought to the attention of the Director, Office of Investigations and Security.

b. *Personnel security.* 1. Develop and recommend policies and procedures for the treatment of all security questions pertaining to personnel security within the Department;

2. Develop, initiate, and supervise programs for the training and indoctrination of personnel in internal security and the maintenance of security discipline;

3. Receive and process all requests for security clearance of employees to be assigned to positions that require access to classified information, material, or restricted areas, and review and determine the security status of personnel cases which involve the appraisal of derogatory information in connection with the issuance of certificates of personnel security clearance, the imposition of security restrictions on individual employees, and other decisions affecting personnel security considerations;

4. Initiate, conduct, and control all investigations necessary in the security clearance of individuals for whom certificates of security clearance have been requested as provided in the Departmental security regulations;

5. Issue certificates of security clearance to appropriate offices upon request after determination of employee's eligibility for such clearance within the security regulations of the Department of Commerce;

6. Initiate action, when deemed advisable, to withhold security clearance for classified information and material and, where appropriate, recommend action in accordance with the provisions of Public Law 733, 81st Congress, Executive Order 10450 of April 27, 1953, as amended, and regulations issued pursuant thereto; and

7. Carry out any other functions inherent in the responsibility for the establishment and maintenance of personnel security within the Department or implicit in this order.

c. *Physical security.* 1. Establish appropriate policies and procedures with respect to physical security pertaining to the safeguarding of classified documents, information, material, and the protection of restricted areas;

2. Prescribe minimum security requirements of the Department with respect to all classified documents, publications, and material;

3. Prescribe the necessary protective measures with respect to classified and restricted areas;

4. Prescribe policies and procedures governing the access of visitors to classified areas and information; and

5. Establish and enforce regulations for the control of all visitors (other than casual) to the unclassified areas of the Department.

d. *General security.* 1. Represent the Department on all interdepartmental committees dealing with security;

2. Prepare and present security problems of an interdepartmental character to the appropriate security committees;

3. Serve as a focal point for the receipt, examination and treatment of all security questions presented to or arising within the Department which require Departmental action;

4. Develop and carry out periodic tests of the adequacy of the internal security of the Department; and

5. Receive all reports of investigation of applicants for employment and personnel of the Department; and, depending upon the nature of information developed during the investigation, channel such information to the appropriate organization official for proper handling.

SEC. 5 *Policy support.* The Director, Office of Investigations and Security may on occasion call upon the persons designated as Security Officers of the organizations of the Department and upon the Director of Personnel or his representative for assistance in formulating policies and procedures relating to the functions described in this order, to promote uniform practices, and to provide a means whereby security matters affecting more than one organization may be handled in an orderly and uniform manner.

Effective date: May 29, 1967.

[Dept. Order 134-6]

OFFICE OF PERSONNEL

SECTION 1 *Purpose.* The purpose of this order is to delegate authority to the Director, Office of Personnel, and to prescribe the organization and functions of the Office of Personnel.

SEC. 2 *General.* The Office of Personnel shall be headed by a Director, who shall report and be responsible to the Assistant Secretary for Administration. The Director shall be assisted by a Deputy Director, who shall perform the functions of the Director during the latter's absence and at other times as specified by the Director.

SEC. 3 *Delegation of authority.* .01 Pursuant to the authority vested in the Assistant Secretary for Administration by Department Order 134, and subject to such policies and directives as the Assistant Secretary for Administration may prescribe, the Director, Office of Personnel, is delegated the authority vested in the Assistant Secretary for Administration to take final action on all matters pertaining to personnel programing and management, which covers the direction, administration, and processing of all personnel matters including manpower controls, employee utilization, labor relations and health (with respect to employees of the Department), equal employment opportunity with respect to Federal employment (except as otherwise provided by directives of the Department), and related activities in the Department of Commerce.

.02 The Director, Office of Personnel, may redelegate his authority to appropriate officials of the Office of Personnel and to operating units of the Department subject to such conditions in the exercise of such authority as he may prescribe.

SEC. 4 *Organization and functions.* .01 The Office of Personnel shall comprise:

a. Office of the Director: Director; Deputy Director.
b. Policy Division.
c. Compensation Division.
d. Career Management Division.
e. Employee Development Division.
f. Medical Division.
g. Operations Division.

.02 The Director, Office of Personnel, shall be the Director of Personnel for the Department of Commerce and shall be an adviser to, and serve as the representative of, the Assistant Secretary for Administration in all matters relating to personnel, including manpower control and utilization, labor relations and health (with respect to employees of the Department), equal employment opportunity with respect to Federal employment (except as otherwise provided by directives of the Department), and shall serve as adviser to all other departmental officials with respect to these matters. The functions assigned herein include representation on behalf of the Department on boards and committees and before other branches of the Government concerned with the activities described herein.

The Director shall be assisted in carrying out his duties by a Deputy Director, who shall be the chief operating aide to the Director, serve as authorized alternate for the Director, and perform other duties as assigned.

.03 The Policy Division shall, in conjunction with the appropriate division chiefs, plan and coordinate matters relating to the development of personnel programs within the Department, management aspects of the direction and control of the personnel program, formulation and issuance of personnel policy, personnel systems and procedures (including personnel records and reports), personnel program evaluation, and other matters as assigned.

.04 The Compensation Division shall plan and coordinate Department-wide programs and activities in the broad areas of position classification and pay administration, allowances, hours, and tours of duty, and related matters.

.05 The Career Management Division shall plan and coordinate Department-wide programs and activities in the broad areas of employment, career planning, manpower controls, employee utilization, labor and employee relations, equal employment opportunity, and related matters.

.06 The Employee Development Division shall plan and coordinate Department-wide programs and activities in the broad areas of employee training and development, employee performance evaluation, employee recognition and incentives (including suggestions and awards), communication with employees, employee services and activities, general reports, administrative services for the Office of Personnel, and related matters.

.07 The Medical Division shall plan and coordinate Department-wide policies and programs in employee health services; represent the Director of Personnel in maintaining professional medical liaison with the U.S. Public Health Service, U.S. Civil Service Commission, and other appropriate agencies; provide advice, assistance, and consultative services to operating units in employee health matters as requested; and plan and conduct the employee health service programs of the Department's central health unit.

.08 The Operations Division shall conduct personnel operations for the Office of the Secretary and such other operating units as may be specified by the Director of Personnel.

.09 Any of the functions described above may be performed by any officer, employee, or agency of the Department as specified by the Director of Personnel.

SEC. 5 *Department of Commerce Personnel Council.* There shall be a Department of Commerce Personnel Council, which shall consist of the Director, Office of Personnel, as Chairman, and the personnel officers for all operating units. The Council will meet on call from the Chairman for the purpose of advising and assisting in the development and integration of personnel policies and programs necessary to achieve maximum effectiveness of such activities throughout the Department.

SEC. 6 *Saving provision.* All outstanding delegations, rules, regulations, orders, certificates, and other actions issued by or relating to the Office of Personnel shall remain in effect until amended or revoked by proper authority.

Effective date: December 6, 1966.

[Dept. Order 134-7]

OFFICE OF PUBLICATIONS

SECTION 1 *Purpose.* The purpose of this order is to delegate authority to the Director, Office of Publications, and prescribe the organization and functions of the Office of Publications.

SEC. 2 *General.* The Office of Publications shall be headed by a Director, who shall report and be responsible to the Assistant Secretary for Administration. The Director shall be assisted by a Deputy Director, who shall perform the functions of the Director during the latter's absence.

SEC. 3 *Delegation of authority.* .01 Pursuant to the authority vested in the Assistant Secretary of Commerce for Administration by Department Order 134

and subject to the applicable provisions of law, regulation, and such policies and directives as the Assistant Secretary for Administration may prescribe, the Director, Office of Publications, is delegated the authority vested in the Assistant Secretary for Administration in the fields of publications, printing, and allied activities, including the approval of prices for publications sold to the public.

.02 The Director, Office of Publications, may redelegate his authority to appropriate officials of the Office of Publications and operating units of the Department subject to such conditions in the exercise of such authority as he may prescribe.

SEC. 4 *Organization and functions.* .01 The Office of Publications shall comprise:

Office of the Director.
Financial Management Division.
Publications Policy and Development Division.
Design and Graphics Division.
Printing Planning Division.
Printing Production Division.

.02 The Director, Office of Publications, shall be an adviser to, and serve as the representative of, the Assistant Secretary for Administration in matters relating to publications, printing and allied activities, and serve as adviser to all other Departmental officials with respect to these matters; formulate, direct, and coordinate the development of publications and printing policies and activities; procure or approve for procurement all printing, binding, and allied reproduction and publications distribution equipment; develop standards for essentiality, utility, content, format and style for all publications; direct the activities of the Department's central printing plant and related graphics and photographic activities; manage the Working Capital Fund for printing and related activities; and conduct sole liaison (a) between the Department of Commerce and Joint Committee on Printing and Binding and between the Department of Commerce and the Government Printing Office on printing matters, and (b) between the Department of Commerce and the Superintendent of Documents on publications pricing, sales, distribution, promotion and mailing list activities. He shall represent the Assistant Secretary for Administration on boards and committees and before other branches of the Government concerned with the activities described herein. The Deputy Director who shall be the chief operating aide to the Director, provides general direction of the operations of the Office, serves as the authorized alternate for the Director, and performs other duties as assigned.

.03 The Financial Management Division shall plan and direct the financial control operations related to the Department's printing plants; develop guidelines for cost controls for all printing, binding and related activities; review and evaluate costs of printing, binding and related activities and develop uniform price schedules; and prepare required reports relating to the activities of the Office of Publications.

.04 The Publications Policy and Development Division shall review requests for new Commerce publications against policies and standards of the Department; advise bureaus and offices concerning publication possibilities; analyze the desirability of consolidation or elimination of existing publications; provide specialized guidance to bureaus and offices of the Department on publications projects; provide writing and editing assistance in the preparation of publications; review all publications material for conformance to publications policies and standards; and direct the Department's publications sales promotion programs.

.05 The Design and Graphics Division shall provide central design, illustration, and graphics services and prepare or procure the necessary design, illustration, and art work for all publications.

.06 The Printing Planning Division shall procure or approve for procurement all printing and binding and related services for bureaus and offices of the Department; control and schedule all printing operations; and investigate and analyze new printing methods.

.07 The Printing Production Division shall operate the Department's central printing plant, and provide all composition, microphoto, photographic, printing, and addressing and mailing services.

SEC. 5. *Department of Commerce Publications, Graphics Development, and Printing Council.* There shall be a Department of Commerce Publications, Graphics Development, and Printing Council, which shall consist of the Director, Office of Publications, as Chairman, and representatives from the operating units. The Council will meet on call from the Chairman for the purpose of advising and assisting on publications, graphics and printing policies and procedures and to consult on problems of common interest.

Effective date: June 27, 1967.

[Dept. Order 134-8]

OFFICE OF MANAGEMENT AND ORGANIZATION

SECTION 1 *Purpose.* The purpose of this order is to delegate authority to the Director, Office of Management and Organization, and prescribe the organization and functions of the Office of Management and Organization.

SEC. 2 *General.* The Office of Management and Organization shall be headed by a Director, who shall report and be responsible to the Assistant Secretary for Administration. The Director shall be assisted by a Deputy Director, who shall perform the functions of the Director during the latter's absence.

SEC. 3 *Delegation of authority.* .01 Pursuant to the authority vested in the Assistant Secretary of Commerce for Administration by Department Order 134, and subject to the applicable provisions of law, regulation, and such policies and directives as the Assistant Secretary of Commerce for Administration may prescribe, the Director, Office of Management and Organization, is delegated the authority vested in the Assistant Secretary for Administration with respect to organization planning, the improvement of management systems, techniques, and practices, and the development and conduct of Department-wide management improvement programs.

.02 The Director, Office of Management and Organization, may redelegate his authority to appropriate officials of the Office of Management and Organization and to operating units of the Department subject to such conditions in the exercise of such authority as he may prescribe.

SEC. 4 *Organization and functions.* .01 The Office of Management and Organization shall consist of:

Office of the Director.
ADP Planning Officer.
Management Analysis Staff.
Administrative Controls Division.

.02 The Director shall be an adviser to, and serve as the representative of, the Assistant Secretary for Administration on all matters pertaining to functions of the Office of Management and Organization and shall serve as adviser to other Departmental officials with respect to these matters.

.03 The Office of Management and Organization assists the Assistant Secretary for Administration in the continuing improvement of the organization and management of the Department. Specifically, the Office will:

a. As requested or approved, organize, conduct or collaborate in major management surveys and studies throughout the Department designed to improve organizational structure, introduce new or improved management systems and techniques, or otherwise increase efficiency, effectiveness, and economy of operations; and participate, as appropriate, in implementing accepted recommendations;

b. Advise Departmental and bureau-level officials on questions of organization structure and management systems, techniques, and practices; and provide functional guidance to staff elements throughout the Department specializing in organization and management studies and other general management improvement efforts;

c. Develop Department-wide management improvement programs, collaborating with other staff service offices of the Assistant Secretary for Administration as appropriate; and monitor implementation throughout the Department of such programs;

d. Promote the development and interchange of knowledge throughout the Department about advances in the Science and practice of management; and sponsor, organize or collaborate with others in various efforts designed to bring useful management knowledge to managers and others throughout the Department;

e. Assist bureaus and offices in identifying and exploiting opportunities to increase economy, efficiency and effectiveness of operations through the use of automatic data processing equipment; develop and monitor Department-wide policies and standards on the utilization of ADP equipment; and organize and

sponsor programs and other efforts to capitalize on ADP capabilities and experiences within the Department for the benefit of the Department as a whole;

f. Manage the primary issuance systems of the Department, and coordinate the review and issuance of individual directives thereto; and develop and monitor standards for administrative issuance systems throughout the Department; and

g. Develop policies, standards, and general procedures for the management by bureaus and offices of records, forms, correspondence, and committees; provide specialized guidance to bureaus and offices on these matters; and exercise Departmental appraisal of bureau and office activities in these areas.

SEC. 5 *Department of Commerce Management Improvement Council.* There shall be a Department of Commerce Management Improvement Council, which shall consist of the Director, or his alternate, as Chairman, and such officers of the operating units as are designated by the heads thereof. The Council will meet on call from the Chairman to advise and assist in the development of general management improvement programs, exchange ideas and experiences toward making such programs more effective, and propose or sponsor activities designed to advance the skills and practices of management analysts and related staff specialists throughout the Department.

Effective date: June 27, 1967.

[Dept. Order 134-9]

SPECIAL ASSISTANT FOR EQUAL OPPORTUNITY

SECTION 1 *Purpose.* The purpose of this order is to prescribe the functions of the Special Assistant for Equal Opportunity in the Office of the Assistant Secretary for Administration.

SEC. 2 *General.* The Special Assistant for Equal Opportunity is, except for functions relating to employment in the Department, the principal staff assistant to the Assistant Secretary for Administration with respect to the latter's responsibilities for fulfilling the objectives, and effecting compliance throughout the Department with the requirements, of Title VI of the Civil Rights Act of 1964, Executive Order 11246, Executive Order 11247, and any other statutes, Executive Orders and regulatory provisions relating to equal opportunity.

SEC. 3 *Functions.* .01 The Special Assistant for Equal Opportunity shall, with respect to the subject-matter areas specified in section 2 of this order:

a. Provide advice and assistance to operating units in establishing and maintaining their equal opportunity programs.

b. Review and appraise policies and practices throughout the Department relating to equal opportunity and on the basis of such study, develop and recommend the adoption of new or revised programs and policies to ensure that the Department's activities in this area are consistent with the spirit and requirements of law and Executive Order;

c. Develop orders, policy statements, regulations, and other directives designed to amplify and stress the policy of equal opportunity throughout the Department and follow up with Secretarial Officers and heads of primary operating units to assure their proper implementation;

d. Provide staff assistance to the Assistant Secretary for Administration in his role as the Department's Contracts Compliance Officer;

e. Gather and synthesize materials for reports, review legislation and make recommendations for its implementation in the Department, and undertake other major assignments to carry out his assigned responsibilities;

f. Maintain technical surveillance over, and provide guidance to the operating units in the implementation of the Department's equal opportunity responsibilities, policies and regulations, including, but not limited to, the conduct of compliance reviews, complaint investigations and other matters related to negotiation, conciliation and enforcement;

g. Review and make recommendations with respect to regulations, rules, directives, interpretations and other materials having general applicability prior to their issuance by the Secretarial Officers and heads of primary operating units. This review shall be undertaken in conjunction with the Office of the General Counsel;

h. Serve as Deputy Contracts Compliance Officer for the Office of the Secretary;

i. Represent, as designated, the Department in meetings and conferences with other governmental agencies, and private groups with respect to the equal opportunity policies and programs of the Department and its primary operating units; and

j. Perform such other functions as the Assistant Secretary for Administration may prescribe.

.02 The Special Assistant for Equal Opportunity shall, as requested, furnish technical staff assistance to the Assistant Secretary for Administration with respect to the program of equal employment opportunity for positions in the Department of Commerce, with particular reference to the investigation, adjustment, and adjudication of complaints and the preparation of reports on the status of complaints.

Effective date: November 23, 1966.

[F.R. Doc. 67-8132; Filed, July 13, 1967; 8:48 a.m.]

[Dept. Order 5A; Amdt. 1]

ASSISTANT SECRETARY OF COMMERCE FOR ECONOMIC DEVELOPMENT

Delegation of Authority

The following amendment to the order was issued by the Secretary of Commerce on July 6, 1967. This material amends the material appearing at 31 F.R. 16728-16729 of December 30, 1966.

Department Order 5-A, dated December 22, 1966, is hereby amended as follows:

1.(a) A new subparagraph .01a.3. is added to read:

(b) Subparagraph .01a.2. is amended by deleting the word "and" at the end thereof, and subparagraph .01a.3. is redesignated as .01a.4.

(c) A new paragraph .03 is added to read:

SEC. 4. *Delegation of authority.*

3. Coordination of the Federal Cochairmen as required by section 601(a) of the Act, and."

.03 The Assistant Secretary shall keep the Secretary personally advised of all major proposals or actions taken by or affecting any Regional Commission, and the Secretary may take such personal action with respect to such matters as he may deem appropriate.

2. Paragraph .04 is revised to read:

SEC. 5. *General functions.* .04 Under the direction and on behalf of the Secretary, provide staff assistance to Regional Commissions and Federal Cochairmen and develop and recommend consistent Federal policy regarding Regional Commissions; and provide a staff review of plans and proposals of the Regional Commissions, and assist in the presentation of such programs to other concerned Federal agencies.

Effective date: July 6, 1967.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 67-8131; Filed, July 13, 1967; 8:48 a.m.]

[Dept. Order 5-B; Amdt. 1]

ECONOMIC DEVELOPMENT ADMINISTRATION

Organization and Functions

This material amends the material appearing in 31 F.R. 16729-16731 of December 30, 1966.

Department Order 5-B, dated December 22, 1966, is hereby amended as follows:

1. Paragraph .01 of Section 3 is revised to read:

SEC. 3 *Functions of the Office of the Assistant Secretary for Economic Development.* .01 The Assistant Secretary directs the programs and is responsible for the conduct of all activities of the Economic Development Administration subject to the policies and directives prescribed by the Secretary of Commerce. He assists the Secretary in the general supervision and coordination of the Federal Cochairmen and in the resolution of policy questions between the Federal Cochairmen, the Federal Development Committees and other Federal agencies.

2. Subparagraphs .01a. and .01i. are revised to read:

SEC. 5 *Functions of the Office of the Deputy Assistant Secretary for Economic Development Planning.* a. Coordinate and direct EDA economic development planning relating to regions, districts (including economic development centers), redevelopment areas, and other areas of substantial need;

1. Provide a principal point of liaison with and support to the Federal Cochairmen and Regional Commissions.

Effective date: July 7, 1967.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 67-8133; Filed, July 13, 1967; 8:48 a.m.]

[Dept. Order 117-B; Amdt. 2]

MARITIME ADMINISTRATION

Organization and Functions

The following amendment to the order was issued by the Secretary of Commerce on June 28, 1967. This material amends the material appearing at 31 F.R. 8246-8248 of June 11, 1966, and 32 F.R. 7297-7298 of May 16, 1967.

Department Order 117-B, dated May 20, 1966, as amended, is hereby further amended as follows:

1. A new section 5 is added to read:

SEC. 5 *Joint Surface Effect Ship Program Office.*

Pursuant to a Joint Agreement between the Departments of Commerce and Navy dated June 20, 1966, the Joint Surface Effect Ship Program Office was established through the Charter signed February 27, 1967, by the Assistant Secretary of Commerce for Science and Technology and the Assistant Secretary of the Navy for Research and Development. This joint organization of the two Departments carries out, under the two Assistant Secretaries, cooperative research programs in surface effect ships. Under the Charter, the following arrangements for the operation of the joint Office were established:

.01 The Maritime Administration will provide part of the funds and personnel for the joint Office, with the Department of the Navy providing, on an approximately equal basis, the balance of funds and personnel required.

.02 The Maritime Administration will provide the joint Office with contracting services, budgetary services for funds of the Maritime Administration made available to the program, and other administrative support services as may be requested by the Office.

.03 The Program Manager, as the head of the joint Office, is responsible to a Joint Steering Committee, which acts for the Assistant Secretaries of the two Departments. The Steering Committee is composed of two representatives of each Department. The Deputy Assistant Secretary for Science and Technology and the Chief, Office of Research and Development of the Maritime Administration are Commerce's designated members of the Steering Committee.

2. The present section 5 is renumbered section 6.

Effective date: June 28, 1967.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 67-8134; Filed, July 13, 1967; 8:48 a.m.]

Maritime Administration

UNION CARBIDE CORP.

Notice of Allocation of Hospital Ship "U.S.S. Haven"

In F.R. Doc. 67-5699 appearing in the FEDERAL REGISTER issue of May 20, 1967 (32 F.R. 7512), notice was given that pursuant to the Ship Exchange Act (sec. 510(i) of the Merchant Marine Act, 1936, as added by Public Law 86-575 and amended by Public Law 89-254, 46 U.S.C. 1160(i)), one C4-S-B2 Hospital Ship, U.S.S. *Haven*, owned by the United States of America, represented by the Secretary of Commerce, acting by and through the Maritime Administrator, was available for trade-out to a nonsubsidized American-flag steamship operator in exchange for its older and less efficient ship in accordance with the terms therein stated.

On the basis of a review of applications received in relation to the criteria for assignment of the ship as stated in the notice, the U.S.S. *Haven* has been assigned by the Acting Maritime Administrator to Union Carbide Corporation subject to the applicant agreeing to:

(1) Convert the U.S.S. *Haven* to a chemical carrier of approximately 27,000 deadweight tons in accordance with conversion plans approved by the Maritime Administration.

(2) Qualify for the ship exchange in accordance with the provisions of the Ship Exchange Act, P.L. 86-575, as amended, and with the requirements of General Order 92 (27 F.R. 2011).

(3) Accept the ship assignment within 10 days and enter in a Ship Exchange Contract within 90 days after the receipt of notice of assignment, unless additional time is granted by the Maritime Administration for good cause. The assignment is contingent upon the execution of a shipyard contract or commitment for the contemplated conversion not later than the time of the execution of the exchange contract. The allocation is contingent upon the applicant meeting all other requirements for the exchanges involved.

(4) In the event the assignment is rejected or the applicant does not comply with the conditions of assignment, the Maritime Administration reserves the right to rescind the assignment and take such action with respect to the ship as it may deem appropriate.

(5) The Maritime Administration, without obligation to the applicant, reserves the right to cancel the assignment prior to the execution of an exchange contract, if it determines for good cause that it would be in the public interest to do so, or that the applicant is not proceeding promptly and in good faith to comply with the conditions of the assignment.

(6) The Ship Exchange Contract will contain provisions requiring that the applicant complete the conversion of the U.S.S. *Haven* substantially in accordance with plans approved by the Maritime Administration within 18 months after execution of the Ship Exchange Contract, unless additional time is granted by the Maritime Administration for good cause. The exchange contract will provide that in the event the applicant fails to complete the conversion within the time stipulated, there shall become due and payable liquidated damages in the sum of $1,000 per day for failure to complete the conversion and should this default continue for a period of more than 60 days, the exchange contract will be subject to termination at the option of the Maritime Administration in which event title and possession of the U.S.S. *Haven* will be returned to the U.S. Government, without obligation to the applicant.

(7) The assignment of the U.S.S. *Haven* is conditioned upon title to the ship being taken by the applicant or a closely related company.

By order of the Acting Maritime Administrator.

Dated: July 10, 1967.

JOHN M. O'CONNELL,
Acting Secretary.

[F.R. Doc. 67-8192; Filed, July 13, 1967; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-39]

CALIFORNIA NUCLEAR, INC.

Notice of Proposed Issuance of Amendment to Byproduct, Source, and Special Nuclear Material License

Please take notice that the Atomic Energy Commission is considering the issuance of a license amendment, set forth below, to License No. 13-10042-1 held by California Nuclear, Inc., 2323 South Ninth Street, Lafayette, Ind. 47905.

This amendment would authorize burial of radioactive waste material at the California Nuclear, Inc. site located in Bureau County, Ill. California Nuclear, Inc. was issued a license amendment on December 2, 1966, which provided for receipt, possession, processing, repackaging and storage of waste, byproduct, source and special nuclear material at the Bureau County facility.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, any person whose interest may be affected by the proposed issuance of this license amendment may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the provisions of the Commission's regulations (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. Petitions to intervene or requests for public hearing may be filed with the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545. If no request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Director of Regulation will

issue the license amendment fifteen (15) days from the date of publication in the FEDERAL REGISTER.

For further details with respect to this proposed issuance, see (1) the application and amendments thereto and (2) the related memorandum prepared by the Division of Materials Licensing, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. A copy of Item (2) above may be obtained at the Commission's Public Document Room, or upon request to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Materials Licensing.

Dated at Bethesda, Md., July 12, 1967.

For the Atomic Energy Commission.

JOHN A. MCBRIDE,
Director,
Division of Materials Licensing.

[License No. 13-10042-1; Amdt. No. 9]

PROPOSED AMENDMENT TO BYPRODUCT, SOURCE AND SPECIAL NUCLEAR MATERIAL LICENSE

The Atomic Energy Commission having found that:

A. The applicant's equipment, facilities, and procedures are adequate to protect health and minimize danger to life or property.

B. The applicant is qualified by training and experience to conduct the proposed land burial operation in such manner as to protect health and minimize danger to life or property.

C. The application for license amendment dated August 16, 1966, as amended August 31, 1966, November 18, 1966, February 10, 1967, February 14, 1967, February 27, 1967, and May 10, 1967, complies with the requirements of the Atomic Energy Act of 1954, as amended, and Title 10, Code of Federal Regulations, Chapter 1, and is for a purpose authorized by that act.

D. The issuance of the amendment to the license authorizing the burial of radioactive wastes at the proposed site will not be inimical to the common defense and security or the health and safety of the public.

Byproduct, Source, and Special Nuclear Material License No. 13-10042-1 is amended as follows:

The following conditions are added:

18. Byproduct, source and special nuclear material may be disposed of by burial at a site located in the Southwest Quarter of Section 27, Township 16 North Range 6 East of the Fourth Prinicpal Meridian, Bureau County, Ill., in accordance with procedures and limitations set forth in the application for license amendment dated August 16, 1966, as amended August 31, 1966, November 18, 1966, February 10, 1967, February 14, 1967, February 27, 1967, and May 10, 1967.

19. The licensee shall not excavate any trench for burial of waste materials at its site specified in Condition 18. of this license which would intercept the water table. The seasonal fluctuation of the water table shall be taken into account in determining the highest likely level of the water table.

20. The mounds over the completed burial trenches at the site specified in Condition 18. of this license shall be maintained to minimize erosion.

Date of issuance: July 12, 1967.

For the Atomic Energy Commission.

JOHN A. MCBRIDE,
Director,
Division of Materials Licensing.

[F.R. Doc. 67-8217; Filed, July 13, 1967; 10:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18562; Order No. E-25396]

BUKER AIRWAYS, INC.

Order To Show Cause

Issued under delegated authority July 10, 1967.

Petition of Buker Airways, Inc., for the establishment of a final service mail rate for the transportation of mail.

Buker Airways, Inc. (Buker), an air taxi operator providing air transportation under the provisions of Part 298 of the Board's Economic Regulations, by petition filed May 16, 1967, has requested the Board to establish a final service mail rate of 78 cents per mile for the transportation of mail by aircraft between Boston, New York, Pittsburgh, and Cincinnati. Buker states that it would use Lear Jet Model 24 aircraft in performing the service, would provide backup aircraft for the operation, and would be responsible for loading and unloading the aircraft at all points served.

Buker states in its petition that the proposed rate will cover the fully allocated costs of the services to be performed. In its answer, the Post Office supports the proposed rate and states it considers it to be fair and reasonable for this service. It further states that the proposed service will eliminate presently existing schedule deficiencies in these markets, and that the schedules to be provided and the terms and conditions set forth in the petition will properly satisfy postal requirements. No objection has been filed to the level of the proposed rate.

By Order E-25395, July 10, 1967, in this Docket, the Board determined to permit Buker to provide the proposed air transportation of mail for the period terminating December 31, 1968. Since no mail rate is presently in effect for this carrier in these markets, it is necessary to fix and determine the fair and reasonable rate of compensation to be paid to Buker by the Postmaster General for the air transportation of mail.

The Board, therefore, finds it in the public interest to fix and determine the fair and reasonable rate of compensation to be paid to Buker by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the petition, the Postmaster General's answer thereto, and the matters officially noticed, the Board proposes to issue an order[1] to include the following findings and conclusions:

1. That the fair and reasonable final service mail rate to be paid to Buker Airways, Inc., pursuant to section 406 of the Federal Aviation Act of 1958 for the transportation of mail by aircraft, as authorized by Order E-25395, July 10, 1967, the facilities used and useful therefor, and the services connected therewith, shall be 78 cents per aircraft mile for Lear Jet Model 24 aircraft and other aircraft of similar capacity.

2. The final service mail rate here fixed and determined is to be paid in its entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, the regulations promulgated in 14 CFR Part 302, and the authority delegated by the Board in 14 CFR 385.14(f),

It is ordered, That:

1. All interested persons, and particularly Buker Airways, Inc., the Postmaster General, Trans World Airlines, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Mohawk Airlines, Inc., Piedmont Aviation, Inc., and United Air Lines, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above as the fair and reasonable rate of compensation to be paid to Buker Airways, Inc., for the transportation of mail by aircraft, the facilities used and useful therefor and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302; and, if there is any objection to the rates or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after the date of service of this order;

3. If notice of objection is not filed within 10 days, or if notice is filed and if answer is not filed within 30 days, after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Buker Airways, Inc., the Postmaster

[1] As this order to show cause does not constitute a final action and merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). The provisions of that part dealing with petitions for Board review will be applicable to any final action which may be taken by the staff in this matter under authority delegated in § 385.14(f).

General, Trans World Airlines, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Mohawk Airlines, Inc., Piedmont Aviation, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 67-8130; Filed, July 13, 1967; 8:48 a.m.]

CIVIL SERVICE COMMISSION

HOME ECONOMIC SERIES

Prescribed Minimum Educational Requirements

In accordance with section 3308 of title 5, United States Code, the Civil Service Commission has decided that the previously approved minimum educational requirements for positions in the Home Economics Series, GS-493, should be superseded by revised requirements. Identification of the superseded requirements, the revised requirements, the duties of the positions, and the reasons for the Commission's decision that these requirements are necessary are set forth below.

The Home Economics Series, GS-493.

(All positions GS-5 through GS-15.)

Superseded requirements. The following material supersedes that previously published in the FEDERAL REGISTER, August 22, 1964.

Minimum educational requirements. Candidates for Home Economist positions must have successfully completed one of the following requirements:

A. A course of study in an accredited college or university leading to a bachelor's or higher degree with major study in home economics or a closely related discipline or field of science. This course of study must have included at least 20 semester hours in or directly applicable to one or more of the following fields of home economics: Foods and nutrition, home management and household economics, housing and household equipment, textiles and clothing, or child and family development.

B. A total of at least 20 semester hours in home economics, as described in A above, plus a sufficient amount of additional experience or education to total 4 years of education and experience or 4 years of education. The nature and quality of this additional experience or education must have been such that, when combined with the prescribed 20 semester hours in home economics, it would give the candidate a professional knowledge of home economics comparable to that normally gained by successfully completing the course of study described in A above.

Candidates for positions in research, development, and comparable highly technical and scientific functional areas of home economics work must meet the requirements described in A above.

Duties. Home economists perform professional work concerned with the selection, care, use, and management of foods, clothing, housing, and the equipment and furnishings that are used in the home. Some of the work involves studies and investigations concerning consumer and food economics and changing patterns of family living; diets and nutritional levels and the composition, quality, and nutritional values of different foods, in relation to the physiological requirements of the human body; the needs, adequacy, usability, and arrangements of housing space and equipment; and the properties and use of household fabrics. Other work involves the carrying out of programs designed to advise, inform, and instruct the public, professional and consumer groups, or homemakers about such matters as the management of the home or carrying out programs of a specific nature, e.g., school lunch programs, institutional management, military feeding, community development, etc.

Reasons for requirements. Home Economists apply a sound knowledge of the basic biological, physical, and applied sciences, and a more detailed knowledge of one or more specialized fields of home economics in their work. The duties of research and other highly technical and scientific positions are particularly demanding in this respect and may require a detailed and exacting knowledge of home economics and of the tool sciences applied in the work, e.g., chemistry, physics, microbiology, statistics, etc. Appropriate scientific training of this kind can only be acquired at accredited colleges and universities that have appropriate facilities available and a staff of trained instructors who can evaluate the students progress in the various scientific subjects properly.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-8129; Filed, July 13, 1967; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

STANDARD BROADCAST APPLICATIONS

Availability for Processing

JULY 10, 1967.

Notice is hereby given, by the Chief, Broadcast Bureau, pursuant to § 1.571(c) of the Commission's rules, that on August 18, 1967, the standard broadcast applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to § 1.227 (b)(1) and § 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on August 17, 1967, which involves a conflict necessitating a hearing with an application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on August 17, 1967, or (b) the earlier effective cutoff date which a listed application or by any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: July 5, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX

Applications from the top of the processing line

BML-2173	WFAB, Miami, Fla. United Broadcasting Co. of Florida, Inc. Has: 990 kc, 5 kw, DA-1, U (Miami-South Miami, Fla.). Req: Modification of license to maintain one main studio.
BML-2185	WCWR, Dunedin, Fla. Pinellas Broadcasters. Has: 1470 kc, 5 kw, D (Tarpon Springs, Fla.). Req: Modification of license to change station location.
BP-16967	KTHO, South Lake Tahoe, Calif. Emerald Broadcasting Co. Has: 590 kc, 1 kw, DA, D. Req: 590 kc, 1 kw, D.
BP-17444	New, River Falls, Wis. River Falls Radio, Co. Req: 1550 kc, 1 kw, D.
BP-17483	New, Orleans, Mass. Seashore Broadcasting Co., Inc. Req: 1170 kc, 1 kw, D.
BP-17494	WBBR, Travelers Rest, S.C. Piedmont Broadcasting Co., Inc Has: 1580 kc, 500 w, D. Req: 1580 kc, 1 kw, D.
BP-17506	New, Wabash, Ind. Wabash Radio Co. Req: 1510 kc, 250 w, DA, D.
BP-17515	KUMU, Honolulu, Hawaii. John Hutton Corp. Has: 1500 kc, 1 kw, U. Req: 1500 kc, 5 kw, U.
BP-17547	New, Ponce, P.R. Radio Antilles, Inc. Req: 1490 kc, 250 w, 1 kw-LS, U.
BP-17549	KACE, Riverside, Calif. K-ACE Radio, Inc. Has: 1570 kc, 1 kw, DA, D. Req: 1570 kc, 5 kw, DA, D.
BP-17550	New, Humble, Tex. Albert L. Crain. Req: 850 kc, 500 w, DA, D.
BP-17551	New, Lebanon, Tenn. Vernon Broadcasting Co. Req: 1170 kc, 500 w, D.
BP-17552	New, Wickenburg, Ariz. Wickenburg Radio Co. Req: 1250 kc, 500 w, D.
BP-17553	New, Charlevoix, Mich. Charlevoix County Broadcasting Co. Req: 1270 kc, 5 kw, D.

BP-17555 KTOH, Lihue, Kauai, Hawaii.
Kauai Broadcasting Co.
Has: 1490 kc, 250 w, 1 kw-LS, U.
Req: 1350 kc, 5 kw, U.

BP-17559 New, Chariton, Iowa.
Chariton Radio Co.
Req: 1130 kc, 500 w, DA, D.

BP-17560 New, Fayetteville, W. Va.
Claude R. Hill, Jr.
Req: 1450 kc, 250 w, 1 kw-LS, U.

BP-17561 New, Reidsville, Ga.
John M. Masters.
Req: 1080 kc, 1 kw, D.

BP-17563 New, Heath, Ohio.
Central Ohio Broadcasting Co.
Req: 1000 kc, 250 w, DA, D.

BP-17564 New, Centreville, Va.
Centreville Broadcasting Co.
Req: 1000 kc, 1 kw, DA, D.

BP-17570 New, Fort Lauderdale, Fla.
Lauderdale Broadcast, Inc.
Req: 1190 kc, 5 kw, DA, D.

BP-17571 New, Mount Pleasant, Iowa.
BCST Company of Iowa, Inc.
Req: 1130 kc, 250 w, D.

BP-17572 WYNK, Baton Rouge, La.
Miss Lou Broadcasting Corp.
Has: 1380 kc, 500 w, D.
Req: 1380 kc, 5 kw, DA, D.

BP-17573 New, Red Springs, N.C.
K & R Broadcasting Corp.
Req: 710 kc, 5 kw, DA, D.

BP-17574 New, Warren, Ohio.
Howard L. Burris.
Req: 1000 kc, 1 kw, DA, D.

BP-17575 New, Anadarko, Okla.
Allan Pratt Page.
Req: 850 kc, 500 w, DA, D.

BP-17576 New, Burkburnett, Tex.
Steve Gose Enterprises, Inc.
Req: 850 kc, 1 kw, DA, D.

BP-17577 New, Houston, Tex.
Artlite Broadcasting Co.
Req: 850 kc, 10 kw, DA, D.

BP-17579 New, Nassau Bay, Tex.
Jester Broadcasting Co.
Req: 850 kc, 1 kw, DA, D.

BP-17580 New, Blacksburg, Va.
Blue Ridge Broadcasting.
Req: 710 kc, 5 kw, DA, D.

BP-17594 WLIK, Newport, Tenn.
WLIK, Inc.
Has: 1270 kc, 5 kw, D.
Req: 1270 kc, 500 w, 5 kw-LS, DA-N, U.

BP-17595 New, Green Bay, Wis.
Frank M. Cowles.
Req: 1080 kc, 5 kw, DA, D.

BP-17596 New, Charlottesville, Va.
Dr. Charles William Hurt.
Req: 1400 kc, 250 w, 1 kw-LS, U.

BP-17597 New, Jackson, Ala.
Radio Jackson, Inc.
Req: 1230 kc, 250 w, 1 kw-LS, U.

BP-17600 WTRI, Brunswick, Md.
Elektra Broadcasting Corp.
Has: 1520 kc, 250 w, D.
Req: 1520 kc, 500 w, 250 w (CH), D.

BP-17603 KSEN, Shelby, Mont.
Tri-County Radio Corp.
Has: 1150 kc, 500 w, 1 kw-LS, DA-N, U.
Req: 1150 kc, 500 w, 5 kw-LS, DA-2, U.

BP-17607 WMGA, Moultrie, Ga.
Radio Station WMGA.
Has: 1400 kc, 250 w, 1 kw-LS, U.
Req: 1130 kc, 250 w, 10 kw-LS, 10 kw-DA (CH), DA-N, U.

BP-17609 KTUI, Sullivan, Mo.
Meramec Valley Broadcasting Co.
Has: 1560 kc, 250 w, D.
Req: 1560 kc, 1 kw, D.

WMPT, South Williamsport, Pa.
Will-Mont Broadcasting Co.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 Kw-LS, U.

BP-17610 WMPT, South Williamsport, Pa.
Will-Mont Broadcasting Co.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw-LS, U.

BP-17611 KIFG, Iowa Falls, Iowa.
PBW Broadcasting Corp.
Has: 1510 kc, 500 w, D.
Req: 1510 kc, 1 kw, 500 w (CH), D.

BP-17613 New, Cadillac, Mich.
Fetzer Broadcasting Co.
Req: 1370 kc, 1 kw, 5 kw-LS, DA-2, U.

BP-17615 KORT, Grangeville, Idaho.
Clearwater Broadcasting Co.
Has: 1230 kc, 250 w, U.
Req: 1230 kc, 250 w, 1 kw-LS, U.

BP-17620 WULA, Eufaula, Ala.
Dixie Radio, Inc.
Has: 1240 kc, 250 w, U.
Req: 1240 kc, 250 w, 1 kw-LS, U.

BP-17629 KBSN, Crane, Tex.
Albert L. Crain.
Has: 970 kc, 1 kw, D.
Req: 1060 kc, 5 kw, D.

BP-17633 New, Austell, Ga.
South Cobb Broadcasting.
Req: 1600 kc, 1 kw, D.

BP-17634 New, Watkins Glen, N.Y.
Watkins Glen-Mountour Falls Broadcasting Corp.
Req: 1500 kc, 250 w, D.

BP-17641 New, Auburn, Ind.
C. P. Broadcasters, Inc.
Req: 1570 kc, 250 w, D.

BP-17642 New, Waynesville, Mo.
Fred Briesacher, Jr.
Req: 1270 kc, 500 w, D.

BP-17643 KIXF, Fortuna, Calif.
Dale A. Owens.
Has: 1280 kc, 1 kw, D.
Req: 1280 kc, 5 kw, D.

BP-17644 KYAL, McKinney, Tex.
AHB Broadcasting Corp.
Has: 1600 kc, 1 kw, D.
Req: 1600 kc, 5 kw, DA, D.

BP-17645 WCHL, Chapel Hill, N.C.
Village Broadcasting Co., Inc.
Has: 1360 kc, 1 kw, D.
Req: 1360 kc, 1kw, DA-N, U.

BP-17647 New, El Paso, Tex.
Jack R. McVeigh.
Req: 1060 kc, 10 kw, D.

BP-17648 New, Circleville, Ohio.
George E. Worstell.
Req: 1540 kc, 1 kw, DA, D.

BP-17649 New, Sylacauga, Ala.
Heart of Dixie Broadcasting Co.
Req: 1090 kc, 10 kw, DA, D.

BML-2209 WLOE, Leaksville-Spray, N.C.
WLOE, Inc.
Has: 1490 kc, 250 w, 1 kw-LS, U (Leaksville, N.C.).
Req: Modification of license to change station location.

BP-17650 New, Franklin, Tenn.
Harpeth Valley Broadcasting Co.
Req: 1380 kc, 1 kw, DA, D.

BP-17667 WALG, Albany, Ga.
Radio Albany, Inc.
Has: 1590 kc, 1 kw, DA-N, U.
Req: 1590 kc, 1 kw, 5 kw-LS, DA-2, U.

BP-17672 New, Starkville, Miss.
Charles Kenneth Irby.
Req: 980 kc, 1 kw, D.

BP-17676 WSLC, Clermont, Fla.
Fidelity Broadcasting Corp.
Has: 1340 kc, 250 w, S.H.
Req: 1340 kc, 250 w, 1 kw-LS, S.H.

BP-17677 New, Weatherford, Okla.
James J. Craddock.
Req: 1590 kc, 1 kw, D.

BP-17679 KTXO, Sherman, Tex.
O'Connor Broadcasting Corp.
Has: 1500 kc, 250 w, D.
Req: 1500 kc, 1 kw, DA, D.

BP-17680 New, Mountain City, Tenn.
Johnson County Broadcasting Co.
Req: 1390 kc, 500 w, D.

BMP-12078 WAHT, Annville-Cleona, Pa.
A-C Broadcasters.
Has: 1510 kc, 5 kw, DA, Day.
Req: Change in DA system.

BP-17681 New, Blacksburg, Va.
Lester I. Williams.
Req: 1430 kc, 1 kw, D.

BP-17683 WCAB, Rutherfordton, N.C.
Clayton Sparks.
Has: 1520 kc, 250 w, D.
Req: 590 kc, 500 w, D.

BP-17684 WLBH, Mattoon, Ill.
Mattoon Broadcasting Co.
Has: 1170 kc, 250 w, D.
Req: 1170 kc, 5 kw, DA, D.

BP-17686 New, China Grove, N.C.
China Grove Broadcasting Co.
Req: 1140 kc, 500 w, D.

BP-17687 New, Clanton, Ala.
Clanton Broadcasting Corp.
Req: 1590 kc, 1 kw, D.

BP-17688 New, Blowing Rock, N.C.
Mountain Broadcasting Corp.
Req: 580 kc, 500 w, D.

BP-17691 New, Clarkesville, Ga.
R-J Co.
Req: 1500 kc, 5 kw, 500 w(CH), D.

BP-17694 New, Carson City, Nev.
Carson City Broadcasting Corp.
Req: 1250 kc, 1 kw, D.

BP-17707 KSEW, Sitka, Alaska.
Christian Broadcasters, Inc.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw-LS, U.

BP-17720 KVOB, Bastrop, La.
Rainey Radio.
Has: 1340 kc, 250 w, U.
Req: 1340 kc, 250 w, 1 kw-LS, U.

BP-17758 KALG, Alamogordo, N. Mex.
Basin Broadcasting Co., Inc.
Has: 1230 kc, 250 w, U.
Req: 1230 kc, 250 w, 1 kw-LS, U.

Application deleted from Public Notice of March 30, 1967 (Mimeo No. 96350) (32 F.R. 5710)

BP-17432 New, Hurricane, W. Va.
Putnam Broadcasting Co., Inc.
Req: 1080 kc, 5 kw, DA, D.

(Assigned new File Number BP-17754)

[F.R. Doc. 67-8136; Filed, July 13, 1967; 8:48 a.m.]

[Docket No. 17243; FCC 67R-279]

KITTYHAWK BROADCASTING CORP. ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of Kittyhawk Broadcasting Corp., Kettering, Ohio, et al., Docket No. 17243, File No. BP-16603, 17244, 17245, 17246, 17247, 17248, 17249, 17250; for construction permits.

1. This proceeding, involving eight applicants for new or changed standard broadcast facilities, was designated for hearing by Memorandum Opinion and Order, FCC 67-256, 7 FCC 2d 153, released March 16, 1967. Presently before the Board is a petition to enlarge and

delete issues, filed April 7, 1967, by Kittyhawk Broadcasting Corp. (Kittyhawk),[1] seeking: (1) The addition of financial, programing, and overlap issues[2] against the Gem City Broadcasting Co. (Gem City); (2) the addition of technical, transmitter site, and financial issues against Western Ohio Broadcasting Service, Inc. (Western Ohio); and (3) the deletion of an air hazard issue against Kittyhawk.[3]

Gem City's financial qualifications. 2. In support of its request for the addition of financial issues against Gem City, Kittyhawk asserts that Gem City will require approximately $259,133 (including repayment of principal and interest on a proposed bank loan) to construct and operate its proposed station for 1 year and that Gem City has only $186,000 available (a $100,000 bank loan commitment; a $36,000 equipment credit; and $50,000 in stock subscriptions) to meet its total first year costs. Kittyhawk further alleges that part of the funds relied upon may not be available. Specifically, it is argued that, because of unrevealed liabilities, Arthur M. Beerman, Chairman of the Board of Gem City, will not be able to meet his financial commitments, totaling $30,000 (a $25,000 stock subscription and an agreement to loan Thomas Andrews $5,000 to meet his stock subscription) to Gem City. The accuracy and relevance of portions of Beerman's balance sheet are questioned. Kittyhawk also contends that Gem City's estimated revenues, $166,200, cannot be relied upon because they are not adequately supported. Finally, it is suggested that due to the alleged failure of Gem City to supply pertinent updated financial information concerning Arthur M. Beerman, a section 1.65 issue would be warranted against Gem City.

3. In opposition, Gem City first disputes as erroneous Kittyhawk's contention that approximately $259,133 will be required by Gem City to construct and operate its proposed station for the first year. Gem City claims that repayment on the bank loan is not required for the first 3 years, and therefore that it requires only $219,470 to construct and operate its proposed station for the first year.[4] Gem City refers to an amendment to its application (accepted on May 15, 1967, FCC 67M-818), which adds the following financial information to its application: (1) An updated bank commitment letter raising the amount of the loan to Gem City from $100,000 to $150,000; (2) a current balance sheet for Thomas B. Andrews, Executive Vice President of Gem City; (3) a current balance sheet for Arthur M. Beerman; and (4) nine advertising commitment letters totalling $84,700. As to the ability of Arthur M. Beerman to meet his commitments, Gem City asserts that even if Beerman were unable to fulfill his obligations to Gem City, it would still have a surplus of funds; and that Beerman's net worth of $6,062,463.53 and his current liquid assets of $650,114.52 (as opposed to current liabilities of $506,553) render absurd petitioner's contention that he cannot supply $30,000 to Gem City. Finally, Gem City asserts that its estimated revenues for the first year, $166,200, are based on studies of the Dayton market and on knowledge of the area. The Broadcast Bureau, opposing the addition of any financial issues against Gem City,[5] argues that it is unreasonable to assume that Arthur M. Beerman could not raise $30,000 when his total net worth exceeds $5 million. According to the Bureau, while Gem City's showing to justify its estimate of revenues, i.e., a study of the Dayton market and knowledge of the area, was not convincing, Kittyhawk, which also proposes a station in Kettering, Ohio, has made a convincing showing indicating the availability of approximately $130,000 in revenues, and the showing made by Kittyhawk can be used as a basis for making a finding that Gem City can reasonably expect similar revenues.

4. Kittyhawk, in reply, argues that the interest on the $150,000 bank loan must be paid during the first year of operation, and therefore Gem City's estimate of $219,470 must be increased to $228,470; and the validity of the new bank loan is questionable.[6] With respect to Beerman's commitment to Gem City, Kittyhawk reasserts that his net worth is misleading, because (1) his contingent liabilities are unknown and (2) he faces repayment of $927,500 in 90-day notes, while his current assets total $650,144. Kittyhawk alleges that there are no assurances that these notes will be renewed or that they will continue to be paid off at the current rate of $249,350 annually. Thus, petitioner concludes that Beerman faces an impossible financial situation if the notes are not renewed. Finally, Kittyhawk challenges the nine advertising commitment letters submitted with Gem City's amendment alleging that seven of the nine companies which wrote the letters are affiliated with Beerman's enterprises or are controlled by other Gem City stockholders; that the two companies not so controlled would provide only $17,000 in revenues; and that the letter from one company is not a firm advertising commitment.

5. Gem City's amended application reflects that it will require a maximum sum of approximately $228,470 (if, as Kittyhawk contends, interest payments on the proposed bank loan must be paid during the first year) in order to construct and operate the proposed station for 1 year.[7] The Board is of the opinion that Gem City has adequately demonstrated that it can meet this requirement. The $150,000 bank loan commitment, contained in Gem City's amendment, is firm and complete. The facts that the commitment requires the personal guarantees of seven of Gem City's stockholders and that a corporation owned by one of those stockholders is in bankruptcy do not raise sufficient doubt as to the availability of the loan as to require the addition of an issue in this regard. In the absence of some evidence to the contrary, we must assume that stockholders of an applicant are willing to abide by the terms of a loan agreement that applicant submits, particularly where, as here, this question is raised in a reply pleading. Moreover,

[1] Also before the Board are the following related pleadings: (a) Opposition, filed Apr. 28, 1967, by the Gem City Broadcasting Co.; (b) errata, filed May 1, 1967, by Gem City; (c) opposition, filed Apr. 26, 1967, by Western Ohio Broadcasting Service, Inc.; (d) petition to accept late filing, filed May 1, 1967, by the Broadcast Bureau; (e) comments, filed May 1, 1967, by the Broadcast Bureau; (f) reply to Gem City's opposition, filed May 12, 1967, by Kittyhawk; and (g) reply to Western Ohio's opposition, filed May 12, 1967, by Kittyhawk.

[2] Specifically here, Kittyhawk seeks an issue to determine whether the applications of Gem City and Treaty City Radio, Inc., are mutually exclusive. In a Memorandum Opinion and Order, FCC 67R-225, released June 6, 1967, the Board, in disposing of a motion filed by Gem City, ruled that the two applications are not mutually exclusive. For the reasons set forth in the forementioned document, Kittyhawk's request for an issue inquiring into this matter will therefore be denied.

[3] The petition was filed 2 days after the time required for filing petitions to enlarge issues. Section 1.229(b) of the Commission's rules. The late filing was allegedly caused by a misunderstanding on the part of Kittyhawk's attorney regarding the date the issues in this proceeding were published in the FEDERAL REGISTER. The Board finds that good cause has been shown to permit consideration of the pleading.

[4] Gem City's estimate is as follows:

Cost of operations for the first year	$152,630
Equipment down payment	12,000
RCA equipment installment payment for first year	14,640
Other items	40,200
	219,470

[5] The Bureau's comments regarding Kittyhawk's petition should have been filed on Apr. 28, 1967; however, due to the workload of the Commission's duplicating division, they were filed on May 1, 1967. Since no party has been prejudiced by the late filing and since no party objects to the consideration of the Bureau's comments, the Bureau's petition to accept late filing will be granted.

[6] Kittyhawk argues that the loan is conditioned upon the personal guarantee of Gem City's stockholders; that one of the stockholder's assets consists solely of stock in a grocery chain which recently filed a bankruptcy petition; that the bankruptcy petition destroys the validity of the stockholder's guarantee; and that none of the stockholders named in the bank letter have furnished a guarantee to the bank or have assured the Commission that they will personally guarantee the $150,000 loan.

[7] Except with regard to the repayment of principal and interest on the bank loan, no question is raised concerning Gem City's estimate of construction and initial operation costs.

there is no reference in the commitment letter to the financial condition of any of the seven named guarantors, and the contention that the bank would not meet its commitment because a corporation owned by one of the guarantors was in bankruptcy is mere conjecture. In our view, Kittyhawk has also failed to raise a substantial question regarding the availability of Gem City's $50,000 in stock subscriptions. Beerman's balance sheet reflects over $10 million in total assets and net worth of more than $6 million.[8] Although Beerman has not disclosed the extent of his contingent liabilities, we fail to see how such a disclosure could compel a conclusion that he will be unable to meet his $30,000 commitment. Finally, we agree with the Broadcast Bureau that the remaining $28,470 required by Gem City can be obtained from first year's revenues. Gem City has furnished firm advertising commitments for more than this amount,[9] and the Board has recently credited Kittyhawk with a portion of its $130,000 in estimated revenues for Kettering. See the memorandum opinion and order cited in note 2, supra. The requested financial issues will therefore be denied.

Gem City's programing. 6. To support a request for an issue inquiring into the efforts made by Gem City to ascertain community needs and interests and the manner it prepares to meet those needs and interests, Kittyhawk alleges that Gem City's application contains no reference to program preparation efforts; and, although an amendment to Gem City's application, filed on November 28, 1966, reflects that some survey was made, Gem City's program proposal contains no mention of Kettering, and nine of 12 community leaders contacted indicated that they had not been contacted by Gem City. In opposition, Gem City contends that prior to filing its application, Gem City made an extensive listener survey of the area proposed to be served, including over 231 telephone interviews in one week; that Gem City made numerous community leader contacts;[10] that Gem City did, in fact, contact many of the persons who told Kittyhawk's employee that they had not been contacted; and that the form submitted by Gem City did not require a description of the applicant's survey processes. The Board agrees with the Broadcast Bureau that the showing made in Gem City's opposition clearly establishes that a Suburban issue is not required.

Western Ohio's technical qualifications. 7. Kittyhawk requests the addition of the following technical issues against Western Ohio:

A. To determine whether the minimum required RMS can be realized by the applicant;

B. To determine whether the antenna, as proposed by the applicant, can be maintained;

C. To determine whether the applicant proposes sufficient and suitable technical equipment to operate its proposed station; and

D. Whether in light of the evidence adduced pursuant to the foregoing issues, whether the applicant is technically qualified to construct and operate its proposed station.

8. In support of its request for Issue A, petitioner relies on an analysis by its consulting engineer of Western Ohio's technical proposal, in which he concludes that the minimum required RMS value will not be achieved by Western Ohio. In his affidavit, petitioner's engineer states that "with a normally assumed base loss resistance of 2 ohms, the RMS value for the proposed antenna is 0.1 mv/m above the minimum value of 87.5 mv/m required by § 73.189(b)(2)(ii) of the rules. * * * The ground radials in the easterly and westerly directions are 140 feet (59°) long. Due to the short radials the base loss is expected to be greater than 2 ohms. * * * The outer towers have a negative operating resistance component * * * The presence of two negative towers will result in an unstable and lossy operation. * * * [Therefore] * * * the minimum required RMS value of 87.5 mv/m will not be achieved." In its opposition, Western Ohio, relying on an affidavit of its consulting engineer, disputes the analysis and findings of Kittyhawk's engineer. Western Ohio's engineer concludes that "losses as high as 2 ohms per tower could occur without RMS dropping below the permitted minimum of 87.5 mv/m for 0.25 kw operation. It is not expected that losses will occur to this extent, but they can be tolerated without violation of the rules * * *."

9. The Broadcast Bureau urges the denial of requested Issue A on the ground that Kittyhawk's allegations are not supported by facts. The Bureau contends that Kittyhawk's assumption that the base loss resistance for each of the towers in Western Ohio's proposed directional antenna system is expected to be greater than 2 ohms is not adequately supported; that the Commission's Rules do not specify a particular value of loss resistance to be used in directional antenna calculations; and that the loss resistance, which can be as low as 0.5 ohms, depends on the quality of the installation. The Bureau further contends that the ground system about each tower will exceed 0.25 wavelength, except for a small sector to the east of the east tower and to the west of the west tower where the radials reach a minimum of 0.16 wavelength; that Kittyhawk's engineer fails to acknowledge the compensating effect of the great mass of Western Ohio's proposed ground system which reaches more than 0.25 wavelength from the several towers; and that he offers no calculations or other evidence that Western Ohio's proposed ground system is inadequate or that it would contribute significantly to ground loss.

10. Considering all of the information submitted, Kittyhawk has failed to allege sufficient facts to support its allegation that Western Ohio's proposed directional antenna system cannot be constructed to achieve the minimum RMS. Although Kittyhawk in its reply to oppositions lists calculated losses (based on measured RMS values) in excess of 2 ohms for certain operating broadcast stations, the listing is insufficient to establish that Western Ohio's array can not attain a loss of 2 ohms or less. For example, the listed stations apparently met Commission requirements with no necessity for improving their performance through lower losses. The request for Issue A will be denied substantially for the reasons advanced by the Broadcast Bureau.

11. Kittyhawk also challenges the ability of Western Ohio to maintain its proposed antenna, basing its allegations on the fact that there is a drive-in theater screen at the proposed 1,000 mv/m contour. Kittyhawk's engineer states in his affidavit attached to the petition that the screen cannot be detuned. He further states that "it must be assumed that an irreducible and residual reflection of at least 1 percent of the impinging field will be present * * * The screen will become an uncontrollable part of the directional array." Thus, concludes petitioners engineer, there will result an "unstable operation" and the proposed 25 uv/m contour will penetrate the WCAR measured 0.5 mv/m contour. Western Ohio's engineer disputes this argument in his affidavit, asserting that an "inadvertent error" had been made in the original engineering report where it was indicated that the towers would be located within 300 feet of the drive-in theater screen.[11] The distance will be approximately 1,000 feet, Western Ohio states, and a corrective amendment is being prepared now. Western Ohio's engineer concludes that "the separation from the drive-in theater screen amounting to approximately 0.2 mile, is sufficient so that the problem of reradiation of the signal is of no significance, and the pattern can be adjusted within the maximum expected operating values specified."

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[8] Beerman's purchases and loans created no substantial and significant changes in his financial status; therefore, they were not required to be reported under Rule 1.65. Beerman's short term notes, being paid at a rate of $249,350 annually, can be met from the $393,194 in cash shown on the balance sheet.

[9] We do not agree with Kittyhawk that the letters of commitment cannot be relied upon because several of the potential advertisers are owned or controlled by Gem City stockholders.

[10] Gem City specified 14 community leaders contacted prior to filing its application; and 15 such leaders contacted after its application was filed. The results of Gem City's efforts and the manner in which these results are reflected in Gem City's program policy are also set forth.

[11] In an amendment to its application, Western Ohio noted the presence of the drive-in theater screen. In the opinion of the applicant's engineer, the proximity of the screen was not expected to significantly affect the operation of the proposed directive antenna. Besides, possible effects of reradiation were allegedly taken into account in the specification of MEOV. Furthermore, Western Ohio's engineer stated that, if the screen did affect the antenna, steps would be taken to detune the structure.

12. The Broadcast Bureau opposes the addition of Issue B because the allegations made by Kittyhawk and its engineer are unsupported by facts. In its reply, Kittyhawk reasserts that the screen cannot be detuned. The Board agrees with Western Ohio and the Bureau. There is no supporting data to sustain the contention that the drive-in theater screen cannot be detuned. Moreover, Western Ohio's original engineering report apparently erred in indicating the distance between the towers and the drive-in screen. However, even if the distance is not greater than that originally assumed, Kittyhawk's request for Issue B must be denied for failure to support its request with sufficient data or facts concerning alleged reradiation from the screen—the dimensions of which are considerably less than one-quarter wavelength at Western Ohio's proposed operating frequency.[12]

13. In support of its request for Issue C, Kittyhawk argues that Western Ohio has not specified adequate or sufficient equipment to operate its proposed station. Kittyhawk's engineer lists ten items alleged to be necessary for station operation, but not listed by Western Ohio in its application.[13] Petitioner also claims that spare parts for certain technical equipment proposed by Western Ohio may not be available. In opposition, Western Ohio, through its engineer's affidavit, submits a list of equipment on hand and of required items, including some of the items listed by Kittyhawk's engineer. The applicant asserts that a field strength meter has been purchased since its application was filed. The Bureau supports the addition of Issue C if Western Ohio fails to show that it has available the necessary equipment to operate the proposed station.

14. It appears from the equipment lists submitted by the Kittyhawk engineer that various items of equipment, which Kittyhawk contends will be required, have not been provided for by Western Ohio.[14] The Board is unable to resolve, on the basis of the pleadings, whether Western Ohio has sufficient and adequate equipment to construct its proposed station. An issue under which this question can be resolved will therefore be specified.

Western Ohio's transmitter site. 15. Kittyhawk requests an issue to determine whether Western Ohio's transmitter site is available and whether the ownership thereof is as represented by Western Ohio. In its application, Western Ohio represented that "land and housing facilities have been purchased by Mr. and Mrs. Stanley Coning, majority stockholders of the corporation, and will be rented to the corporation for the AM facilities." Kittyhawk argues that the Conings have not purchased the land and housing being relied upon; that the property in question is presently owned by a Beers family; that the Conings had leased the property from a Robert L. Hudson, Jr., who previously owned the property (a copy of the lease is attached to the petition); that no lease payments have been made to the new owner; and that there are no existing buildings or structures of any kind on the land specified. In opposition, Western Ohio alleges that the proposed station will be housed in a trailer owned by Coning, and regarding its proposed site, that the lease between Stanley Coning and Robert Hudson does not require the lessee (Coning) to make any payments to the property owner unless and until he (the lessee) takes possession of the property. With respect to the charge that the property in question has been sold, Western Ohio contends that it has contacted the County Clerk's Office of Preble County, Ohio, and finds no record of such sale. Finally, Western Ohio states that, according to the agreement between Coning and Hudson (a lease-purchase agreement) the lessee will own the property upon the expiration of the lease. Kittyhawk, in its reply, argues that Western Ohio has not satisfied the question as to the availability of its proposed site. Petitioner contends that while Stanley Coning may have the right to purchase the land in the future, he does not own it now. Furthermore, petitioner asserts that the property is heavily mortgaged and that no steps have been taken to release from the bank's mortgage the land specified by Western Ohio.

16. The Board is of the opinion that Kittyhawk's allegations do not raise a substantial question concerning the availability of Western Ohio's proposed site. The pleadings herein establish that Coning entered into a lease agreement, with an option to purchase, with the then owner of the site; that the owner subsequently entered into a contract to sell the property; and that the contract of sale specifically makes that sale subject to the agreement with Coning.[15] Although the statement contained in Western Ohio's application to the effect that the property has been purchased was not entirely accurate, we do not, in view of the option to purchase arrangement, believe that it raises a question as to Western Ohio's veracity. Finally, Western Ohio's allegation that payments under the lease do not commence until it takes possession of the property is in accord with the terms of the lease, and we fail to see the significance of the fact there is an outstanding mortgage on the property in the absence of some indication that the mortgage payments are not being met or that foreclosure is being contemplated by the mortgagee.

Western Ohio's financial qualifications. 17. In support of its request for issues inquiring into Western Ohio's financial qualifications, Kittyhawk alleges that Western Ohio has estimated a total cost of $22,086 for construction and first year's operation and that such figure is unrealistic.[16] Petitioner contends (1) that the estimated construction costs of $5,936 assume that the land and buildings relied upon by Western Ohio would be rented from Mr. and Mrs. Stanley Coning; and (2) that since it is questionable whether the land is actually owned by the Conings, and that since there are no buildings thereon, construction costs will have to be greater than the figure estimated. Kittyhawk also questions the reliability of Western Ohio's representations that technical equipment would be rented from the Conings, basing its doubts on the alleged discrepancies with respect to the representation regarding the ownership of the land; and reasserts that at least $9,163 in additional equipment will be needed by Western Ohio to effectuate its proposal. It is also alleged that Western Ohio's estimated operating costs of $16,150 are insufficient since such estimate is based on the assumption that no new capital would be necessary to purchase land or equipment or to construct the proposed station. Kittyhawk points out that WCTM–FM, an FM station owned by Western Ohio which will be operated in conjunction with the proposed AM station, suffered losses of $2,830.52 during 1964 and argues that this raises a serious question as to Western Ohio's $39,500 estimate of revenues. Finally, Kittyhawk questions the availability of a $20,000 loan by Mrs. Dorothy Waring to Western Ohio. It is argued that the loan commitment is limited; that Mrs. Waring would not assume alleged financial risks; and that Mrs. Waring is unable to meet her commitment.

18. Western Ohio, in its opposition, states that while there are presently no buildings on its alleged transmitter site, a 47-foot trailer, owned by Stanley Coning, will be at the site and will house the station; and that the seemingly low construction costs are based on the fact that Stanley Coning contemplates doing most of the construction work himself.[17] Coning's expertise and ability, questioned by Kittyhawk, are defended by Western Ohio. It is further contended that Kittyhawk's charges in regard to Western Ohio's estimated operating revenues are speculative. Specifically, Western Ohio alleges that it has submitted to the Commission letters of intent from local merchants who expect to spend a total of $47,850 in advertising during the first year of operation of Western Ohio's proposed AM station. Finally, Western Ohio defends the Waring loan, asserting that the loan is not conditioned upon the discontinuance of the operation of WCTM–FM, Eaton, Ohio; that the loan commitment is "firm and unequivocal"; and that Mrs. Waring

[12] See Denver Area Broadcasters (KDAB), 38 FCC 583, 4 RR 2d 895 (1965).

[13] Kittyhawk's engineer specifies the following equipment deficiencies in Western Ohio's application: (1) Field intensity meter; (2) sampling loops; (3) building; (4) base insulators; (5) tower foundation; (6) base network housing; (7) phasing cabinet; (8) transmitter crystals; (9) radio frequency meters; and (10) base isolation coils.

[14] Three sampling loops; tower foundations; base network housings; four radio frequency meters; and three base isolation coils.

[15] A copy of the sales contract was submitted with Kittyhawk's reply. There is no indication, however, of whether or not the sale was actually consummated.

[16] Western Ohio estimates $5,936 in construction costs, and $16,150 in operating expenses.

[17] Coning allegedly did most of the construction work on WCTM–FM, Western Ohio's FM station at Eaton, Ohio.

is able (her balance sheet shows $25,000 in cash and listed securities) to meet her commitment. In view of Kittyhawk's allegations, the Broadcast Bureau supports the addition of the requested financial issues. In its reply, Kittyhawk challenges Stanley Coning's ability to construct Western Ohio's technical facilities. Petitioner also alleges that a trailer is not a proper structure in which to house radio transmitting equipment; that Western Ohio's FM station in Eaton has had financial difficulty; and that Western Ohio failed in its opposition to answer the many financial questions posed in Kittyhawk's petition.

19. The requested financial issues will be denied. As previously indicated, we disagree with Kittyhawk's contention that Western Ohio has not established reasonable assurance of the availability of its proposed site. (See par. 15, supra.) Nor can we accept Kittyhawk's contentions that Coning would not be able to erect the tower and install the ground system, or that the trailer owned by Coning would be inadequate to house the station in the absence of more specific allegations to support these contentions. Thus, assuming that Western Ohio will require all of the additional equipment as alleged by Kittyhawk, it would require a maximum of $29,078 in order to construct its proposed station and operate for 1 year.[18] To meet this requirement, Western Ohio relies upon a $20,000 loan commitment from one of its stockholders, Dorothy Waring, and revenues. The loan commitment is unconditional, complete and firm on its face; and supported by a balance sheet from the stockholder reflecting $25,000 in liquid assets, $40,000 in total assets, and no liabilities.[19] While not all of the commitment letters from advertisers submitted by Western Ohio are definite and firm, it is clear that Western Ohio should be credited with at least the $9,079 in additional funds needed from these commitments, which total more than the $39,500 which Western Ohio has estimated as first year's revenues. Under these circumstances, further inquiry into Western Ohio's financial qualifications is not warranted.

Air hazard issue. 20. Finally, Kittyhawk requests that the air hazard issue, which is directed against it (Issue 12), be deleted. In support of its request, Kittyhawk submitted a copy of a letter from the Federal Aviation Agency, dated March 17, 1967, which states that the Kittyhawk proposal would not be a hazard to air navigation. This letter was mailed to the Commission one day following the release of the designation order herein. The Broadcast Bureau does not object to the request. In view of the facts that the FAA's notice was sent to the Commission only 1 day after the designation order was released; that the request to the FAA to make the determination was made approximately one month prior to designation; and that none of the parties object, deletion of the air hazard issue would be appropriate. Cf. D. H. Overmeyer Communications Co., FCC 66R-54, 2 FCC 2d 521.

Accordingly, it is ordered, That the petition to enlarge and delete issues, filed April 7, 1967, by Kittyhawk Broadcasting Corp., is granted to the extent indicated below and denied in all other respects; that the petition to accept late filing, filed May 1, 1967, by the Broadcast Bureau, is granted; that the designation order herein, FCC 67-256, released March 16, 1967, is modified by the deletion of Issue 12; and

It is further ordered, That the issues in this proceeding are enlarged by the addition of the following issue:

To determine whether Western Ohio Broadcasting Service, Inc., proposes sufficient and suitable technical equipment to operate its proposed station; and whether in light of the evidence adduced, Western Ohio Broadcasting Service, Inc., is technically qualified to construct and operate its proposed station.

Adopted: June 27, 1967.

Released: July 10, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8137; Filed, July 13, 1967; 8:48 a.m.]

[18] $22,086, as estimated by Western Ohio; $4,163 in additional equipment; and $2,830 in FM losses. Since Western Ohio does not dispute Kittyhawk's contention that the FM station is operating at a loss, we believe it is appropriate in computing the funds required, to consider whether Western Ohio has sufficient funds to operate both stations. However, Kittyhawk's contention that if Western Ohio received a grant, it would suffer larger FM losses is not supported by adequate factual allegations.

[19] Kittyhawk's allegation that its "investigation" indicates that Mrs. Waring has a net worth of only $12,000 is completely unsupported and must be rejected.

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1070]

ADELINO J. VAZQUEZ

Rescission of Order

The order of revocation of the ocean freight forwarder license of Adelino J. Vazquez, 77 Ferry Street, Newark, N.J. 07105, published in the FEDERAL REGISTER, June 23, 1967 (32 F.R. 8990), is hereby rescinded due to the filing of a valid surety bond as required by section 44(c), Shipping Act, 1916 (46 U.S.C. 841(b)).

JAMES E. MAZURE,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 67-8145; Filed, July 13, 1967; 8:49 a.m.]

"CONCORDIA LINE" JOINT SERVICE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. H. J. Griffin, Vice President, Boise-Griffin Steamship Co., Inc., 90 Broad Street, New York, N.Y. 10006.

Agreement 7631-5, between the member lines of the Concordia Joint Service, amends the scope of the basic agreement to (1) exclude ports in Canada, Newfoundland, and the Canadian Maritimes from the range of ports covered, and (2) extend the geographic scope to include service to west, south, and east African ports in both the eastbound and westbound trades pursuant to terms and conditions set forth in the agreement.

Dated: July 10, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-8146; Filed, July 13, 1967; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP67-385]

CITIES OF ROGERSVILLE, MO., ET AL.

Notice of Application

JULY 7, 1967.

Take notice that on June 28, 1967, the Cities of Rogersville, Mo., et al. (Applicants), filed in Docket No. CP67-385 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Cities Service Gas Co. (Respondent) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution in the communities of Rogersville, Fordland, Seymour, Mansfield, Ava, Norwood, Mountain Grove, Cabool, Houston, Willow Springs, Mountain View, West Plains, Koshkonong, and Thayer, all in the State of Missouri, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose to construct and operate municipal natural gas distribu-

tion systems in their respective communities and Applicants also propose that Respondent construct and operate a lateral line or lines of sufficient capacity to enable them to render the service proposed herein. Applicants further propose that the costs for such lateral line facilities be apportioned between Respondent and Applicants in accordance with Respondent's "Construction of Sales Lateral Pipelines to Resale Customers" formula as set forth in section 20 of Respondent's FPC Gas Tariff, Second Revised Volume No. 1. Applicants estimate their total third year peak daily and peak annual natural gas requirements at 16,425 Mcf and 1,776,347 Mcf, respectively, their individual requirements being set forth in the application.

Applicants estimate the total cost of their proposed municipal distribution systems at $4,249,000 and their share of the proposed lateral line facilities at $1,199,328, said $5,348,328 total cost to be financed through the issuance and sale of Gas Revenue Bonds to be issued separately by the individual Applicants.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 7, 1967.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8099; Filed, July 13, 1967; 8:45 a.m.]

WYOMING

Order Vacating Land Withdrawals in Project Nos. 104 and 1314

JULY 6, 1967.

Application has been filed by the U.S. Forest Service (Applicant) for vacation of the power withdrawals under Section 24 of the Federal Power Act pertaining to the following described lands of the United States:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 52 N., R. 108 W.,
Sec. 21, SE¼NE¼, N½SE¼, SE¼SE¼;
Sec. 22, W½SW¼.
(240 acres.)

The lands are within the Shoshone National Forest and are located at the confluence of Kitty Creek and North Fork of Shoshone River.

The lands are withdrawn variously pursuant to the filing on April 18, 1921, of an application for license for Project No. 104, and the filing on May 8, 1935, of an application for license for Project No. 1314. By Commission letters dated April 23, 1921, and June 12, 1936, respectively, notices of the withdrawals were given to the General Land Office, now Bureau of Land Management.

Project No. 104 consisted of, among other project works, a powerhouse containing generating equipment of 6-kilowatt capacity. A 25-year license was issued for the project, effective as of May 27, 1921. Pursuant to application therefor, the Commission accepted surrender of the license by order of March 30, 1938. Project No. 1314 consisted of, among other project works, a powerhouse with 10 horsepower of installed capacity. A 20-year license was issued, effective as of May 24, 1937. The license expired on May 24, 1957.

By letter filed April 14, 1967, Applicant advises that the National Forest land occupied by both projects have been restored to a condition satisfactory to Applicant. According to available records, the area formerly occupied by the projects is being served by a rural electric cooperative.

The Commission finds: The subject lands no longer have power value, and the withdrawals of the lands serve no use for power purposes.

The Commission orders: The power withdrawals of the subject lands pursuant to applications for Project Nos. 104 and 1314 are hereby vacated.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8100; Filed, July 13, 1967; 8:45 a.m.]

[Docket No. CP67-383]

NORTHERN NATURAL GAS CO. ET AL.

Notice of Application

JULY 6, 1967.

Northern Natural Gas Co., Peoples Natural Gas Division, Applicant; Natural Gas Pipeline Co. of America, Respondent, Docket No. CP67-383.

Take notice that on June 27, 1967, Northern Natural Gas Co., Peoples Natural Gas Division (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP67-383 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Natural Gas Pipeline Co. of America (Respondent) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution in the communities of Cumberland and Massena, Cass County, Iowa, and to a pumping station, owned and operated by Hydrocarbon Transportation, Inc. (HTI), near Massena, Cass County, Iowa, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 8.80 miles of transmission lateral extending northward from a point of connection with Respondent's transmission line to a point of connection with the proposed Massena town border station, then approximately 1.32 miles north to a point where the line will branch approximately 2.77 miles generally northeast to a connection with HTI and approximately 4.43 miles west to the proposed town border station at Cumberland. Applicant proposes that Respondent construct a gas measuring station and any necessary related facilities to render the above proposed natural gas service.

Applicant estimates the third year peak daily and peak annual natural gas requirements for the service proposed above at 1,302 Mcf and 225,280 Mcf, respectively.

Applicant estimates the total cost of the proposed facilities at approximately $339,042, said cost to be financed from cash on hand, reserve accruals and retained earnings.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 31, 1967.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8101; Filed, July 13, 1967; 8:45 a.m.]

[Docket No. CP66-244]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Petition To Amend

JULY 6, 1967.

Take notice that on June 27, 1967, Panhandle Eastern Pipe Line Co. (Petitioner), 1 Chase Manhattan Plaza, New York, N.Y. 10005, filed in Docket No. CP66-244 a petition to amend the order issued by the Commission June 6, 1966, as amended August 26, 1966, and January 26, 1967, by authorizing Petitioner to increase the summer contract demand of three existing customers for the period July 1, 1967, to October 31, 1967, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the above-mentioned order, as amended, Petitioner was authorized, inter alia, to sell and deliver to Battle Creek Gas Co. (Battle), Missouri Public Service Co. (Missouri) and Central Illinois Public Service Co. (Central) certain contract demands of natural gas. By the instant filing, Petitioner states that Battle, Missouri, and Central have advised it that their current contract demand is not sufficient to meet their current summer requirements. Petitioner, therefore, seeks authorization to increase its sales and deliveries to the above-mentioned customers as follows:

Month	Customer	Proposed increase (Mcf)
July	Battle	2,000
	Missouri	200
	Central	3,000
August	Battle	2,000
	Missouri	200
	Central	3,000
September	Central	3,000
October	Central	3,000

Petitioner states that it presently has the capacity to provide the relatively small increases proposed herein and proposes no new or additional facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and pro-

cedure (18 CFR 1.8 or 1.10) on or before July 31, 1967.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8102; Filed, July 13, 1967; 8:45 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN GREECE

Entry and Withdrawal From Warehouse for Consumption

JULY 11, 1967.

On May 23, 1966, the Government of the United States, in furtherance of the objectives of and under the terms of the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded an agreement with the Government of Greece amending the bilateral agreement of July 17, 1964, concerning exports of cotton textiles and cotton textile products from Greece to the United States. As amended, the agreement provides annual limitations on exports of all cotton textiles and cotton textile products from Greece to the United States for the successive 12-month periods beginning September 1, 1965, and extending through August 31, 1970.

Entries into the United States for consumption and withdrawals from warehouse for consumption of cotton textiles and cotton textile products in Categories 1, 2, 3, and 4, produced or manufactured in Greece and exported to the United States on or after September 1, 1966, have exceeded the amount provided for in the agreement. Consultations with the Government of Greece concerning these exports are now in progress. Such consultations will cover the entry of goods affected by the directive published below.

Accordingly, there is published below a letter of July 10, 1967, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs directing that beginning July 15, 1967, and until further notice, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1, 2, 3, and 4, produced or manufactured in Greece and exported to the United States after August 31, 1966, and before September 1, 1967, be prohibited. The status of goods exported after August 31, 1967, may be provided for by a further directive to the Commissioner of Customs.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE
WASHINGTON, D.C. 20230,
July 10, 1967.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DEAR MR. COMMISSIONER: Under the terms of the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of July 17, 1964, as amended on May 23, 1966, between the United States and Greece, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed, effective July 15, 1967 and until further notice, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of any cotton textiles and cotton textile products in Categories 1, 2, 3, and 4, produced or manufactured in Greece and which have been exported to the United States after August 31, 1966, and before September 1, 1967.

The foregoing directive is temporary and is expected to be the subject of a further directive to you at the conclusion of consultations now in progress with the Government of Greece.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on July 7, 1966 (31 F.R. 9310).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the commonwealth of Puerto Rico.

The actions taken with respect to the Government of Greece and with respect to imports of cotton textiles and cotton textile products from Greece have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

A. B. TROWBRIDGE,
Secretary of Commerce, Chairman, President's Cabinet, Textile Advisory Committee.

[F.R. Doc. 67-8127; Filed, July 13, 1967; 8:47 a.m.]

OFFICE OF EMERGENCY PLANNING

OCCIDENTAL PETROLEUM CORP. ET AL.

Additions to Membership in Voluntary Agreement Relating to Foreign Petroleum Supply

Pursuant to section 708 of the Defense Production Act of 1950, as amended, there is published herein five additional companies which have accepted the request to participate in the Voluntary Agreement Relating to Foreign Petroleum Supply, As Amended.

Occidental Petroleum Corp., 10889 Wilshire Boulevard, Los Angeles, Calif. 90024.
Amerada Petroleum Corp., Post Office Box 2040, Tulsa, Okla. 74102.
Murphy Oil Corp., 200 Jefferson Avenue, El Dorado, Ark. 71730.
Sun Oil Co., 1608 Walnut Street, Philadelphia, Pa. 19103.
Hunt Oil Co., 1401 Elm Street, Dallas, Tex. 75201.

(Sec. 708, 64 Stat. 818, as amended; 50 U.S.C. App. Sup. 2158; Executive Order 10480, August 14, 1953, 18 F.R. 4939; Reorganization Plan No. 1 of 1958, 23 F.R. 4991, as amended; Executive Order 11051, September 27, 1962, 27 F.R. 9683)

Dated: July 10, 1967.

FARRIS BRYANT,
Director,
Office of Emergency Planning.

[F.R. Doc. 67-8106; Filed, July 13, 1967; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

NORTHERN INSTRUMENT CORP.

Order Suspending Trading

JULY 10, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Northern Instrument Corp., Babylon, N.Y., and all other securities of Northern Instrument Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange is summarily suspended, this order to be effective for the period July 11, 1967, through July 20, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-8107; Filed, July 13, 1967; 8:46 a.m.]

[File No. 811-1389]

S & P NATIONAL CORP.

Order Suspending Trading

JULY 10, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the Common and Class A stock of S & P National Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this

order to be effective for the period July 11, 1967, through July 20, 1967, both dates inclusive.

By the Commission.

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

[F.R. Doc. 67-8108; Filed, July 13, 1967; 8:46 a.m.]

STEEL CREST HOMES, INC.

Order Suspending Trading

JULY 10, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Steel Crest Homes, Inc., King of Prussia, Pa., and all other securities of Steel Crest Homes, Inc., 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 July 11, 1967, through July 20, 1967, both dates inclusive.

By the Commission.

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

[F.R. Doc. 67-8109; Filed, July 13, 1967; 8:46 a.m.]

[812-2146]

CHEVRON OVERSEAS FINANCE CO.

Notice of Filing of Application for Order Exempting Company From All Provisions of Act

JULY 11, 1967.

Notice is hereby given that Chevron Overseas Finance Co. ("applicant"), 225 Bush Street, San Francisco, Calif. 94104, a Delaware corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting it from all provisions of the Act and the Rules and Regulations thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant was organized by Standard Oil Co. of California ("Standard") under the laws of the State of Delaware on June 5, 1967. All of the outstanding securities of applicant consists of 5,000 shares of common stock without par value, of which 100 shares have been purchased for $10,000 and are held by Standard. On or before the issuance of the Notes of applicant described below, Standard will contribute to applicant all of the outstanding stock of one or more of Standard's fully owned subsidiaries having an aggregate book value of approximately $6,600,000. Standard may make further investments in applicant, either in cash, in securities of Standard's foreign subsidiaries, affiliates or other foreign assets, in exchange for additional shares of applicant's common stock or by contribution to applicant's capital. Any additional securities which applicant may issue, other than debt securities, will be issued only to Standard. Standard will continue to retain its present holdings of applicant's stock and any additional securities of applicant which Standard may acquire, and Standard will not dispose of any of applicant's securities except to applicant or to a fully owned subsidiary of Standard (which term as used herein means a corporation all of the outstanding securities of which are owned, directly or indirectly, by Standard); and Standard will cause each fully owned subsidiary not to dispose of applicant's securities except to Standard, applicant or another fully owned subsidiary of Standard.

Standard is engaged directly and through its subsidiaries in the acquisition and development of prospective and proven oil and gas lands and leases, the production, purchase, sale, transportation and refining of crude oil and its derivatives and the transportation and wholesale and retail marketing of petroleum products, petrochemicals and agricultural chemicals.

Applicant has been organized to raise funds abroad for financing the expansion and development of Standard's foreign operations while at the same time providing assistance in improving the balance of payments position of the United States in compliance with the voluntary cooperation program instituted by the President in February 1965.

Applicant intends to issue and sell $25 million principal amount of its guaranteed notes due 1972 ("notes"). Standard will guarantee the principal, interest payments and premium, if any, on said notes. Any additional debt securities of applicant which may be issued to or held by the public will be guaranteed by Standard in a manner substantially similar to the guarantee of the notes.

It is intended that upon completion of the long-term investment of applicant's assets, substantially all of the assets of applicant (exclusive of U.S. Government securities and cash items) will be invested in or loaned to foreign companies which are primarily engaged in a business or businesses other than investing, reinvesting, owning, holding, or trading in securities and which are, or upon the making of such investment will be (1) majority-owned subsidiaries of Standard within the meaning of section 2(a)(23) of the Act, (2) companies under Standard's control within the meaning of section 2(a)(9) of the Act or (3) companies which are engaged in a business related to the business of Standard, in which Standard or applicant owns 10 percent or more of the total combined voting power of the stock. Applicant will proceed as expeditiously as practicable with the long-term investment of its assets in the manner described above. Pending such investment, applicant will invest temporarily in debt obligations (including time deposits) of foreign governments, foreign financial institutions and foreign subsidiaries of Standard, payable in U.S. dollars or other currencies and in each case maturing in 1 year or less from the date of acquisition. Applicant will not acquire the securities representing its investments or loans for the purpose of resale and will not trade in such securities.

The notes are to be sold through a group of Underwriters for offering outside the United States. The notes are to be offered and sold under conditions which are intended to assure that the notes will not be offered or sold in the United States, its territories or possessions or to nationals or citizens or residents of the United States, its territories or possessions. Any additional debt securities of applicant which may be sold to the public in the future will be sold under substantially similar conditions.

Counsel has advised applicant that U.S. persons will be required to report and pay an interest equalization tax with respect to acquisition of the notes, except where a specific statutory exemption is available. Applicant has applied to the Internal Revenue Service for a ruling to this effect prior to the sale of the notes. Thus, by financing its foreign operations through applicant rather than through the sale of its own debt obligations, Standard will utilize an instrumentality, the acquisition of whose debt obligations by U.S. persons would, generally, subject such persons to the interest equalization tax, thereby discouraging them from purchasing such debt obligations.

Applicant submits that it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act for the Commission to enter an order exempting applicant from each and every provision of the Act for the following reasons: (1) A principal purpose of applicant is to assist in improving the balance of payments program of the United States by serving as a vehicle through which Standard may obtain funds in foreign countries for its foreign operations; (2) the public policy underlying the Act is not applicable to applicant and the security holders of applicant do not require the protection of the Act, because the payment of the notes, which is guaranteed by Standard, does not depend on the operations or investment policy of applicant, for the noteholders may ultimately look to the business enterprise of Standard rather than solely to that of applicant; (3) none of the securities other than debt securities of applicant will be held by any person other than Standard or a fully owned subsidiary of Standard; (4) applicant will not deal or trade in securities; (5) the notes will be offered and sold abroad to foreign nationals under circumstances designed to prevent the sale in the United States, its territories or to nationals or residents thereof; and (6) the burden of the interest equalization tax will tend to discourage purchase of the notes by any U.S. person.

Notice is further given that any interested person may, not later than July 20, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 67-8143; Filed, July 13, 1967; 8:49 a.m.]

[812-2134]

PURITAN FUND, INC.

Notice of Filing of Application for Order Exempting Sale by Open-End Company of Securities at Other Than Public Offering Price

JULY 11, 1967.

Notice is hereby given that Puritan Fund, Inc. ("applicant"), 31 Milk Street, Boston, Mass., a Massachusetts corporation registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) of the Act a transaction in which applicant's redeemable securities will be issued at a price other than the current public offering price described in the prospectus in exchange for substantially all of the assets of Wilbert Securities, Inc. ("Wilbert"). All interested persons are referred to the application on file with the Commission for a statement of applicant's representations which are summarized below.

Wilbert, a New York corporation, is a personal holding company all of whose outstanding stock is owned of record and beneficially by two individuals and is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between applicant and Wilbert, assets owned by Wilbert with a value of approximately $1,360,366 as of January 31, 1967, will be transferred to applicant in exchange for shares of its capital stock.

The number of shares of applicant to be issued to Wilbert is to be determined by dividing the aggregate market value (subject to certain adjustments set forth in the application) of the assets of Wilbert to be transferred to applicant by the net asset value per share of applicant, both to be determined as of the valuation time, as defined in the agreement. If the valuation under the agreement had taken place on January 31, 1967, Wilbert would have received 127,854 shares of applicant's stock.

When received by Wilbert, the shares of applicant are to be distributed to the Wilbert stockholders on the liquidation of Wilbert. Applicant has been advised by the management of Wilbert that the stockholders of Wilbert do not have any present intention of redeeming or otherwise transferring the shares of applicant to be received on such liquidation following the sale of assets transaction. Applicant does not have any present intention of selling any securities acquired from Wilbert subsequent to their acquisition.

No affiliation exists between Wilbert or its officers, directors, or stockholders and applicant, its officers or directors, and the agreement was negotiated at arm's length by the two companies. The Board of Directors of applicant approved the agreement as being in the best interests of its shareholders, taking all relevant considerations into account.

Section 22(d) of the Act provides that registered open-end investment companies may sell their shares only at the current public offering price as described in the prospectus. Section 6(c) permits the Commission upon application, to exempt such a transaction if it finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant contends that the proposed offering of its stock will comply with the provisions of the Act, other than section 22(d) and submits that the granting of the application would be in accordance with established practice of the Commission, is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 25, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 67-8144; Filed, July 13, 1967; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

JULY 11, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41074—*Returned shipments—beet or cane sugar.* Filed by Western Trunk Line Committee, agent (No. A-2507), for interested rail carriers. Rates on beet or cane sugar, in carloads, on shipments returned from original destinations in southwestern and western trunkline territories, also Montana, to original points of shipments in southwestern, transcontinental and western trunkline territories. Grounds for relief—Carrier competition.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-8140; Filed, July 13, 1967; 8:49 a.m.]

[Notice 419]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 11, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate

Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest 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 730 (Sub-No. 285 TA), filed July 6, 1967. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 14th and Clay Streets, Post Office Box 958, Oakland, Calif. 94604. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those requiring armored vehicles or armed guards, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the plantsites and warehouse facilities of Rockwell-Standard Corp. at or near Winchester, Ky., on the one hand, and, on the other, points in California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Utah, Washington, Wyoming, and the District of Columbia; for 180 days. Supporting shipper: Rockwell-Standard Corp., Winchester, Ky. 40391. Send protests to: William E. Murphy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 34930 (Sub-No. 23 TA), filed July 7, 1967. Applicant: PRUE MOTOR TRANSPORTATION, INC., Mast Road, Dover, N.H. 03820. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline, kerosene, diesel fuel, and distillates*, in bulk, from South Portland, Maine, to Exeter and New Market, N.H.; for 180 days. Supporting shipper: Community Oil Co., Inc., Post Office Box 2328, South Portland, Maine 04106. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 24 Hanover Street, Lebanon, N.H. 03766.

No. MC 45736 (Sub-No. 30 TA), filed July 6, 1967. Applicant: GUIGNARD FREIGHT LINES, INC., Post Office Box 26067, Highway 21 North, Charlotte, N.C. 28213. Applicant's representative: Francis J. Ortman, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardboard sheets and boards, plywood, faced or not faced with a protective or decorative material, and boards or sheets, wood particle, faced or not faced with a protective or decorative material*, moving separately or in mixed loads, from Catawba, S.C., and points within 5 miles thereof, to points in West Virginia, Virginia, Ohio, Indiana, Michigan, Pennsylvania, New Jersey, Delaware, Tennessee, New York, Kentucky, and points in North Carolina within 225 miles of Concord, N.C., including Concord; for 180 days. Supporting shipper: U.S. Plywood-Champion Papers, Inc., Knightsbridge, Hamilton, Ohio 45011 (N. J. Leiberg, corporate traffic). Send protests to: Jack K. Huff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 206, 327 North Tryon Street, Charlotte, N.C. 28202.

No. MC 50069 (Sub-No. 381 TA), filed July 6, 1967. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 930 North York Road, Hinsdale, Ill. 60521. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, from Cleveland, Ohio, to Kansas City, Mo.; for 150 days. Supporting shipper: Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017 (H. B. Brown, general traffic manager). Send protests to: William E. Gallagher, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. 55811 (Sub-No. 92 TA), filed July 7, 1967. Applicant: CRAIG TRUCKING, INC., State Road 67, Albany, Ind. 47320. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the plantsites and warehouses of Rockwell-Standard Corp. at or near Winchester, Ky., on the one hand, and, on the other, points in Indiana, Ohio, and Michigan; for 180 days. Supporting shipper: Rockwell-Standard Corp., Transmission and Axle Division, Winchester, Ky. 40391. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind. 46802.

No. MC 107409 (Sub-No. 32 TA), filed July 6, 1967. Applicant: RATLIFF & RATLIFF, INC., Post Office Box 399, Highway 742, Wadesboro, N.C. 28170. Applicant's representative: Francis J. Ortman, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, faced or not faced with a protective or decorative material, and boards or sheets, wood particle, faced or not faced with a protective or decorative material*, moving separately or with hardboard sheets and boards, from Catawba, S.C., and points within 5 miles thereof, to points in Connecticut, Illinois (except points in the Chicago, Ill., commercial zone, as defined by the Commission), Kentucky (except points in the Cincinnati, Ohio, commercial zone, as defined by the Commission), Maryland (except points in the Baltimore, Md., commercial zone, as defined by the Commission), and that part of Tennessee on and east of U.S. Highway 27 and on and north of U.S. Highway 70; for 180 days. Supporting shipper: U.S. Plywood-Champion Papers, Inc., Knightsbridge, Hamilton, Ohio 45011 (N. J. Leiberg, Corporate Traffic). Send protests to: Jack K. Huff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 206, 327 North Tryon Street, Charlotte, N.C. 28202.

No. MC 107409 (Sub-No. 32 TA), filed July 6, 1967. Applicant: RATLIFF & RATLIFF, INC., Post Office Box 399, Highway 742, Wadesboro, N.C. 28170. Applicant's representative: Francis J. Ortman, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, faced or not faced with a protective or decorative material, and boards or sheets, wood particle, faced or not faced with a protective or decorative material*, moving separately or with hardboard sheets and boards, from Catawba, S.C., and points within 5 miles thereof, to points in Connecticut, Illinois (except points in the Chicago, Ill., commercial zone, as defined by the Commission), Kentucky (except points in the Cincinnati, Ohio, commercial zone, as defined by the Commission), Maryland (except points in the Baltimore, Md., commercial zone, as defined by the Commission), and that part of Tennessee on and east of U.S. Highway 27 and on and north of U.S. Highway 70; for 180 days. Supporting shipper: U.S. Plywood-Champion Papers Inc., Knightsbridge, Hamilton, Ohio, 45011 (N.J. Leiberg, Corporate Traffic). Send protests to: Jack K. Huff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 206, 327 North Tryon Street, Charlotte, N.C. 28202.

No. MC 107515 (Sub-No. 579 TA), filed July 7, 1967. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, 3901 Jonesboro Road SE., Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from Louisville, Ky., to Atlanta, Ga., and points in its commercial zone; for 180

days. Supporting shipper: Standard Foods Inc., 1101 East Washington Street, Louisville, Ky. 40206. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 680 West Peachtree Street NW., Atlanta, Ga. 30308.

No. MC 116483 (Sub-No. 4 TA), filed July 6, 1967. Applicant: JOHN P. FONTANA, doing business as J & J TRANSPORT, 100 Florida Street, Laurium, Mich. 49913. Applicant's representative: John P. Boeschenstein, Hackley Union National Bank Building, Muskegon, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood products*, from the port of entry on the international boundary line between the United States and Canada, located at Saulte Ste. Marie, Mich., to points in Michigan; for 180 days. Supporting shippers: Hayden Lumber Co., city of Saulte Ste. Marie, District of Algoma, Province of Ontario, Canada; and L. H. Shay Veneer Co. of Canada, Ltd., city of Saulte Ste. Marie, District of Algoma, Province of Ontario, Canada. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 221 Federal Building, Lansing, Mich. 48933.

No. MC 116886 (Sub-No. 32 TA), filed July 7, 1967. Applicant: HOWELL'S MOTOR FREIGHT, INCORPORATED, 2210 Winston Avenue SW., Roanoke, Va. 24014. Applicant's representative: R. Roy Rush, Shenandoah Building, Roanoke, Va. 24011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as defined by the Commission, in appendix I, sections A, B, and C, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between Louisville, Ky., and points within 100 miles of Louisville, Ky.; for 180 days. NOTE: Applicant states that it intends to tack authority sought with that previously held. Supporting shipper: Oscar Mayer & Co., Inc., Madison, Wis. Send protests to: George S. Hales, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue SW., Roanoke, Va. 14011.

No. MC 117395 (Sub-No. 13 TA), filed July 7, 1967. Applicant: SOUTHERN CEMENT TRANSPORT, INC., Post Office Box 188, Okay, Ark. 71854. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ground barite*, in bulk, from Magnet, Ark., to points in Mississippi, Louisiana, Oklahoma, and Texas; for the account of Baroid Division, National Lead Co.; for 180 days. Supporting shipper: Baroid Division, National Lead Co., Post Office Box 1675, Houston, Tex. 77001. Send protests to: D. R. Partney, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, Little Rock, Ark. 72201.

No. MC 117427 (Sub-No. 62 TA), filed July 6, 1967. Applicant: G. G. PARSONS TRUCKING CO., Post Office Box 1085, North Wilkesboro, N.C. 28659. Applicant's representative: Francis J. Ortman, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, faced or not faced with a protective or decorative material, and boards or sheets, wood particle, faced or not faced with a protective or decorative material*, moving separately or with hardboard sheets and boards, from Catawba, S.C., and points within 5 miles thereof, to points in Illinois, Indiana, Michigan, Iowa, Wisconsin, Nebraska, Kansas, Missouri, Pennsylvania (except points in the Philadelphia, Pa., commercial zone), Virginia (except points in the Richmond, Va., commercial zone, and points in Culpeper, Madison, and Rappahannock Counties), Fairmont, W. Va., and points in the Cincinnati, Ohio, commercial zone; for 180 days. Supporting shipper: U.S. Plywood-Champion Papers Inc., Knights-Bridge, Hamiliton, Ohio 45011 (N. J. Leiberg, Corporate Traffic). Send protests to: Jack K. Huff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 206, 327 North Tryon Street, Charlotte, N.C. 28202.

No. MC 117898 (Sub-No. 21 TA), filed July 6, 1967. Applicant: WILLIAM EARNHARDT, doing business as EARNHARDT TRANSPORT, Post Office Box 376, 205 East Council Street, Salisbury, N.C. 28144. Applicant's representative: Francis J. Ortman, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, faced or not faced with a protective or decorative material, and boards and sheets, wood particle, faced or not faced with a protective or decorative material*, moving separately or with hardboard sheets and boards; from Catawba, S.C., and points within 5 miles thereof, to Dover, Del.; Fairmont, W. Va., and points in Arkansas, Kentucky (except points in the Cincinnati, Ohio, commercial zone, as defined by the Commission), Louisiana, Maryland (except points in the Baltimore, Md., commercial zone, as defined by the Commission), Mississippi, Missouri, New Jersey (except points in the Trenton, N.J., Philadelphia, Pa., and New York, N.Y., commercial zones, as defined by the Commission), New York (except points in the New York, N.Y., commercial zone, as defined by the Commission), Pennsylvania (except points in the Philadelphia, Pa., commercial zone, as defined by the Commission), Virginia (except points in the Richmond, Va., commercial zone, as defined by the Commission, and points in Culpeper, Madison, and Rappahannock Counties), and that part of Tennessee on and east of U.S. Highway 27 and on and north of U.S. Highway 70; for 180 days. Supporting shipper: U.S. Plywood-Champion Papers, Inc., Knightsbridge, Hamilton, Ohio 45011 (N. J. Leiberg, corporate traffic). Send protests to: Jack K. Huff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 206, 327 North Tryon Street, Charlotte, N.C. 28202.

No. MC 123952 (Sub-No. 9 TA), filed July 6, 1967. Applicant: RENTAR TRUCKING, INC., 89–89 Union Turnpike, Glendale, N.Y. 11227. Applicant's representative: Arthur Ratner (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by retail department stores, and materials, supplies, equipment and fixtures* used in the operation of such stores; between New York, Carle Place, West Islip, Huntington, Nanuet, Lawrence, Scarsdale, and Port Chester, N.Y.; Jersey City, North Brunswick, Watchung, Audubon, Trenton, West Orange, and Paramus, N.J.; Hartford and Trumbull, Conn.; Camp Hill, Springfield, Philadelphia, and King of Prussia, Pa.; Towson, Glen Burnie, Baltimore, and Rockville, Md.; and Baileys Cross Roads, Va.; restricted to shipments moving from, to, or between suppliers, wholesale or retail outlets, warehouses, and other facilities of E. J. Korvette, division of Spartans Industries, Inc., of New York, N.Y.; for 150 days. Supporting shipper: E. J. Korvette, Inc., 629 Grove Street, Jersey City, N.J. 07302. Send protests to: Anthony Chiusano, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 128814 (Sub-No. 6 TA), filed July 6, 1967. Applicant: TRI-STATE MOTOR TRANSIT CO., Lessee H. Messick, Inc., Post Office Box 113, East on Interstate Business Route 44, Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Explosives, blasting agents, and blasting supplies*, between Ishpeming, Mich., and Virginia, Minn., on the one hand, and, on the other, points in Illinois south of Route 36; for 180 days. Supporting shipper: Hercules, Inc., Suite 500, 120 Oakbrook Center Mall, Oak Brook, Ill. 60521. Send protests to: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 129200 (Sub-No. 1 TA), filed July 7, 1967. Applicant: WELDON MOVING & STORAGE CO., INC., 228 South U.S. Highway 1, Sharpes, Fla. 32959. Applicant's representative: Robert J. Gallagher, Professional Building, 66 Central Street, Wellesley, Mass. 02181. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Florida; restricted to shipments moving on the lading of a forwarder operating under section 402(B)(2) exemption, and having an immediate, prior or subsequent line haul movement by rail, motor, water or air; for 180 days. Supporting shippers:

Kingpak, Inc., Post Office Box 18292, Wichita, Kans. 67218; Pyramid Van Lines, Post Office Box 2373, Station B, San Francisco, Calif. 94126; and Vanpac, 4114 MacDonald Avenue, Richmond, Calif. 94802. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, Federal Office Building, 400 West Bay Street, Jacksonville, Fla. 32202.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-8141; Filed, July 13, 1967; 8:49 a.m.]

[Notice 7]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 11, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69727. By order of June 30, 1967, the Transfer Board approved the transfer to Lee Malcom, Inc., doing business as Lee Malcom, 832 Stewart Avenue, Lewiston, Idaho, of certificate No. MC-100875, issued January 15, 1954, to Lee Malcom, 832 Stewart Avenue, Lewiston, Idaho, authorizing the transportation of: Agricultural commodities, stock-salt, processed feeds, seeds, livestock, and wool, between points in Asotin, Garfield, Columbia, Walla Walla, Whitman, and Spokane Counties, Wash., on the one hand, and, on the other, points in Nez Perce and Latah Counties, Idaho; and between the above specified Washington counties on the one hand, and on the other, Portland, Oreg., and points in Wallowa, Union, and Umatilla Counties, Oreg.

No. MC-FC-69733. By order of June 30, 1967, the Transfer Board approved the transfer to Root's Express, Inc., Binghamton, N.Y., of the operating rights in certificate No. MC-4910, issued November 19, 1965, to Alvin J. Lawrence, doing business as Randall's Express, Honeoye Falls, N.Y., authorizing the transportation, over a regular route, of general commodities, with exceptions, between Geneva, N.Y., and Rochester, N.Y., serving all intermediate points and specified off-route points. Herbert M. Canter and Norman M. Pinsky, 345 South Warren Street, Syracuse, N.Y., attorney for applicants.

No. MC-FC-69734. By order of June 30, 1967, the Transfer Board approved the transfer to Dan Gaich Trucking, Inc., Rillton, Pa., of the operating rights in certificate No. MC-85886 (Sub-No. 1), issued November 18, 1966, to Dan Gaich, doing business as Dan Gaich Delivery, Rillton, Pa., and the rights evidenced by the certificate of registration in No. MC-85886 (Sub-No. 2), issued February 2, 1965, to Francis Joseph Toomey, Pittsburgh, Pa., and transferred to Dan Gaich, doing business as Dan Gaich Delivery, Rillton, Pa., March 18, 1966, pursuant to No. MC-FC-68432, authorizing transportation under the said certificate, of glass products, rubber products, toys, iron and steel products, and furniture, between Jeannette, Pa., and Pittsburgh, Pa., serving the off-route point of Grapeville, Pa.; and under the certificate of registration, such commodities as are authorized in the certificate of public convenience granted in docket No. 70527, date January 26, 1948, as modified and amended prior to October 15, 1962, issued by the Pennsylvania Public Utility Commission. Louis H. Artuso, 416 Frick Building, Pittsburgh, Pa., attorney for applicants.

No. MC-FC-69745. By order of June 30, 1967, the Transfer Board approved the transfer to Stevenson's Refrigerated Truck Service, Inc., Muncie, Ind., of the operating rights in certificates Nos. MC-114463, MC-114463 (Sub-No. 1), MC-114463 (Sub-No. 3), and MC-114463 (Sub-No. 5), issued August 24, 1954, October 8, 1959, April 11, 1962, and April 11, 1962, respectively, to J. Frederick Stevenson and Hester L. Stevenson, doing business as Stevenson's Refrigerated Truck Service, Muncie, Ind., authorizing the transportation of: Meats, packinghouse products, and commodities used by packinghouses, meat products and byproducts, and articles distributed by meat packinghouses, and dairy products, between points in Indiana, Ohio, and Illinois. Warren C. Moberly, 1212 Fletcher Trust Building, Indianapolis, Ind. 46204, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-8142; Filed, July 13, 1967; 8:49 a.m.]

[Notice 418]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 10, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest 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 75406 (Sub-No. 30 TA), filed July 5, 1967. Applicant: SUPERIOR FORWARDING COMPANY, INC., 2600 South Fourth Street, St. Louis, Mo. 63118. Applicant's representative: G. M. Rebman, Suite 1230, Boatmen's Bank Building, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods, commodities in bulk, and those requiring special equipment), serving the plantsite of International Paper Co., Long Bell Division, Flakeboard Plant, approximately 4 miles north of Malvern, Ark., and 3 miles east of U.S. Highway 67 at or near Gifford, Ark., as an off-route point, in conjunction with applicant's regular route authority as set out in MC 75406 and subs thereunder; for 180 days. NOTE: Applicant states that it intends to tack with authority under MC 75406 and subs thereunder. Supporting shipper: Thomas E. Gates & Sons, Inc., 3640 South Santiam Highway, Lebanon, Oreg. 97355. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 3248-B, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 107286 (Sub-No. 24 TA), filed July 3, 1967. Applicant: M. PASCALE TRUCKING, INC., 8-10 Rice Street, South Attleboro, Mass. 02703. Applicant's representative: Russell B. Curnett, 36 Circuit Drive, Edgewood Station, Providence, R.I. 02905. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from Somerville, N.J., to Attleboro and Ayer, Mass.; for 180 days. NOTE: Applicant states that it intends to tack authority sought with that previously held. Supporting shippers: P. L. Monroe & Son, Inc., 1 Worthington Road, Cranston, R.I.; and Dolben & Co., 250 Boylston Street, Boston, Mass. Send protests to: Gerald H. Curry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 187 Westminster Street, Providence, R.I. 02903.

No. MC 107496 (Sub-No. 576 TA), filed July 5, 1967. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles, from Wyandotte Chemicals Corp. plantsite at Port Edwards, Wis., to points in Illinois,

Indiana, Iowa, Michigan, and Minnesota; for 180 days. Supporting shipper: Wyandotte Chemicals Corp., Wyandotte, Mich. 48192. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 107839 (Sub-No. 112 TA), filed July 7, 1967. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 4985 York Street, Post Office Box 16021, Denver, Colo. 80202. Applicant's representative: Edward T. Lyons, Jr., 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, articles distributed by meat packinghouses, and dairy products*, as defined in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Albuquerque, N. Mex., to Grants and Gallup, N. Mex.; and Window Rock, Ft. Defiance, St. Michaels, Ganado, Chinle, and Many Farms, Ariz.; for 150 days. NOTE: Applicant proposes to tack authority applied for at Albuquerque, N. Mex., with permanent authority held in MC 107839 (Sub-No. 101) where shipments originated at Denver, Colo. Supporting shipper: Cudahy Packing Co., 4801 Brighton Boulevard, Denver, Colo. Send protests to: Herbert C. Ruoff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Office Building, Denver, Colo. 80202.

No. MC 109521 (Sub-No. 6 TA), filed July 5, 1967. Applicant: WALTER E. COY, doing business as COY BROS., Post Office Box 416, Canfield, Ohio 44406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay products*, in bulk, in dump vehicles equipped with specialized conveyor unloading equipment, from the Pinny Dock & Storage Co. docks at Ashtabula, Ohio, to points in New York, Ohio, Pennsylvania, West Virginia, New Jersey, Kentucky, Illinois, Indiana, Michigan, and Wisconsin; restricted to traffic moving in foreign commerce with a prior movement by water; for 150 days. Supporting shippers Moore & Munger, 33 Rector Street, New York, N.Y.; and Paper Makers Importing Co., Inc., Easton, Pa. Send protests to: G. J. Baccei, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 435 Federal Building, 215 Superior Avenue, Cleveland, Ohio 44114.

No. MC 109632 (Sub-No. 25 TA), filed July 3, 1967. Applicant: LOPEZ TRUCKING, INC., 131 Linden Street, Waltham, Mass. 02154. Applicant's representative: Kenneth B. Williams, 111 State Street, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated wooden buildings*, and in connection therewith, *component parts thereof and equipment and material* incidental to the erection and completion of such buildings, on flatbed trailers, from Dedham, Mass., to Brunswick and Sebago Lake, Maine; Wilmington, Montgomery, and Killington, Vt.; Barnstead, Sunapee, Wolfboro, and Gilmanton Iron Works, N.H.; Ponoco Farms, Lake Como, and Naomi, Pa.; Montauk, N.Y.; Rehoboth Beach, Del.; and Burgess, Va.; for 150 days. Supporting shipper: Spacemakers, 750 Washington St., Dedham, Mass. 02026. Send protests to: James F. Martin, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, John F. Kennedy Building, Government Center, Boston, Mass. 02203.

No. MC 111594 (Sub-No. 33 TA), filed July 5, 1967. Applicant: C W TRANSPORT INC., 610 High Street, Wisconsin Rapids, Wis. 54494. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the plantsites and warehouses of Rockwell-Standard Corp. at or near Winchester, Ky., on the one hand, and, on the other, points in Illinois, Indiana, Wisconsin, and Minneapolis-St. Paul, Minn.; for 180 days. Supporting shipper: Rockwell-Standard Corp., Transmission and Axle Division, Winchester, Ky. 40391. Send protests to: C. W. Buckner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 214 North Hamilton Street, Madison, Wis. 53703.

No. MC 127384 (Sub-No. 3 TA), filed July 5, 1967. Applicant: CHARDEL TRANSPORTATION CORP., 573 West Street, New York, N.Y. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in temperature-controlled vehicles, for the account of Charles Holzer, from Spencer and Des Moines, Iowa, Luverne, Minn., Omaha, Nebr., to New York, N.Y.; for 180 days. Supporting shipper: Charles Holzer, 573 West Street, New York, N.Y. Send protests to: Paul W. Assenza, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 127730 (Sub-No. 2 TA), filed July 3, 1967. Applicant: A.A.A. CARTAGE, INC., 8636 West Harrison Avenue, Milwaukee, Wis. 53227. Applicant's representative: Rolfe E. Hanson, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities requiring special equipment, commodities in bulk, classes A and B explosives, and commodities injurious or contaminating to other lading); restricted to the transportation of shipments having an immediately prior or subsequent movement by air; between O'Hare Air Field, Cook County, Ill., on the one hand, and, on the other, points in Milwaukee, Racine, and Kenosha Counties, Wis., under a continuing contract with North Central Airlines; for 180 days. Supporting shipper: North Central Airlines, Inc., 6201 34th Avenue South, Minneapolis, Minn., 55450 (John S. Minerich, Manager, Cargo Admin.). Send protests to: W. F. Sibbald, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, Wis., 53203.

No. MC 127737 (Sub-No. 1 TA), filed July 3, 1967. Applicant: JIM EDWARD GODFREY, Route 3, Gaffney, S.C. 29340. Applicant's representative: John L. Brown, 6120 Bridgeport Drive, Charlotte, N.C. 28205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bags, from Augusta, Ga., to points in Cherokee and Spartanburg Counties, S.C., and Cleveland and Rutherford Counties, N.C.; for 180 days. Supporting shippers: Agrico Chemical Co., Forest City, N.C.; International Minerals & Chemical Corp., Spartanburg, S.C.; and Southern Fertilizer & Chemical Co., Roebuck, S.C. Send protests to: Arthur B. Abercrombie, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 303A Federal Building, 901 Sumter Street, Columbia, S.C.

No. MC 128862 (Sub-No. 3 TA), filed July 3, 1967. Applicant: B. J. CECIL, doing business as B. J. CECIL TRUCKING, Post Office Box 278, Claypool, Ariz. 85532. Applicant's representatives: Galland, Kharasch, Calkins, and Lippman, 1824 R Street NW., Washington, D.C. 20009. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron ore*, from the CF & I Steel Corp. mine site on the San Carlos Indian Reservation located approximately 50 miles from Snowflake, Ariz., to Snowflake, Ariz.; restricted to traffic having a subsequent out-of-state movement by rail; for 150 days. Supporting shipper: CF & I Steel Corp., Post Office Box 1920, Denver, Colo. 80201. Send protests to: Andrew V. Baylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 3427 Federal Building, Phoenix, Ariz. 85025.

No. MC 129165 (Sub-No. 1 TA), filed July 3, 1967. Applicant: BIRD TRUCKING & CARTAGE, INC., 7447 Dix, Detroit, Mich. 48209. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobile parts, assemblies, and materials* used in the manufacture of automobiles, between points in Wayne County, Mich., and points in the Detroit, Mich., commercial zone, as defined by the Commission, on the one hand, and, on the other, Detroit Metropolitan Airport, Romulus, Mich., and

Willow Run Airport, Ypsilanti, Mich., having prior or subsequent movement by air; for 150 days. Supporting shipper: Ford Motor Co., The American Road, Dearborn, Mich. Send protests to: Gerald J. Davis, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1100 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 129210 (Sub-No. 1 TA), filed July 3, 1967. Applicant: ASTRON FORWARDING COMPANY, 75 Market Street, Post Office Box 161, Oakland, Calif. 94604. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Hawaii; restricted to the handling of traffic originating at or destined to out-of-state points; for 180 days. Supporting shippers: Raytheon Co., Lexington, Mass. 02173; Independent Printing Co., 209 11th Street, Richmond, Calif.; Federal Sign & Signal Corp., Post Office Box 4035, Oakland, Calif. 94623; Permanente Cement, 300 Lakeside Drive, Oakland, Calif. 94612; and Headquarters, Defense Traffic Management Service, Washington, D.C. 20305. Send protests to: William E. Murphy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 129215 TA, filed July 3, 1967. Applicant: RONALD G. MONTGOMERY, doing business as Ron Montgomery Trucking Co., 17620 Southeast Tibbets, Portland, Oreg. 97236. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Groceries*, from points in California to points in Oregon; for 180 days. Supporting shipper: Cordi Sales Co., 2606 Southeast 12th Avenue, Portland, Oreg. 97202. Send protests to: S. F. Martin, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 129219 TA, filed July 5, 1967. Applicant: CMD TRANSPORTATION, INC., 3750 Southeast Belmont, Portland, Oreg. 97214. Applicant's representative: Oliver Crowther, 6359 Southwest Capitol Highway, Portland, Oreg. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electric storage batteries*, from Portland, Oreg., to points in Washington and Idaho; and *junk batteries, batteries* returned for service or adjustment to shipper, on return; for 180 days. Supporting shipper: Standard Batteries, Inc., 3750 Southeast Belmont, Portland, Oreg. 97214. Send protests to: S. F. Martin, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 129220 TA, filed July 5, 1967. Applicant: TED M. HOSLER, doing business as HOSLER MOVING & STORAGE, 826 North Price, Junction City, Kans. 66441. Applicant's representative: Paul F. Sullivan, Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Geary, Riley, Dickinson, Saline, Morris, Clay, Pottawatomie, Wabaunsee Counties, Kans.; for 180 days. Supporting shippers: Jet Forwarding, Inc., 2945 Columbia Street, Torrance, Calif. 90503; Burnham World Forwarders, Inc., 1632 Second Avenue, Columbus, Ga. 31901; Delcher Intercontinental Moving Service, a division of Delcher Brothers Storage Co., 262 Riverside Avenue, Jacksonville, Fla.; and Trans Ocean Van Service, Post Office Box 7331, Long Beach, Calif. 90807. Send protests to: I. C. Peterson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Building, Topeka, Kans. 66603.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-8072; Filed, July 12, 1967; 8:49 a.m.]

[Notice 1084]

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

JULY 12, 1967.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act, and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC-F-9813. Authority sought for control and merger by SAWYER TRANSPORT, INC. (MINNESOTA CORP.), 2424 Minnehaha Avenue, Minneapolis, Minn. 55404, of the operating rights and property of SAWYER TRANSPORT, INC. (ILLINOIS CORP.), 2424 Minnehaha Avenue, Minneapolis, Minn. 55404, and for acquisition by ROBERT W. SAWYER, also of Minneapolis, Minn., of control of such rights and property through the transaction. Applicants' attorneys: Alan Foss, and Van Osdel, 502 First National Bank Building, Fargo, N. Dak. 58102. Operating rights sought to be controlled and merged: *Building materials*, as a *common carrier*, over irregular routes, from L'Anse, Mich., to points in Wisconsin (except points in the Milwaukee, Wis., commercial zone, as defined by the Commission, and points on and east of U.S. Highway 41), Illinois (except points in the Chicago, Ill., commercial zone, as defined by the Commission), Indiana, (except Indianapolis and that part of the Chicago, Ill., commercial zone, as defined by the Commission, in the State of Indiana), Minnesota and Ohio from L'Anse, Mich., to points in North Dakota, South Dakota, Nebraska, Iowa and Missouri, from Freeport, Ill., to points in Wisconsin, between Warren, Ill., on the one hand, and, on the other, points in Indiana, Kansas, Michigan, Minnesota, Nebraska, Ohio, Pennsylvania, and South Dakota; *roofing, roofing materials and supplies, paint, building paper*, and *insulation and insulation materials*, from Minneapolis, Minn., to points in the Upper Peninsula of Michigan; *roofing granules*, in bulk, from Wausau and Kremlin, Wis., to Minneapolis and St. Paul, Minn., Waukegan, Chicago, Chicago Heights, Joliet, and Wilmington, Ill., and South Bend, Ind; *crushed, ground, or pulverized stone, stone dust, and quarry waste*, in bulk, from Kremlin, Wis., to Minneapolis and St. Paul, Minn., Waukegan, Chicago, Chicago Heights, Joliet, and Wilmington, Ill., and South Bend, Ind.; *prefabricated buildings*, complete, knocked down, or in sections, including *all components parts, equipment, and materials* incidental to the erection and completion of such buildings, when shipped therewith, from Litchfield, Minn., to points in Colorado, Illinois, Iowa, Kansas, Michigan, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming; and *animal feeds, poultry feeds, animal feed ingredients* and *poultry feed ingredients*, from Minneapolis, Minn., to points in the Upper Peninsula of Michigan. SAWYER TRANSPORT, INC. (MINNESOTA CORP.), holds no authority from this Commission. However, its sole stockholder, is affiliated with R. C. WILSON, doing business as WILSON TRUCK SERVICE, 2424 Minnehaha Avenue, Minneapolis, Minn. 55404, which is authorized to operate as a *common carrier* in Iowa, Minnesota, Illinois, and Wisconsin. (This carrier's authority is presently pending in MC-F-8909.)

Other proceedings relating to that acquisition are MC-F-9233 and MC-C-4915. Applicant proposed to become the substituted party in all respects to these proceedings. Application has not been filed for temporary authority under section 210a(b). Note: Protest must be filed within 15 days from date notice is published in the FEDERAL REGISTER of this section 5 application. The proposed transaction arises from Illinois reciprocity laws.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-8205; Filed, July 13, 1967; 8:50 a.m.]

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FEDERAL REGISTER

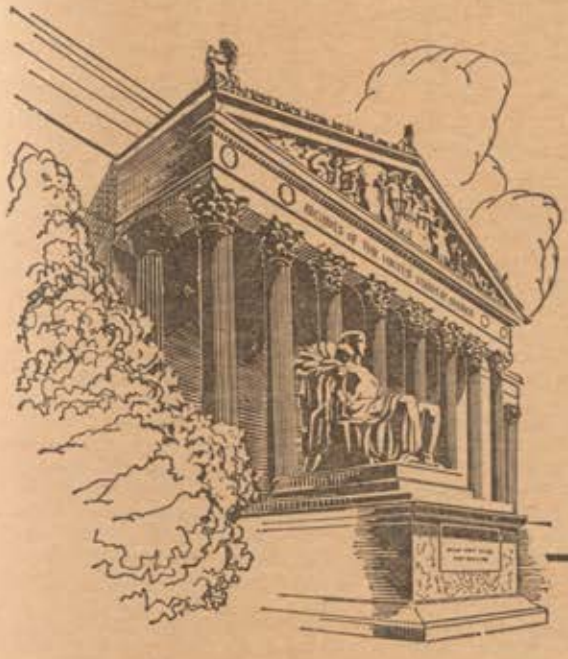
VOLUME 32 • NUMBER 135

Friday, July 14, 1967 Washington, D.C.

PART II

Federal Deposit Insurance Corporation

Federal Home Loan Bank Board



Insurance of Accounts and Deposits

FEDERAL DEPOSIT INSURANCE CORPORATION

Title 12—BANKS AND BANKING

Chapter III—Federal Deposit Insurance Corporation

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

PART 330—CLARIFICATION AND DEFINITION OF DEPOSIT INSURANCE COVERAGE

On January 27, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 996) stating that the Board of Directors of the Federal Deposit Insurance Corporation was considering the adoption of new rules and regulations regarding insurance coverage of deposit accounts. Interested parties were afforded an opportunity to participate in the rule making through the submission of comments within 60 days from the date of publication in the FEDERAL REGISTER. After consideration of all such relevant matter as was submitted by interested persons, the rules and regulations as so proposed are hereby adopted, with certain changes, as set forth below.

The purpose of the rules and regulations adopted in revised Part 330 is to define and clarify insurance coverage of deposits in insured banks so as to carry out the concept of limited coverage intended by Federal deposit insurance. The Federal Deposit Insurance Act is interpreted to limit the various devices commonly used to increase such coverage beyond that meant to be provided by law.

Specifically, the rules and regulations set forth certain general principles relating to record keeping requirements and valuation of trust interests which provide a basis for determining the amount of insurance available to deposits held by depositors in the same or different rights and capacities.

As to each right and capacity, the rules and regulations state the various ownership interests and the amount of insurance applicable thereto. Single ownership accounts, including those held by an individual or someone acting for him, testamentary accounts, accounts owned and held by executors or administrators, corporations, partnerships and unincorporated associations, public unit accounts, jointly owned accounts and trust accounts are defined and the amount of insurance coverage available to each such category of ownership is specified.

Effective September 1, 1967, Part 330 of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR Part 330) is revised to read as follows:

REGULATIONS

INTERPRETATION

AUTHORITY: The provisions of this Part 330 issued under sec. 9, 64 Stat. 881; 12 U.S.C. 1819; sec. 3, 80 Stat. 1056; 12 U.S.C. 1813. Interpret or apply secs. 3, 7, 11, 12, 64 Stat. 873; 12 U.S.C. 1813, 1817, 1821, 1822.

REGULATIONS

§ 330.1 General principles applicable in determining insurance of deposit accounts.

(a) *General.* This Part 330 provides for determination by the Corporation of the insured depositors of an insured bank and the amount of their insured deposit accounts. The rules for determining the insurance coverage of deposit accounts maintained by depositors in the same or different rights and capacities in the same insured bank are set forth in the following provisions of this part. Insofar as rules of local law enter into such determinations, the law of the jurisdiction in which the insured bank's principal office is located shall govern.

(b) *Records.* (1) The deposit account records of the insured bank shall be conclusive as to the existence of any relationship pursuant to which the funds in the account are deposited and on which a claim for insurance coverage is founded. Examples would be trustee, agent, custodian or executor. No claim for insurance based on such a relationship will be recognized in the absence of such disclosure.

(2) If the deposit account records of an insured bank disclose the existence of a relationship which may provide a basis for additional insurance, the details of the relationship and the interests of other parties in the account must be ascertainable either from the records of the bank or the records of the depositor maintained in good faith and in the regular course of business.

(3) The deposit account records of an insured bank in connection with a trust account shall disclose the name of both the settlor (grantor) and the trustee of the trust and shall contain an account signature card executed by the trustee.

(4) The interests of the co-owners of a joint deposit account shall be deemed equal, unless otherwise stated on the insured bank's records in the case of a tenancy in common.

(c) *Valuation of trust interests.* (1) Trust interests in the same trust deposited in the same account will be separately insured if the value of the trust interest is capable of determination, without evaluation of contingencies, except for those covered by the present worth tables and rules of calculation for their use set forth in § 20.2031–7 of the Federal Estate Tax Regulations (26 CFR 20.2031–7).

(2) In connection with any trust in which certain trust interests are not capable of evaluation in accordance with the foregoing rule, payment by the Corporation to the trustee with respect to all such trust interests shall not exceed the basic insured amount of $15,000.

(3) Each trust interest in any trust established by two or more settlors shall be deemed to be derived from each settlor pro rata to his contribution to the trust.

(4) The term "trust interest" means the interest of a beneficiary in an irrevocable express trust, whether created by trust instrument or statute, but does not include any interest retained by the settlor.

(5) With respect to trust funds held by an insured bank in a fiduciary capacity pursuant to section 7(i) of the Act, the term "trust interest" shall mean the same as the term "trust funds" as used in section 3(p) of the Act.

§ 330.2 Single ownership accounts.

Funds owned by an individual and deposited in the manner set forth below shall be added together and insured up to $15,000 in the aggregate.

(a) *Individual accounts.* Funds owned by an individual (or by the community between husband and wife of which the individual is a member) and deposited in one or more deposit accounts in his own name shall be insured up to $15,000 in the aggregate.

(b) *Accounts held by agents or nominees.* Funds owned by a principal and deposited in one or more deposit accounts in the name or names of agents or nominees shall be added to any individual deposit accounts of the principal and insured up to $15,000 in the aggregate.

(c) *Accounts held by guardians, custodians, or conservators.* Funds held by a guardian, custodian, or conservator for the benefit of his ward or for the benefit of a minor under a Uniform Gifts to Minors Act and deposited in one or more deposit accounts in the name of the guardian, custodian, or conservator shall be added to any individual deposit accounts of the ward or minor and insured up to $15,000 in the aggregate.

§ 330.3 Testamentary accounts.

(a) Funds owned by an individual and deposited in a revocable trust account, tentative or "Totten" trust account, "payable-on-death" account or similar account evidencing an intention that on his death the funds shall belong to his spouse, child or grandchild shall be insured up to $15,000 in the aggregate as to each such named beneficiary, separately from any other accounts of the owner.

(b) If the named beneficiary of such an account is other than the owner's

spouse, child or grandchild, the funds in such account shall be added to any individual accounts of such owner and insured up to $15,000 in the aggregate.

§ 330.4 Accounts held by executors or administrators.

Funds of a decedent held in the name of the decedent or in the name of the executor or administrator of his estate and deposited in one or more deposit accounts shall be insured up to $15,000 in the aggregate, separately from the individual deposit accounts of the beneficiaries of the estate or of the executor or administrator.

§ 330.5 Accounts held by a corporation or partnership.

Deposit accounts of a corporation or partnership engaged in any independent activity shall be insured up to $15,000 in the aggregate. A deposit account of a corporation or partnership not engaged in an independent activity shall be deemed to be owned by the person or persons owning such corporation or comprising such partnership and, for deposit insurance purposes, the interest of each person in such a deposit account shall be added to any other deposit accounts individually owned by such person and insured up to $15,000 in the aggregate.

§ 330.6 Accounts held by an unincorporated association.

Deposit accounts of an unincorporated association engaged in any independent activity shall be insured up to $15,000 in the aggregate. A deposit account of an unincorporated association not engaged in an independent activity shall be deemed to be owned by the persons comprising such association and, for deposit insurance purposes, the interest of each owner in such a deposit account shall be added to any other deposit accounts individually owned by such person and insured up to $15,000 in the aggregate.

§ 330.7 Independent activity.

The term "independent activity" means any activity other than one directed solely at increasing insurance coverage.

§ 330.8 Public unit accounts.

(a) *General.* Where different officers, agents or employees of the same public unit, having by law the official custody of public funds of the unit, deposit the same in an insured bank, each such officer, agent or employee shall be separately insured up to $15,000 in such custodial capacity. An officer, employee, or agent of a public unit shall be deemed to be insured only up to $15,000 with respect to all public funds of the same unit held by him, regardless of how many offices he holds in such unit or the purposes for which such funds are held or designated. If the same person is an officer, employee, or agent of more than one public unit, he shall be separately insured up to $15,000 with respect to the public funds held by him of each such unit.

(b) *Public bond issues.* Where an officer, agent or employee of a public unit has custody of certain funds which by law or under the bond indenture are required to be paid to the holders of bonds issued by the public unit, any deposit of such funds in an insured bank shall be deemed to be a deposit by a trustee of trust funds of which the bondholders are pro rata beneficiaries, and each such beneficial interest shall be separately insured up to $15,000.

§ 330.9 Joint accounts.

(a) *Separate insurance coverage.* Deposits owned jointly, whether as joint tenants with right of survivorship, as tenants by the entireties, as tenants in common, or by husband and wife as community property, shall be insured separately from deposit accounts individually owned by the co-owners.

(b) *Qualifying joint accounts.* A joint deposit account shall be deemed to exist, for purposes of insurance of accounts, only if each co-owner has personally executed a deposit account signature card and possesses withdrawal rights. The restrictions of this subsection shall not apply to holders in due course of a deposit obligation of a bank evidenced by a negotiable instrument which had, in fact, been negotiated prior to the closing of the bank.

(c) *Failure to qualify.* A deposit account owned jointly which does not qualify as a joint account for purposes of insurance of accounts shall be treated as owned by the named persons as individuals and the actual ownership interest of each such person in such account shall be added to any other accounts individually owned by such person and insured up to $15,000 in the aggregate.

(d) *Same combination of individuals.* All joint deposit accounts owned by the same combination of individuals shall first be added together and insured up to $15,000 in the aggregate.

(e) *Interest of each co-owner.* The interests of each co-owner in all joint deposit accounts owned by different combinations of individuals shall then be added together and insured up to $15,000 in the aggregate.

§ 330.10 Trust accounts.

All trust interests for the same beneficiary deposited in deposit accounts established pursuant to valid trust agreements created by the same settlor (grantor) shall be added together and insured up to $15,000 in the aggregate, separately from other deposit accounts of the trustee of such trust funds or the settlor or beneficiary of such trust arrangements.

§ 330.11 Deposits evidenced by negotiable instruments.

If any insured deposit obligation of a bank be evidenced by a negotiable certificate of deposit, negotiable draft, negotiable cashier's or officer's check, negotiable certified check, or negotiable traveler's check or letter of credit, the owner of such deposit obligation will be recognized for all purposes of claim for insured deposits to the same extent as if his name and interest were disclosed on the records of the bank provided the instrument was in fact negotiated to such owner prior to the date of the closing of the bank. Affirmative proof of such negotiation must be offered in all cases to substantiate the claim.

§ 330.12 Deposit obligations for payment of items forwarded for collection by bank acting as agent.

Where a closed bank has become obligated for the payment of items forwarded for collection by a bank acting solely as agent, the owner of such items will be recognized for all purposes of claim for insured deposits to the same extent as if his name and interest were disclosed on the records of the bank when such claim for insured deposits, if otherwise payable, has been established by the execution and delivery of prescribed forms. Such bank forwarding such items for the owners thereof will be recognized as agent for such owners for the purpose of making an assignment of the rights of such owners against the closed insured bank to the Federal Deposit Insurance Corporation and for the purpose of receiving payment on behalf of such owners.

§ 330.13 Continuation of prior coverage.

All deposit accounts insured under the rules and interpretations heretofore in effect shall continue to be insured, anything in this part to the contrary notwithstanding, until April 15, 1968.

§ 330.14 Notification of depositors.

Each insured bank is required to provide notice of these revisions to the Rules and Regulations for Clarification and Definition of Insurance Coverage of Deposit Accounts, Part 330, prior to February 1, 1968, to the depositors of each deposit account which had a balance in excess of $5,000 on any date selected by the bank between September 1, 1967, and February 1, 1968. Such notice shall consist of mailing to such depositors at their last known address as shown on the records of the insured bank, a question and answer brochure on insurance of deposit accounts prepared by the Federal Deposit Insurance Corporation. Such brochure shall also be made available to the public at each teller's station or window where deposits are normally received and at new account stations of an insured bank. Additional explanatory materials may also be sent to depositors at the option of the insured bank.

INTERPRETATIONS

§ 330.101 Recognition of deposit ownership in custodial accounts.

(a) The opinion of the Board of Directors has been requested as to whether a fractional or percentage computation of the interests of owners of commingled funds on deposit in custodial accounts in banks insured by the Federal Deposit Insurance Corporation meets the requirements of § 330.1.

(b) Section 330.1 provides that if the name and interest of an owner of any portion of a specifically designated custodial deposit is disclosed on the records

of the person in whose name the deposit is maintained and such records are maintained in good faith and in the regular course of business, such owner will be recognized for all purposes of claim for insured deposits to the same extent as if his name and interest were disclosed on the records of the bank.

(c) The Board of Directors has concluded that, if the records of the depositor, maintained in good faith and in the regular course of business, reflect, at all times, the name and ascertainable interest of each owner in a specifically designated custodial deposit, such interest may be determined on a fractional or percentage basis. This may be accomplished in any manner which indicates that where the funds of an owner are commingled with other funds held in custody and a portion thereof is placed on deposit in one or more insured banks, his interest in a custodial deposit in any one insured bank would represent at any given time the same fractional share as his share of the total commingled funds.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 67-8195; Filed, July 13, 1967; 8:50 a.m.]

EXAMPLES OF INSURANCE COVERAGE AFFORDED DEPOSIT ACCOUNTS IN BANKS INSURED BY THE FEDERAL DEPOSIT INSURANCE CORPORATION

The Board of Directors of the Federal Deposit Insurance Corporation has adopted rules and regulations to clarify, define and limit deposit insurance coverage in insured banks, which rules and regulations, revised Part 330 (12 CFR Part 330), have been published in the FEDERAL REGISTER.

The Board of Directors has further determined that it would be in the public interest to publish concurrently its official interpretations of the aforesaid rules in the form of questions and answers setting forth insurance coverage afforded accounts in insured banks. Such interpretations are hereby adopted as set forth below.

EXAMPLES DEMONSTRATING INSURANCE COVERAGE ON DEPOSIT ACCOUNTS IN THE SAME INSURED BANK

The following examples illustrate insurance coverage on deposit accounts maintained in the same insured bank. They are intended to cover various types of ownership interests and combinations of accounts which may occur in connection with deposited funds and which are the subject matter of the insurance coverage rules in Part 330.

The type of account (whether checking, savings, certificate of deposit or other form of deposit) has no bearing on the amount of insurance coverage. All such forms of deposit accounts owned by the same depositor in the same right and capacity will be added together for purposes of computing his maximum insurance claim.

The examples, as well as the rules which they interpret, are predicated upon the assumption that deposited funds are actually owned in the manner indicated on the bank's records. If available evidence shows that ownership is different from that on the bank's records, the Federal Deposit Insurance Corporation may pay claims for insured deposits on the basis of actual rather than ostensible ownership.

Single ownership accounts. All funds owned by an individual (or the community between husband and wife of which the individual is a member) and deposited by him in one or more individual accounts are added together and insured up to the maximum of $15,000. This is true whether the accounts are maintained in the name of the individual owning the funds, in the name of his agent or nominee, or in the name of a guardian, conservator or custodian holding the funds for his benefit.

EXAMPLE 1

Question: A and B, husband and wife, each maintain an individual account containing $15,000. In addition, they hold a joint account containing $15,000. What is the insurance coverage?

Answer: Each account is separately insured to $15,000, for a total coverage of $45,000. The coverage would be the same whether the individual accounts contain funds owned as community property or the individual property of the spouses (§ 330.2(a) and § 330.9(a)).

EXAMPLE 2

Question: H and W, husband and wife, reside in a community property state. H maintains a $15,000 account consisting of his separately owned funds and deposits $15,000 of community funds in another account. Both of the accounts are in his name alone. What is the insurance coverage?

Answer: The two accounts are added together and insured to a total of $15,000. $15,000 is uninsured (§ 330.2(a)).

EXAMPLE 3

Question: A has $12,000 deposited in an individual account, and his agent, B, deposits $5,000 of A's funds in a properly designated agency account. B also holds a $15,000 individual account. What is the insurance coverage?

Answer: A's individual account and the agency account are added together and insured to the $15,000 maximum, leaving $2,000 uninsured. The depositing of funds through an agent does not result in additional insurance coverage for the principal (§ 330.2(b)). B's individual account is insured separately from the agency account. However, if the records of the bank do not show the agency relationship under which the funds in the $5,000 account are held, the $5,000 in B's name could, at the option of the Federal Deposit Insurance Corporation, be added to his individual account and insured to $15,000 in the aggregate, leaving $5,000 uninsured (§ 330.1(b)(1)).

EXAMPLE 4

Question: A holds a $15,000 individual account. B holds two accounts in his own name, the first containing $5,000 and the second containing $12,000. In processing the claims for payment of insurance on these accounts, the Federal Deposit Insurance Corporation discovers that the funds in the $5,000 account actually belong to A and that B had deposited these funds as agent for A, his undisclosed principal. What is the insurance coverage?

Answer: Since the available evidence shows that A is the actual owner of the funds in the $5,000 account, the Federal Deposit Insurance Corporation may, at its option, add these funds to the $15,000 individual account held by A (rather than to B's $12,000 account) and insure the total of $20,000 to the $15,000 maximum, leaving $5,000 uninsured. In that event B's $12,000 individual account would be separately insured (§ 330.2 (a) and (b)).

EXAMPLE 5

Question: C, a minor, maintains an individual account of $150 in connection with a school savings program. C's grandfather makes a gift to him of $10,000 which is deposited in another account by C's father, designated on the bank's records as custodian under a Uniform Gifts to Minors Act. C's father also maintains an individual account of $10,000. What is the insurance coverage?

Answer: C's individual account and the custodianship account held for him by his father are added together and insured to the $15,000 maximum (§ 330.2(c)). The individual account held by C's father is separately insured (§ 330.2(a)).

EXAMPLE 6

Question: G, a court appointed guardian, deposits in a properly designated account $15,000 of funds in his custody which belong to W, his ward. W and G each maintain $5,000 individual accounts. What is the insurance coverage?

Answer: W's individual account and the guardianship account in G's name are added together and insured in the aggregate to $15,000. The fact that a guardian has been judicially appointed does not alter the fact that the guardianship funds legally belong to W, the ward, and are insured as W's individually owned funds (§ 330.2(c)). G's individual account is separately insured (§ 330.2(a)).

Testamentary accounts. The term "testamentary account" refers to a revocable trust account, tentative or "Totten" trust account, "payable-on-death" account or any similar account which evidences an intention that the funds shall pass on the death of the owner of the funds to a named beneficiary. If the beneficiary is a spouse, child, or grandchild of the owner, the funds in all such accounts are insured for the owner up to $15,000 in the aggregate as to each such beneficiary, separately from any other individual accounts of the owner of the funds. If the beneficiary of such an account is other than a spouse, child or grandchild of the owner, the funds in the account are, for insurance purposes, added to any other individual accounts of the owner and insured up to $15,000 in the aggregate. In the case of a revocable trust account, the person who holds the power of revocation is deemed to be the owner of the funds in the account. If a revocable trust account is held in the name of a fiduciary other than the owner of the funds, any other accounts held by the fiduciary are insured separately from such revocable trust account.

EXAMPLE 1

Question: H deposits $25,000 in a revocable trust account with his son, S, and his daughter, D, as named beneficiaries. What is the insurance coverage?

Answer: Since S and D are children of H, the owner of the account, the funds are insured up to $15,000 as to each beneficiary (§ 330.3(a)). Assuming that S and D have equal beneficial interests ($12,500 each), H is fully insured for this account.

EXAMPLE 2

Question: H, as settlor-trustee, creates a revocable trust for the benefit of his son, S. H creates a second revocable trust with T as trustee, for the benefit of his nephew, N. H deposits $15,000 of the funds of the first trust in a revocable trust account. T deposits $10,000 of the funds of the second trust in another account. In addition, H, S, N and T each maintain individual accounts containing $15,000. What is the insurance coverage?

Answer: Since S is a child of H, the account established under the first trust is insured up to $15,000 separately from any other accounts held by H (§ 330.3(a)). Since N is not a spouse, child or grandchild of H, the $10,000 in the account held by T under the second trust is deemed to be owned by H and is added to the $15,000 in H's individual account and insured up to $15,000 in the aggregate, leaving $10,000 uninsured (§ 330.3(b)). The individual accounts of S, N, and T are separately insured to the $15,000 maximum (§ 330.2(a)).

EXAMPLE 3

Question: H deposits $15,000 in each of four "payable-on-death" accounts. Under the terms of each account contract, H has the right to withdraw any or all of the funds in the account at any time. Any funds remaining in the account at the time of H's death are to be paid to a named beneficiary. The respective beneficiaries of the four accounts are H's wife, his mother, his brother and his son. H also holds an individual account containing $15,000. What is the insurance coverage?

Answer: The accounts payable on death to H's wife and son are each separately insured to the $15,000 maximum (§ 330.3(a)). The accounts payable to H's mother and brother are added to H's individual account and insured to $15,000 in the aggregate, leaving $30,000 uninsured (§ 330.3(b)).

Accounts of executors or administrators. All funds belonging to a decedent and deposited in one or more accounts, whether held in the name of the decedent or in the name of his executor or administrator, are added together and insured to the $15,000 maximum. Such funds are insured separately from the individual accounts of any of the beneficiaries of the estate or of the executor or administrator.

EXAMPLE 1

Question: A, administrator of D's estate, sells D's automobile and deposits the proceeds of $2,500 in an account entitled: "A, Administrator of the estate of D." In the same bank there is an account containing $15,000 which D had opened just prior to his death. What is the insurance coverage?

Answer: The two accounts are added together and insured up to the $15,000 maximum, leaving $2,500 uninsured (§ 330.4).

EXAMPLE 2

Question: X is executor of the will of T, under which A, B and C are beneficiaries in equal shares. X deposits $40,000 of T's estate in an account entitled: "X, Executor of the will of T." A and X maintain accounts of $15,000 each in the same bank. What is the insurance coverage?

Answer: The account held by X as executor is insured only to $15,000. Such funds are considered the property of the decedent's estate and are not apportioned among the beneficiaries under the will. Since the title of the estate account discloses its fiduciary nature, X's individual account is insured separately. In addition, A's individual account is separately insured to the $15,000 maximum (§ 330.4).

Accounts held by a corporation, partnership or unincorporated association. All funds deposited in an account or accounts by a corporation, a partnership or an unincorporated association engaged in any independent activity are added together and insured to the $15,000 maximum. The term "independent activity" means any activity other than one directed solely at increasing insurance coverage. If the corporation, partnership or unincorporated association is not engaged in an independent activity, any account held by the entity is insured as if owned by the persons owning or comprising the entity, and the imputed interest of each such person is added for insurance purposes to any individual account which he maintains.

EXAMPLE 1

Question: X Corporation maintains a $15,000 account. The stock of the corporation is owned by A, B, C and D in equal shares. Each of these stockholders also maintains an individual account with the same bank. What is the insurance coverage?

Answer: Each of the accounts would be insured to $15,000 if the corporation is engaged in an independent activity and has not been established merely for the purpose of increasing insurance coverage. The same would be true if the business were operated as a bona fide partnership instead of a corporation (§ 330.5).

EXAMPLE 2

Question: A and B each has a $12,000 account in his own name and X Corporation has a $12,000 account. One third of the stock of X Corporation is owned by A and two-thirds by B. X Corporation was set up solely to obtain additional insurance. What is the insurance coverage?

Answer: Since X Corporation is not engaged in an independent activity, the funds in its account are insured as if owned by A and B in proportion to their interest in the corporation. For insurance purposes, $4,000 of the corporate account is imputed to A and added to his individual account and $8,000 is added to B's individual account. A has an aggregate individual interest of $16,000, of which $15,000 is insured, leaving $1,000 uninsured. Of B's total interest of $20,000, $5,000 is uninsured (§ 330.5).

EXAMPLE 3

Question: C College maintains three separate accounts with the same bank under the titles: "General Operating Fund", "Teachers Salaries", and "Building Fund". What is the insurance coverage?

Answer: Since all of the funds are the property of the college, the three accounts are added together and insured only to the $15,000 maximum (§ 330.5 and § 330.6).

EXAMPLE 4

Question: The men's club of X Church carries on various social activities in addition to holding several fund raising campaigns for the church each year. The club is supported by membership dues. Both the club and X Church maintain accounts in the same bank. What is the insurance coverage?

Answer: The men's club is an unincorporated association engaged in an independent activity. If the club funds are, in fact, legally owned by the club itself and not the church, each account is separately insured to the $15,000 maximum (§ 330.6).

EXAMPLE 5

Question: The PQR Union has three locals in a certain city. Each of the locals maintains a deposit account containing funds belonging to the parent organization. All three accounts are in the same insured bank. What is the insurance coverage?

Answer: The three accounts are added together and insured up to the $15,000 maximum (§ 330.6).

Public unit accounts. For insurance purposes, the official custodian of funds belonging to a public unit, rather than the public unit itself, is insured as the depositor. All funds belonging to a public unit and deposited by the same custodian are added together and insured to the $15,000 maximum, regardless of the number of accounts involved. If there is more than one official custodian for the same public unit, the funds deposited by each custodian are separately insured up to $15,000. If the same person is custodian of funds for more than one public unit, he is separately insured to $15,000 with respect to the funds of each such unit deposited by him in properly designated accounts.

EXAMPLE 1

Question: S, as County Treasurer, deposits $5,000 in each of the following accounts: "General Operating Account", "Road and Bridge Fund", "School Transportation Fund", "Local Maintenance Fund", and "Payroll Fund." What is the insurance coverage?

Answer: Since all of these funds are owned by the same public unit (i.e., the county) and are deposited by the same public official, the five accounts are added together and insured in the aggregate to the $15,000 maximum, leaving $10,000 uninsured (§ 330.8(a)).

EXAMPLE 2

Question: As Comptroller of Y Consolidated School District, A maintains a $20,000 account containing school district funds. He also maintains his own $10,000 savings account. What is the insurance coverage?

Answer: The two accounts will be separately insured, assuming the bank's records indicate that the account containing the school district funds is held by A in a fiduciary capacity. Thus, $15,000 of the school's funds and the entire $10,000 in A's personal account will be insured (§ 330.1(b)(1) and § 330.8(a)).

EXAMPLE 3

Question: A, as City Treasurer, and B, as chief of the city police department, each have $15,000 in city funds deposited in custodial accounts. What is the insurance coverage?

Answer: Assuming that both A and B have official custody of the city funds, each account would be separately insured to the $15,000 maximum (§ 330.8(a)).

EXAMPLE 4

Question: A is Treasurer of X County and collects certain tax assessments, a portion of which must be paid to the State under statutory requirement. A maintains an account for general funds of the county and establishes a separate account for the funds which belong to the State Treasurer. The bank's records indicate that the separate account contains funds held for the State. What is the insurance coverage?

Answer: Since two public units own the funds held by A, the accounts would each be separately insured to the $15,000 maximum (§ 330.8(a)).

EXAMPLE 5

Question: A City Treasurer deposits $15,000 of city funds in each of the following accounts: "General Operating Account," "School Transportation Fund," "Local Maintenance Fund," and "Payroll Fund." All of the funds in the various accounts have been allocated to the specific use indicated by city ordinance or by statute. What is the insurance coverage?

Answer: All of the accounts would be added together and insured in the aggregate to $15,000. The allocation of the city's funds by ordinance or by statute for a specific purpose would not cause such funds to be maintained in separate rights and capacities.

EXAMPLE 6

Question: A City Treasurer deposits $15,000 in a "General Fund" acount and $20,000 in a "Meter Deposit" account. The funds in the Meter Deposit account belong to users of gas and are held by the official custodian in a fiduciary capacity as security for damage to gas meters. What is the insurance coverage?

Answer: Each account would be separately insured. However, if the City Treasurer held such funds as agent for the users of gas, their interest in the Meter Deposit account would be added to their individual accounts in computing insurance coverage. On the other hand, if the meter deposits are actually held in trust, pursuant to statute or contract, such funds would be separately insured from any individually owned funds of the gas users.

EXAMPLE 7

Question: In addition to the public fund accounts listed in Example 1, the County Treasurer also maintains a "Bond Payment Account" containing funds required by law to be paid to 2,000 holders of bonds issued by the county. The account contains $200,000. What is the insurance coverage?

Answer: The interest of each bondholder is separately insured to the $15,000 maximum. Where a public official deposits funds in an account which are required by law to be held for the payment of a particular bond issue, the account is deemed to be held in trust for the individual bondholders. The title of such an account, however, must indicate its fiduciary nature (§ 330.8(b)).

Joint accounts. Accounts held under any form of joint ownership valid under State law (whether as joint tenants with right of survivorship, tenants by the entireties, tenants in common or by husband and wife as community property) are insured up to $15,000. This insurance is separate from that afforded individual accounts held by any of the co-owners.

An account is insured as a joint account only if each of the co-owners has personally executed an account signature card and possesses withdrawal rights. An account owned jointly which does not qualify as a joint account for insurance purposes is insured as if owned by the named persons as individuals. In that case, the actual ownership interest in the account of each person is added to any other accounts individually owned by such person and insured up to $15,000 in the aggregate.

Any individual, including a minor, may be a co-owner of a joint account provided, under State law, he may execute a signature card and withdraw funds from the account on the same basis as other co-owners.

All funds deposited in joint accounts owned by the same combination of individuals are first added together and insured to the $15,000 maximum. Where a depositor has an interest in more than one joint account and different joint owners are involved, his interests in all of such joint accounts are then added together and insured to $15,000 in the aggregate.

For insurance purposes, the co-owners of any joint account are deemed to have equal interests in the account, except in the case of a tenancy in common. With a tenancy in common, equal interests are presumed unless otherwise stated on the records of the bank.

EXAMPLE 1

Question: A and B maintain an account as joint tenants with right of survivorship and, in addition, each holds an individual account. Is each account separately insured?

Answer: If both A and B have executed the signature card and possess withdrawal rights with respect to the joint funds, each account is separately insured to the $15,000 maximum (§ 330.9 (a) and (b)).

EXAMPLE 2

Question: H and W, husband and wife, reside in a community property state. Each holds an individual account and, in addition, they hold a qualifying joint account. The funds in all three accounts consist of community property. Is each account separately insured?

Answer: Yes. An account in the individual name of a spouse will be insured up to $15,000, whether the funds consist of community property or separate property of the spouse. A joint account containing community property is also insured up to $15,000. Thus, community property can be used for individual accounts in the name of each spouse and for a joint account in the name of both spouses, each of which accounts is separately insured up to $15,000 (§ 330.2(a) and § 330.9(a)).

EXAMPLE 3

Question: Two accounts of $15,000 each are held by a husband and his wife under the following names: John Doe and Mary Doe, husband and wife, joint tenants, with right of survivorship. Mrs. John Doe and John Q. Doe (community property). Are the accounts separately insured?

Answer: No. Both accounts are considered joint accounts owned by the same combination of individuals, regardless of the form of joint ownership. Reversal of names or use of different styles does not change the result, as long as the account owners are, in fact, the same in both cases. For insurance purposes, the accounts are added together for a total of $30,000, of which $15,000 is insured (§ 330.9(d)).

EXAMPLE 4

Question: The following accounts are held by A, B, and C, each of whom has personally executed signature cards for the accounts in which he has an interest. Each co-owner of a joint account possesses the necessary withdrawal rights.

No. 1 A, as an individual—$15,000.
No. 2 B, as an individual—$15,000.
No. 3 C, as an individual—$15,000.
No. 4 A and B, as joint tenants with right of survivorship—$15,000.
No. 5 A and C, as joint tenants with right of survivorship—$15,000.
No. 6 B and C, as joint tenants with right of survivorship—$15,000.
No. 7 A, B, and C, as joint tenants with right of survivorship—$15,000.

What is the insurance coverage?

Answer: Accounts numbered 1, 2, and 3 are each separately insured for $15,000 as individual accounts held by A, B, and C, respectively (§ 330.2(a)). With regard to accounts numbered 4, 5, 6, and 7, the respective interests of A, B, and C in such accounts are added together for insurance purposes (§ 330.9(e)). The interests of the co-owners of each joint account are deemed equal for insurance purposes (§ 330.1(b)(4)). Thus, A has an interest of $7,500 in account No. 4, $7,500 in account No. 5, and $5,000 in account No. 7, for a total joint account interest of $20,000, of which $15,000 is insured. The interests of B and C are similarly insured.

EXAMPLE 5

Question: A, B, and C hold accounts as set forth in Example 4. A and B are husband and wife. C, their minor child has failed to execute the signature card for account No. 7. In account No. 5, C cannot make a withdrawal without A's written consent. In account No. 6, the signatures of both B and C are required for withdrawal. A has provided all of the funds for accounts numbered 5 and 7. What is the insurance coverage?

Answer: If any of the co-owners of a joint account have failed to meet any of the joint account requirements, the account is not insured as a joint account. Instead, the account is insured as if it consisted of commingled individual accounts of each of the co-owners in accordance with his actual ownership of the funds, as determined under applicable State law (§ 330.9(c)). Account No. 5 is not insured as a joint account because C does not possess the right to withdraw the funds in accordance with his purported interest in the account. Account No. 6 does qualify as a joint account for insurance purposes, since each co-owner possesses the right to withdraw funds on the same basis (§ 330.9(b)). Account No. 7 is not insured as a joint account since C did not personally execute the signature card. Assuming that, under applicable State law, A has the entire actual ownership interest in accounts 5 and 7, all of the funds in these accounts are treated for insurance purposes as individually owned by A (§ 330.9(c)). Thus, the $30,000 in these accounts is added to the $15,000 in account No. 1, A's individual account, and insured up to $15,000 in the aggregate, leaving $30,000 uninsured. Accounts 4 and 6, the remaining joint accounts, are each insured to the $15,000 limit, since they are owned by different combinations of individuals and no co-owner has an aggregate interest in the two accounts in excess of $15,000 (§ 330.9 (d) and (e)).

EXAMPLE 6

Question: Three qualifying joint accounts are owned by A, B and C, as joint tenants with right of survivorship, as follows:

No. 1 A and B—$15,000.
No. 2 A and B—$5,000.
No. 3 A and C—$10,000.

What is the insurance coverage?

Answer: Since accounts numbered 1 and 2 are owned by the same combination of individuals, they are first added together and insured to $15,000 in the aggregate, leaving $5,000 uninsured (§ 330.9(d)). Since the respective interests of the co-owners of each joint account are deemed equal for insurance purposes, A has an interest of $7,500 in account No. 1, $2,500 in account No. 2, and $5,000 in account No. 3, for a total joint account interest of $15,000. A's interest of $10,000 in accounts numbered 1 and 2 receives a $7,500 proportionate share of the $15,000 insurance coverage on the two ac-

counts, as does B's interest, leaving $2,500 uninsured in each case. A is entitled to $15,000 of insurance on the total of his interests in joint accounts owned by different combinations of individuals (§ 330.9(e)). $7,500 of this $15,000 is allocated to A's interest in accounts numbered 1 and 2, leaving $7,500 of insurance available for his $5,000 interest in account No. 3, which is fully insured. C's $5,000 interest in account No. 3 is also fully insured. Thus, $12,500 of A's total interest of $15,000 is insured; $7,500 of B's $10,000 interest is insured; and all of C's $5,000 interest is insured. Of the $30,000 invested in the three joint accounts, a total of $25,000 is insured.

EXAMPLE 7

Question: A and B own a $15,000 joint account evidenced by a negotiable certificate of deposit. Subsequent to purchase and prior to the closing of the bank, the certificate is negotiated to C and D. C also maintains a $15,000 individual account in the issuing bank. What is the insurance coverage?

Answer: The joint account owned by C and D and C's individual account are separately insured. Since the certificate evidencing the joint account was negotiated prior to the closing of the bank, signature cards as to each subsequent joint owner are not required (§ 330.9(b)).

Trust accounts. A trust interest is the interest of a beneficiary in an irrevocable express trust, whether created by trust instrument or statute, that is valid under State law. Thus, funds deposited in an account by a trustee under an irrevocable express trust are insured on the basis of the beneficial interests under such trust. The interest of each beneficiary in an account (or accounts) established under such a trust arrangement is insured up to $15,000, separately from other accounts held by the trustee, the settlor (grantor) or the beneficiary. However, in cases where a beneficiary has an interest in more than one trust arrangement created by the same settlor, the interests of the beneficiary in all accounts established under such trusts are added together for insurance purposes, and the beneficiary's aggregate interest derived from the same settlor is separately insured to the $15,000 maximum.

A beneficiary's interest in an account established pursuant to an irrevocable express trust arrangement is insured separately from other beneficial interests (trust interests) deposited in the same account if the value of the beneficiary's interest (trust interest) can be determined without evaluation of contingencies except for those covered by the present worth tables and rules of calculation for their use set forth in Sec. 20.2031–7 of the Federal Estate Tax Regulations (26 CFR 20.2031–7). If any trust interests in such an account cannot be so determined, the insurance with respect to all such trust interests together shall not exceed the basic insured amount of $15,000.

In order for insurance coverage of trust accounts to be effective in accordance with the foregoing rules, certain record-keeping requirements must be met. In connection with each trust account, the bank's records must indicate the name of both the settlor and the trustee of the trust and must contain an account signature card indicating the fiduciary capacity of the trustee and executed by him. In addition, the interests of the beneficiaries under the trust must be ascertainable from the records of either the bank or the trustee.

Although each ascertainable trust interest in an irrevocable trust is separately insured, it should be noted that in short-term trusts the insurable interest or interests may be very small, since the interests are computed only for the duration of the trust. Thus, if a trust is made irrevocable for a specified period of time, the beneficial interests will be calculated in terms of the length of time stated. A reversionary interest retained by the settlor is treated in the same manner as an individual account of the settlor.

As stated, the trust must be valid under local law. A trust which does not meet local requirements, such as one imposing no duties on the trustee or conveying no interests to the beneficiary, is of no effect for insurance purposes. An account in which such funds are deposited is considered to be an individual account.

An account established pursuant to a revocable trust arrangement is insured as a form of individual account and is treated under § 330.3, dealing with Testamentary Accounts.

EXAMPLE 1

Question: T is a trustee of an irrevocable trust created by S, settlor, for the benefit of A and B in equal shares. T holds an account containing $30,000 in trust funds. A and B, as well as T and S, each maintain individual accounts in the amount of $15,000 each. What is the insurance coverage?

Answer: The trust interests of A and B deposited in the account are each insured to the $15,000 maximum, assuming that neither A nor B have beneficial interests in any other accounts established pursuant to an irrevocable trust created by the same settlor. Since A and B have equal beneficial interests under the trust, each has a proportionate interest in the trust account of $15,000, and the account is fully insured. The individual accounts of A, B, T, and S are each separately insured to $15,000 (§ 330.10).

EXAMPLE 2

Question: S is the settlor of an irrevocable trust for the sole benefit of his son, B. T, the trustee, maintains an account in Y Bank containing $15,000 in trust funds. S subsequently creates a separate irrevocable trust, also for B's sole benefit, with X Bank as trustee. X Bank deposits $5,000 of the trust funds in another account in Y Bank. What is the insurance coverage?

Answer: B has the sole beneficial interest in two accounts established under trusts created by the same settlor. Both accounts are added together and insured up to $15,000 in the aggregate, leaving $5,000 uninsured. The fact that two different trustees are involved is immaterial (§ 330.10).

EXAMPLE 3

Question: S is the settlor of an irrevocable trust fund for the sole benefit of his son B. T, trustee, deposits $15,000 of the trust funds in a trust account. S establishes a revocable trust account in the amount of $15,000 for the sole benefit of B. S also has an individual account of $15,000. What is the insurance coverage?

Answer: B's trust estate in the account established pursuant to the irrevocable trust arrangement is insured to $15,000 separately from the accounts owned by S (§ 330.10). The revocable trust account is insured to $15,000 as a testamentary account owned by S with his child as beneficiary, separately from S's individual account (§ 330.3(a)). The three accounts are fully insured.

EXAMPLE 4

Question: An account in the amount of $25,000 is held pursuant to an irrevocable trust for the benefit of A and B. Under the terms of the trust instrument, A is to receive the income for life and B is to receive the remainder at A's death. At the time of insolvency, A is 70 years of age. What is the insurance coverage?

Answer: The proportionate value of A's life estate can be determined by the use of the present worth tables found at 26 CFR § 20.2031–7. To ascertain A's beneficial interest in the account, the appropriate multiplier (0.27370) indicated by Table I is multiplied by the amount in the account. A's interest is found to be $6,842.50. The difference of $18,157.50 representa B's beneficial interest in the account. The trustee is entitled to an insurance payment of $21,842.50, representing A's complete interest ($6,842.50) and $15,000 of B's interest (§ 330.10 and § 330.1(c)(1)).

EXAMPLE 5

Question: The situation is the same as in Example 4, except that A is to receive the income for life or until she marries, with remainder over to B. What is the insurance coverage?

Answer: Both interests in the trust are subject to a contingency (A's marriage) which precludes their evaluation by the use of the present worth tables. The insurance coverage with respect to all trust interests in the account is limited to the $15,000 maximum (§ 330.1(c)(2)). The trustee is entitled to an insurance payment of $15,000.

EXAMPLE 6

Question: S establishes an irrevocable trust fund of $75,000 for the equal benefit of A, B, C, D, and E. The trustee deposits the entire amount in a properly designated trust account. The trust provides that each beneficiary is to receive income in equal shares until the age of 35, at which time the principal is to vest in equal shares, except that if either D or E does not complete college by age 35, his share of the principal is to go to X Church. What is the insurance coverage?

Answer: The proportionate (one-fifth) interests in the account of A, B, and C are each insured up to $15,000 as separate trust estates. The interests of D, E, and X Church are subject to contingencies (completion of college) which cannot be evaluated by use of the present worth tables. Therefore, the insurance coverage on their interests is limited to $15,000 in the aggregate, resulting in a total insurance coverage of $60,000 for the trust account (§ 330.1(c) (1) and (2)).

EXAMPLE 7

Question: G is settlor of a short-term irrevocable trust for the benefit of H University. Under the terms of the trust instrument, the university is to receive all of the income (payable annually) for 2 years. At the end of the 2-year period, the trust is to terminate, and the corpus is to revert to G. The trustee deposits $20,000 in a trust account. At the date of insolvency 1 year of the 2-year term of the trust has expired. What is the insurance coverage?

Answer: Although this arrangement constitutes an express irrevocable trust, G's reversionary interest is treated, for insurance purposes, as an individual account owned by him (§ 330.1(a)). To ascertain the value of H University's remaining 1-year income in-

terest in the trust account, the appropriate multiplier (0.03382) indicated by Table II of the present worth tables is multiplied by the account balance. H University's trust estate in the account is $676.40. G's reversionary interest is worth $19,323.60. Assuming that G has no individual interest in any other account, the trustee is entitled to an insurance payment of $15,676.40, representing H University's entire trust estate in the account ($676.40) and $15,000 of G's reversionary interest (§ 330.1(c)(1) and § 330.10).

EXAMPLE 8

Question: H and W create an irrevocable trust for the benefit of their children, S and D, in equal shares. The trust contains $100,000, of which $20,000 was contributed by W. As joint trustees, H and W deposit $40,000 of these funds in a trust account. What is the insurance coverage?

Answer: The trust interests of S and D are deemed to be derived from H and W in proportion to the contribution of each to the trust. W has contributed 20 percent of the funds and H has contributed 80 percent. S and D have equal beneficial interests in the trust account. Of S's beneficial interest of $20,000, $4,000 (20 percent) is deemed to be derived from W and $16,000 (80 percent) is deemed to be derived from H. D's beneficial interest is similarly derived. The trust interest of each beneficiary derived from each settlor is separately insured to the $15,000 maximum. The $4,000 interest derived from W is fully insured, and $15,000 of the interest derived from H is insured, leaving $1,000 uninsured in the case of each beneficiary. The account is insured to a total of $38,000 (§ 330.1(c)(3)).

EXAMPLE 9

Question: X Corporation acts as servicing agent for FHA, VA and conventional mortgage loans. Each month X Corporation collects payments from approximately 2,000 mortgagors and commingles these funds in a single account. The account contains $200,000. What is the insurance coverage?

Answer: The amount of insurance coverage depends upon the terms of the contract or instrument under which X Corporation collects the funds. If it acts in the capacity of a trustee for the benefit of the mortgagors, the interest of each mortgagor is separately insured to the $15,000 maximum. If it acts in the capacity of a trustee for the lenders, the interest of each lender is separately insured to the $15,000 maximum. In either case, this insurance is separate from that afforded the individually owned funds of X Corporation invested in the institution or the individual accounts of any of the mortgagors or lenders (§ 330.10). If X Corporation is found to act in the capacity of an agent for either the mortgagors or the lenders, the interest of each such principal is separately insured as his individual account (but added to any other individual accounts which the principal holds in the same institution) (§ 330.2(b)). If X Corporation is found to hold the funds as owner, or principal, with only a contractual obligation to pay to its creditors, and not as trustee or agent, the account would be insured only to the $15,000 limit (§ 330.5).

EXAMPLE 10

Question: What is the insurance coverage on other fiduciary accounts, such as clients' funds invested in the name of a lawyer, rent security funds invested in the name of the landlord, escrow funds invested in the name of a real estate broker, litigants' funds invested in the name of a representative of a court, consignors' funds invested in the name of a market servicing agent, and similar funds invested in other custodial accounts?

Answer: Such funds are insured in the same maner as indicated in Example 9. If the funds are held in irrevocable trust pursuant to statute or trust instrument, they are insured as trust funds. If held on an agent-principal basis, they are insured as the individually owned property of the various principals (§ 330.2(b) and § 330.10).

EXAMPLE 11

Question: C, a cemetery, maintains an account consisting of its general funds in the amount of $15,000. It also maintains a properly designated trust account containing perpetual care funds held in trust pursuant to statute or trust instrument for the benefit of the various cemetery lots in the amount of $50,000. No single perpetual care fund in the trust account exceeds $15,000. What is the insurance coverage?

Answer: The general funds account is insured up to $15,000 (§ 330.5 and 6). Since each separate trust interest in the trust account is separately insured, the trust account is fully insured to $50,000 (§ 330.1(c)(4) and § 330.10).

EXAMPLE 12

Question: G creates a charitable trust under which the principal and income are to be used for the furtherance of legal education, in the discretion of the trustee. The trustee deposits $25,000 of the trust funds in a properly designated account. What is the insurance coverage?

Answer: Since the beneficiaries under the trust are indefinite and cannot be ascertained, there can be insurance only to the basic insured amount (§ 330.1(c)(2)). Thus, the account is insured only to $15,000, leaving $10,000 uninsured (§ 330.10).

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 67-8176; Filed, July 13, 1967; 8:50 a.m.]

FEDERAL HOME LOAN BANK BOARD

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 20,723]

PART 561—DEFINITIONS

Amendments Relating to Insurance of Accounts

JULY 7, 1967.

Resolved that, notice and public procedure having been duly afforded (32 F.R. 998) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and of determination by it of the advisability of amendment of Part 561 of the Rules and Regulations for Insurance of Accounts (12 CFR Part 561) as hereinafter set forth, and for the purpose of effecting such amendment, hereby amends said Part 561, as follows, effective September 1, 1967:

1. Section 561.2 of the Rules and Regulations for Insurance of Accounts is hereby revised to read as follows:

§ 561.2 Insured member.

The term "insured member" means the holder of an account or accounts in an institution insured by the Corporation. Such holder is a separate insured member in each of the capacities and to the extent provided in Part 564 of this chapter.

2. Section 561.3 of the Rules and Regulations for Insurance of Accounts is hereby revoked.

3. A new section, § 561.3, to read as follows, is hereby added immediately following § 561.2 of the Rules and Regulations for Insurance of Accounts.

§ 561.3 Insured account.

An "insured account" is a withdrawable or repurchasable share, investment certificate, deposit, or savings account held by an insured member in an institution insured by the Corporation. Accounts which by the terms of the contract of the holder with the institution or by provisions of state law cannot be withdrawn or the value thereof paid to the holder until all of the liabilities, including other classes of share liabilities, of the institution have been fully liquidated and paid upon the winding up of the institution are not insurable, and are hereinafter referred to as "nonwithdrawable accounts".

4. Section 561.4 of the Rules and Regulations for Insurance of Accounts is hereby revoked.

5. A new section, § 561.4, to read as follows, is hereby added immediately following § 561.3 of the Rules and Regulations for Insurance of Accounts.

§ 561.4 Trust estate.

The term "trust estate" means the interest of a beneficiary in an irrevocable express trust, whether created by trust instrument or statute, but does not include any interest retained by the settlor.

6. Section 561.5 of the Rules and Regulations for Insurance of Accounts is hereby revoked.

7. Three new sections, §§ 561.5, 561.5a, and 561.5b to read as follows, are hereby added immediately following § 561.4 of the Rules and Regulations for Insurance of Accounts.

§ 561.5 Public unit.

The term "public unit" means the United States, any state of the United States, the District of Columbia, any territory of the United States, Puerto Rico, the Virgin Islands, any county, any municipality or any political subdivision thereof.

§ 561.5a Political subdivision.

The term "political subdivision" means any subdivision of a public unit, as defined in § 561.5, to which some functions of local government have been delegated and, in addition, includes drainage, irrigation, navigation, improvement, levee, sanitary, school or power districts and bridge or port authorities created by state statute or compacts between the states.

§ 561.5b Independent activity.

The term "independent activity" means any activity other than one directed solely at increasing insurance coverage.

(Secs. 402, 403, 405, 48 Stat. 1256, 1257, 1259, as amended; 12 U.S.C. 1725, 1726, 1728. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 67-8197; Filed, July 13, 1967; 8:50 a.m.]

[No. 20,724]

PART 564—SETTLEMENT OF INSURANCE

Amendments Relating to Settlement of Insurance

JULY 7, 1967.

Resolved that, notice and public procedure having been duly afforded (32 F.R. 999) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and of determination by it of the advisability of amendment of Part 564 of the Rules and Regulations for Insurance of Accounts (12 CFR, Part 564) as hereinafter set forth, and for the purpose of effecting such amendment, hereby amends said Part 564 as follows, effective September 1, 1967:

1. Section 564.1 of the Rules and Regulations for Insurance of Accounts is hereby revised to read as follows:

§ 564.1 Settlement of insurance upon default.

(a) *General.* In the event of a default by an insured institution, the Corporation will promptly determine the insured members thereof and the amount of their insured accounts. The Corporation will give to each insured member of an insured institution in default written notice of the time and place of payment of insurance by mail at the last known address as shown by the books of the insured institution.

(b) *Determination of amount of insured account.* The amount of each insured account will be determined from the savings account contract and from the books and records of the insured institution as of the date of default. The insured amount is the amount which the insured member would have been entitled to withdrawal as of the date of the last dividend paid prior to default, plus payments on, and less repurchases and withdrawals from, such account subsequent to such date and without regard to (1) any earnings attributable to the account since such date and (2) whether the account is subject to any pledge. The insured amount does not include the amount of the dividend preceeding default if unlawfully declared or credited, contrary to instructions from a supervisory authority.

(c) *Multiple accounts.* In the event an insured member holds more than one insured account in the same capacity, and the aggregate amount of such accounts exceeds the amount of insurance afforded thereon, the insurance coverage will be prorated among the member's interests in all accounts held in the same capacity on the basis of their withdrawable value as of the date of default. In the case of individual accounts the insurance proceeds shall be paid to the holder of the account, whether or not the beneficial owner. In the case of accounts which are owned jointly the insurance proceeds shall be paid to the owners jointly. In the case of trust estates the insurance proceeds shall be paid to the indicated trustee unless otherwise provided for in the trust instrument or under State law. In the case of corporations, partnerships and unincorporated associations, whether or not engaged in an independent activity, the insurance proceeds shall be paid to the indicated holder of the account. Where insurance payment is in the form of a transferred account, the same rules shall be applied.

2. Part 564 of the Rules and Regulations for Insurance of Accounts is hereby amended by adding, immediately after § 564.1, as revised, the following new sections:

§ 564.2 General principles applicable in determining insurance of accounts.

(a) *General.* Section 564.1 of this part provides for determination by the Corporation of the insured members of an

insured institution and the amount of their insured accounts. The rules for determining the insurance coverage of accounts in the same insured institution are set forth in the following provisions of this part. Insofar as rules of local law enter into such determinations, the law of the jurisdiction in which the insured institution's principal office is located shall govern.

(b) *Records.* (1) The account records of the insured institution shall be conclusive as to the existence of any relationship pursuant to which the funds in the account are invested and on which a claim for insurance coverage is founded. Examples would be trustee, agent, custodian or executor. No claim for insurance based on such a relationship will be recognized in the absence of its disclosure on such records.

(2) If the account records of an insured institution disclose the existence of a relationship which may provide a basis for additional insurance, the details of the relationship and the interests of other parties in the account must be ascertainable either from the records of the association or the records of the account holder maintained in good faith and in the regular course of business.

(3) The account records of an insured institution in connection with a trust account shall disclose the name of both the settlor (grantor) and the trustee of the trust and shall contain an account signature card executed by the trustee.

(4) The interests of the co-owners of a joint account shall be deemed equal, unless otherwise stated on the insured institution's records in the case of a tenancy in common.

(c) *Valuation of trust interests.* (1) Trust estates in the same trust invested in the same account will be separately insured if the value of the trust estate is capable of determination, as of the date of default, without evaluation of contingencies except for those covered by the present worth tables and rules of calculation for their use set forth in section 20.2031–7 of the Federal Estate Tax Regulations (26 CFR 20.2031–7).

(2) In connection with any trust in which certain trust estates are not capable of evaluation in accordance with the foregoing rule, payment by the Corporation to the trustee with respect to all such estates shall not exceed the basic insured amount of $15,000.

(3) Each trust estate in any trust established by two or more settlors shall be deemed to be derived from each settlor pro rata to his contribution to the trust.

§ 564.3 Single ownership accounts.

Funds owned by an individual and invested in the manner set forth below shall be added together and insured up to $15,000 in the aggregate.

(a) *Individual accounts.* Funds owned by an individual (or by the husband-wife community of which the individual is a member) and invested in one or more accounts in his own name shall be insured up to $15,000 in the aggregate.

(b) *Accounts held by agents or nominees.* Funds owned by a principal and invested in one or more accounts in the name or names of agents or nominees shall be added to any individual accounts of the principal and insured up to $15,000 in the aggregate.

(c) *Accounts held by guardians, custodians or conservators.* Funds held by a guardian, custodian or conservator for the benefit of his ward or for the benefit of a minor under a Uniform Gifts to Minors Act and invested in one or more accounts in the name of the guardian, custodian or conservator shall be added to any individual accounts of the ward or minor and insured up to $15,000 in the aggregate.

§ 564.4 Testamentary accounts.

(a) Funds owned by an individual and invested in a revocable trust account, tentative or "Totten" trust account, payable-on-death account or similar account evidencing an intention that on his death the funds shall belong to his spouse, child or grandchild, shall be insured up to $15,000 in the aggregate as to each such named beneficiary, separately from any other accounts of the owner.

(b) If the named beneficiary of such an account is other than the owner's spouse, child or grandchild, the funds in such account shall be added to any individual accounts of such owner and insured up to $15,000 in the aggregate.

§ 564.5 Accounts held by executors or administrators.

Funds of a decedent held in the name of the decedent or in the name of the executor or administrator of his estate and invested in one or more accounts shall be insured up to $15,000 in the aggregate, separately from the individual accounts of the beneficiaries of the estate or of the executor or administrator.

§ 564.6 Accounts held by a corporation or partnership.

Accounts of a corporation or partnership engaged in any independent activity shall be insured up to $15,000 in the aggregate. An account of a corporation or partnership not engaged in an independent activity shall be deemed to be owned by the person or persons owning such corporation or comprising such partnership and, for insurance purposes, the interest of each person in such account shall be added to any other accounts individually owned by such person and insured up to $15,000 in the aggregate.

§ 564.7 Accounts held by an unincorporated association.

Accounts of an unincorporated association engaged in any independent activity shall be insured up to $15,000 in the aggregate. An account of an unincorporated association not engaged in an independent activity shall be deemed to be owned by the persons comprising such association and, for insurance purposes, the interest of each owner in such account shall be added to any other accounts individually owned by such person and insured up to $15,000 in the aggregate.

§ 564.8 Public unit accounts.

(a) *General.* Where different officers, agents or employees of the same public unit, having by law the official custody of public funds of the unit, invest the same in an insured institution, each such officer, agent, or employee shall be separately insured up to $15,000 in such custodial capacity. An officer, employee, or agent of a public unit shall be deemed to be insured only up to $15,000 with respect to all public funds of the same unit held by him regardless of how many offices he holds in such unit or the purposes for which such funds are held or designated. If the same person is an officer, employee or agent of more than one public unit, he shall be separately insured up to $15,000 with respect to the public funds held by him of each such unit.

(b) *Public bond issues.* Where an officer, agent or employee of a public unit has custody of certain funds which by law or under the bond indenture are required to be paid to the holders of bonds issued by the public unit, any investment of such funds in an insured institution shall be deemed to be an investment by a trustee of trust funds of which the bondholders are pro rata beneficiaries, and each such beneficial interest shall be separately insured up to $15,000.

§ 564.9 Joint accounts.

(a) *Separate insurance coverage.* Accounts owned jointly, whether as joint tenants with right of survivorship, as tenants by the entireties, as tenants in common, or by husband and wife as community property, shall be insured separately from accounts individually owned by the co-owners.

(b) *Qualifying joint accounts.* A joint account shall be deemed to exist, for purposes of insurance of accounts, only if each co-owner has personally executed an account signature card and possesses withdrawal rights.

(c) *Failure to qualify.* An account owned jointly which does not qualify as a joint account for purposes of insurance of accounts shall be treated as owned by the named persons as individuals and the actual ownership interest of each such person in such account shall be added to any other accounts individually owned by such person and insured up to $15,000 in the aggregate.

(d) *Same combination of individuals.* All joint accounts owned by the same combination of individuals shall first be added together and insured up to $15,000 in the aggregate.

(e) *Interest of each co-owner.* The interests of each co-owner in all joint accounts owned by different combinations of individuals shall then be added together and insured up to $15,000 in the aggregate.

§ 564.10 Trust accounts.

All trust estates for the same beneficiary invested in accounts established pursuant to valid trust arrangements

created by the same settlor (grantor) shall be added together and insured up to $15,000 in the aggregate, separately from other accounts of the trustee of such trust funds or the settlor or beneficiary of such trust arrangements.

§ 564.11 **Continuation of prior coverage.**

All accounts insured under the rules and interpretations heretofore in effect shall continue to be insured, anything in this part to the contrary notwithstanding, until April 15, 1968.

§ 564.12 **Notification of account holders.**

Each insured institution is required to provide notice of these amendments to the Rules and Regulations for Insurance of Accounts, prior to February 1, 1968, to the holders of each account which had a balance in excess of $5,000 at the close of the last dividend period prior to notification. Such notice shall consist of mailing to such holders, at their last known address as shown on the records of the institution, a question and answer brochure on insurance of accounts prepared by the Federal Savings and Loan Insurance Corporation. Such brochure shall also be made available to the public at each office of an insured institution. Additional explanatory materials may also be sent to account holders at the option of the insured institution.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan. No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 67-8198; Filed, July 13, 1967; 8:50 a.m.]

[No. 20,725]

EXAMPLES OF INSURANCE COVERAGE AFFORDED ACCOUNTS IN INSTITUTIONS INSURED BY THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

JULY 7, 1967.

Whereas, by Federal Home Loan Bank Board Resolutions Nos. 20,723 and 20,724, dated July 7, 1967, this Board has amended pertinent provisions of the Rules and Regulations for Insurance of Accounts (12 CFR, Chapter V, Subchapter D) to define, limit and clarify the insurance coverage afforded investors in withdrawable accounts in institutions insured by the Federal Savings and Loan Insurance Corporation; and

Whereas, this Board has determined that it would be in the public interest to publish concurrently interpretations of the aforesaid rules in the form of questions and answers setting forth insurance coverage afforded accounts in insured institutions:

Now, therefore, it is hereby resolved, That the examples of insurance coverage attached hereto and identified as Exhibit 20,725-A are adopted as official interpretations of the regulations of the Board;

Be it further resolved, That the Secretary to the Board is directed to submit copies of this resolution and these approved examples to the Office of the Federal Register for publication.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

The following examples illustrate insurance coverage on accounts maintained in the same insured institution. They are intended to cover various types of ownership interests and combinations of accounts which may occur in connection with funds invested in insured institutions. These examples interpret the rules for insurance of accounts contained in 12 CFR Part 564.

The examples, as well as the rules which they interpret, are predicated upon the assumption that invested funds are actually owned in the manner indicated on the institution's records. If available evidence shows that ownership is different from that on the institution's records, the Federal Savings and Loan Insurance Corporation may pay claims for insured accounts on the basis of actual rather than ostensible ownership.

A. *Single ownership accounts.* All funds owned by an individual (or by the husband-wife community of which the individual is a member) and invested by him in one or more individual accounts are added together and insured to the $15,000 maximum. This is true whether the accounts are maintained in the name of the individual owning the funds, in the name of his agent or nominee, or in the name of a guardian, conservator or custodian holding the funds for his benefit.

EXAMPLE 1

Question: A and B, husband and wife, each maintain an individual account containing $15,000. In addition, they hold a joint account containing $15,000. What is the insurance coverage?

Answer: Each account is separately insured to $15,000, for a total coverage of $45,000. The coverage would be the same whether the individual accounts contain funds owned as community property or as individual property of the spouses (§ 564.3(a) and § 564.9(a)).

EXAMPLE 2

Question: H and W, husband and wife, reside in a community property state. H maintains a $15,000 account consisting of his separately owned funds and invests $15,000 of community property funds in another account, both of which are in his name alone. What is the insurance coverage?

Answer: The two accounts are added together and insured to a total of $15,000; $15,000 is uninsured (§ 564.3(a)).

EXAMPLE 3

Question: A has $12,000 invested in an individual account, and his agent, B, invests $5,000 of A's funds in a properly designated agency account. B also holds a $15,000 individual account. What is the insurance coverage?

Answer: A's individual account and the agency account are added together and insured to the $15,000 maximum, leaving $2,000 uninsured. The investment of funds through an agent does not result in additional insurance coverage for the principal (§ 564.3(b)). B's individual account is insured separately from the agency account (§ 546.3(a)). However, if the account records of the institution do not show the agency relationship under which the funds in the $5,000 account are held, the $5,000 in B's name could, at the option of the Insurance Corporation, be added to his individual account and insured to $15,000 in the aggregate, leaving $5,000 uninsured (§ 564.2(b)(1)).

EXAMPLE 4

Question: A holds a $15,000 individual account. B holds two accounts in his own name, the first containing $5,000 and the second containing $12,000. In processing the claims for payment of insurance on these accounts, the Insurance Corporation discovers that the funds in the $5,000 account actually belong to A and that B had invested these funds as agent for A, his undisclosed principal. What is the insurance coverage?

Answer: Since the available evidence shows that A is the actual owner of the funds in the $5,000 account, the Insurance Corporation may, at its option, add these funds to the $15,000 individual account held by A (rather than to B's $12,000 account) and insure the total of $20,000 to the $15,000 maximum, leaving $5,000 uninsured. In that event B's $12,000 individual account would be separately insured (§ 564.3 (a) and (b)).

EXAMPLE 5

Question: C, a minor, maintains an individual account of $150 in connection with a school savings program. C's grandfather makes a gift to him of $10,000, which is invested in another account by C's father, designated on the institution's records as custodian under a Uniform Gifts to Minors Act. C's father also maintains an individual account of $10,000. What is the insurance coverage?

Answer: C's individual account and the custodianship account held for him by his father are added together and would be insured to the $15,000 maximum (§ 564.3(c)). The individual account held by C's father is separately insured (§ 564.3(a)).

EXAMPLE 6

Question: G, a court appointed guardian, invests in a properly designated account $15,000 of funds in his custody which belong to W, his ward. W and G each maintain $5,000 individual accounts. What is the insurance coverage?

Answer: W's individual account and the guardianship account in G's name are added together and insured to $15,000 in the aggregate. The fact that a guardian has been judicially appointed does not alter the fact that the guardianship funds legally belong to W, the ward, and are insured as W's individually owned funds (§ 564.3(c)). G's individual account is separately insured (§ 564.3(a)).

EXAMPLE 7

Question: M Savings and Loan Association declares and pays a dividend on June 30, although ordered by its supervisory authority not to do so because it is insolvent. A receiver is thereupon appointed for the purpose of liquidation, and no further dividends are declared. A holds an account to which the June 30 dividend has been credited. B holds an account on permanent dividend order and has received a check for the June 30 dividend. What is the insurance coverage of the dividend?

Answer: If the last dividend prior to default is unlawfully declared or credited, contrary to instructions from a supervisory authority, an amount equal to the last dividend

may be deducted in determining the insured amount of the account (§ 564.1(b)). Since the association has so declared and paid its last dividend unlawfully, the amount of the dividend will be deducted from the insurance payment on both accounts—on A's account because the dividend was improperly credited and on B's account to reflect the amount improperly paid but already received.

EXAMPLE 8

Question: L Savings and Loan Association has a monthly-payment bonus plan under which a bonus of ¼ percent is payable after regular payments have been made for 36 months and a bonus of ½ percent is payable after 60 months. At the time of default, A has made payments on his bonus account for 24 months and B for 40 months. What is the insurance coverage with regard to the bonus?

Answer: The amount of an insured account includes only the earnings which an insured member would have been entitled to withdraw as of the date of the last dividend paid prior to default (§ 564.1(b)). As of that date A did not have a right to withdraw any portion of the bonus, but B would have been entitled to a bonus of ¼ percent. Thus, the insurance payment to B would include an amount equal to a bonus of ¼ percent, but the payment to A would not include any portion of the bonus.

B. *Testamentary accounts.* The term "testamentary account" refers to a revocable trust account, tentative or "Totten" trust account, "payable-on-death" account or any similar account which evidences an intention that the funds shall pass on the death of the owner of the funds to a named beneficiary. If the beneficiary is a spouse, child or grandchild of the owner, the funds in all such accounts are insured for the owner up to $15,000 in the aggregate as to each such beneficiary, separately from any other individual accounts of the owner. If the beneficiary of such an account is other than a spouse, child or grandchild of the owner, the funds in the account are, for insurance purposes, added to any other individual accounts of the owner and insured up to $15,000 in the aggregate. In the case of a revocable trust account, the person who holds the power of revocation is deemed to be the owner of the funds in the account. If a revocable trust account is held in the name of a fiduciary other than the owner of the funds, any other accounts held by the fiduciary are insured separately from such revocable trust account.

EXAMPLE 1

Question: H invests $25,000 in a revocable trust account with his son, S, and his daughter, D, as named beneficiaries. What is the insurance coverage?

Answer: Since S and D are children of H, the owner of the account, the funds are insured up to $15,000 as to each beneficiary (§ 564.4(a)). Assuming that S and D have equal beneficial interests ($12,500 each), H is fully insured for this account.

EXAMPLE 2

Question: H, as settlor-trustee, creates a revocable trust for the benefit of his son, S. H creates a second revocable trust, with T as trustee, for the benefit of his nephew N. H invests $15,000 of the funds of the first trust in a revocable trust account. T invests $10,000 of the funds of the second trust in another account. In addition, H, S, N, and T each maintain individual accounts containing $15,000. What is the insurance coverage?

Answer: Since S is a child of H, the account established under the first trust is insured up to $15,000 separately from any other accounts held by H (§ 564.4(a)). Since N is not a spouse, child or grandchild of H, the $10,000 in the account held by T under the second trust is deemed to be owned by H and is added to the $15,000 in H's individual account and insured up to $15,000 in the aggregate, leaving $10,000 uninsured (§ 564.4(b)). The individual accounts of S, N and T are separately insured to the $15,000 maximum (§ 564.3(a)).

EXAMPLE 3

Question: H invests $15,000 in each of four "payable-on-death" accounts. Under the terms of each account contract, H has the right to withdraw any or all of the funds in the account at any time. Any funds remaining in the account at the time of H's death are to be paid to a named beneficiary. The respective beneficiaries of the four accounts are H's wife, his mother, his brother and his son. H also holds an individual account containing $15,000. What is the insurance coverage?

Answer: The accounts payable on death to H's wife and son are each separately insured to the $15,000 maximum (§ 564.4(a)). The accounts payable to H's mother and brother are added to H's individual account and insured to $15,000 in the aggregate, leaving $30,000 uninsured (§ 564.4(b)).

C. *Accounts of executors or administrators.* All funds belonging to a decedent and invested in one or more accounts, whether held in the name of the decedent or in the name of his executor or administrator, are added together and insured to the $15,000 maximum. Such funds are insured separately from the individual accounts of any of the beneficiaries of the estate or of the executor or administrator.

EXAMPLE 1

Question: A, administrator of D's estate, sells D's automobile and invests the proceeds of $2,500 in an account entitled: "A, Administrator of the estate of D." In the same institution there is an account containing $15,000 which D had opened just prior to his death. What is the insurance coverage?

Answer: The two accounts are added together and insured up to the $15,000 maximum, leaving $2,500 uninsured (§ 564.5).

EXAMPLE 2

Question: X is executor of the will of T, under which A, B and C are beneficiaries in equal shares. X invests $40,000 of T's estate in an account entitled: "X, Executor of the will of T." A and X maintain individual accounts of $15,000 each in the same institution. What is the insurance coverage?

Answer: The account held by X as executor is insured only to $15,000. Such funds are considered the property of the decedent's estate and are not apportioned among the beneficiaries under the will. Since the title of the estate account discloses its fiduciary nature, X's individual account is insured separately. In addition, A's individual account is separately insured to the $15,000 maximum (§ 564.5).

D. *Accounts held by a corporation, partnership or unincorporated association.* All funds invested in an account or accounts by a corporation, a partnership or an unincorporated association engaged in any independent activity are added together and insured to the $15,000 maximum. The term "independent activity" means any activity other than one directed solely at increasing insurance coverage. If the corporation, partnership or unincorporated association is not engaged in an independent activity, any account held by the entity is insured as if owned by the persons owning or comprising the entity, and the imputed interest of each such person is added for insurance purposes to any individual account which he maintains.

EXAMPLE 1

Question: X Corporation maintains a $15,000 account. The stock of the corporation is owned by A, B, C and D in equal shares. Each of these stockholders also maintains an individual account with the same institution. What is the insurance coverage?

Answer: Each of the accounts would be insured to $15,000 if the corporation is engaged in an independent activity and has not been established merely for the purpose of increasing insurance coverage. The same would be true if the business were operated as a bona fide partnership instead of as a corporation (§ 564.6).

EXAMPLE 2

Question: A and B each has a $12,000 account in his own name and X Corporation has a $12,000 account. One third of the stock of X Corporation is owned by A and two thirds by B. X Corporation was set up solely to obtain additional insurance. What is the insurance coverage?

Answer: Since X Corporation is not engaged in an independent activity, the funds in its account are insured as if owned by A and B in proportion to their interest in the corporation. For insurance purposes, $4,000 of the corporate account is imputed to A and added to his individual account and $8,000 is added to B's individual account. A has an aggregate individual interest of $16,000, of which $15,000 is insured, leaving $1,000 uninsured. Of B's total interest of $20,000, $5,000 is uninsured (§ 564.6).

EXAMPLE 3

Question: C College maintains three separate accounts with the same institution under the titles: "General Operating Fund", "Teachers Salaries", and "Building Fund". What is the insurance coverage?

Answer: Since all of the funds are the property of the college, the three accounts are added together and insured only to the $15,000 maximum (§ 564.6 and § 564.7).

EXAMPLE 4

Question: The men's club of X Church carries on various social activities in addition to holding several fund raising campaigns for the church each year. The club is supported by membership dues. Both the club and X Church maintain accounts in the same institution. What is the insurance coverage?

Answer: The men's club is an unincorporated association engaged in an independent activity. If the club funds are, in fact, legally owned by the club itself and not the church, each account is separately insured to the $15,000 maximum (§ 564.7).

EXAMPLE 5

Question: The PQR Union has three locals in a certain city. Each of the locals maintains a savings account containing funds belonging to the parent organization. All three accounts are in the same insured institution. What is the insurance coverage?

Answer: The three accounts are added together and insured up to the $15,000 maximum (§ 564.7).

E. *Public unit accounts.* For insurance purposes, the official custodian of funds

belonging to a public unit, rather than the public unit itself, is insured as the account holder. All funds belonging to a public unit and invested by the same custodian are added together and insured to the $15,000 maximum, regardless of the number of accounts involved. If there is more than one official custodian for the same public unit, the funds invested by each custodian are separately insured up to $15,000. If the same person is custodian of funds for more than one public unit, he is separately insured to $15,000 with respect to the funds of each such unit held by him in properly designated accounts.

EXAMPLE 1

Question: X, as county treasurer, invests $5,000 in each of the following accounts: "General Operating Account," "Road and Bridge Fund," "School Transportation Fund," "Local Maintenance Fund," and "Payroll Fund." What is the insurance coverage?

Answer: Since all of these funds are owned by the same public unit (the county) and are invested by the same public official, the five accounts are added together and insured in the aggregate to the $15,000 maximum, leaving $10,000 uninsured (§ 564.8(a)).

EXAMPLE 2

Question: As Comptroller of Y Consolidated School District, A maintains a $20,000 account containing school district funds. He also maintains his own $10,000 savings account. What is the insurance coverage?

Answer: The two accounts will be separately insured, assuming the institution's records indicate that the account containing the school district funds is held by A in a fiduciary capacity. Thus, $15,000 of the school's funds and the entire $10,000 in A's personal account will be insured (§ 564.2(b)(1) and § 564.8(a)).

EXAMPLE 3

Question: A, as city treasurer, and B, as chief of the city police department, each have $15,000 in city funds invested in custodial accounts. What is the insurance coverage?

Answer: Assuming that both A and B have official custody of the city funds, each account is separately insured to the $15,000 maximum (§ 564.8(a)).

EXAMPLE 4

Question: A is Treasurer of X County and collects certain tax assessments, a portion of which must be paid to the State under statutory requirement. A maintains an account for general funds of the county and establishes a separate account for the funds which belong to the State Treasurer. The institution's records indicate that the separate account contains funds held for the State. What is the insurance coverage?

Answer: Since two public units own the funds held by A, the accounts would each be separately insured to the $15,000 maximum. (§ 564.8(a)).

EXAMPLE 5

Question: A city treasurer invests $15,000 of city funds in each of the following accounts: "General Operating Account," "School Transportation Fund," "Local Maintenance Fund," and "Payroll Fund." All of the funds in the various accounts have been allocated to the specific use indicated by city ordinance or by statute. What is the insurance coverage?

Answer: All of the accounts are added together and insured in the aggregate to $15,000. The allocation of the city's funds by ordinance or by statute for a specific purpose would not cause such funds to be separately insured (§ 564.8(a)).

EXAMPLE 6

Question: A city treasurer invests $15,000 in a "General Fund" account and $20,000 in a "Meter Deposit" account. The funds in the Meter Deposit account belong to users of gas and are held by the official custodian in a fiduciary capacity as security for damage to gas meters. What is the insurance coverage?

Answer: Each account is separately and fully insured. However, if the city treasurer held such funds as agent for the users of gas, their interests in the Meter Deposit account would be added to their individual accounts in computing insurance coverage (§ 564.3(b)). On the other hand, if the meter deposits are actually held in trust pursuant to statute or contract, such funds would be separately insured from any individually owned funds of the gas users. (§ 564.10).

EXAMPLE 7

Question: In addition to the public fund accounts listed in Example 1, the county treasurer also maintains a "Bond Payment Account" containing funds required by law to be paid to 2,000 holders of bonds issued by the county. The account contains $200,000. What is the insurance coverage?

Answer: The interest of each bondholder is separately insured to the $15,000 maximum. Where a public official invests in an account funds which are required by law to be held for the payment of a particular bond issue, the account is deemed to be held in trust for the individual bondholders. The title of such an account, however, must indicate its fiduciary nature (§ 564.8(b)).

F. *Joint accounts.* Accounts held under any form of joint ownership valid under State law (whether as joint tenants with right of survivorship, tenants by the entireties, tenants in common or by husband and wife as community property) are insured up to $15,000. This insurance is separate from that afforded individual accounts held by any of the co-owners.

An account is insured as a joint account only if each of the co-owners has personally executed an account signature card and possesses withdrawal rights. An account owned jointly which does not qualify as a joint account for insurance purposes is insured as if owned by the named persons as individuals. In that case, the actual ownership interest in the account of each person is added to any other accounts individually owned by such person and insured up to $15,000 in the aggregate.

Any individual, including a minor, may be a co-owner of a joint account provided that, under State law, he may execute a signature card and withdraw funds from the account on the same basis as the other co-owners.

All funds invested in joint accounts owned by the same combination of individuals are first added together and insured to the $15,000 maximum. Where an investor has an interest in more than one joint account and different joint owners are involved, his interests in all of such joint accounts are then added together and insured to $15,000 in the aggregate.

For insurance purposes, the co-owners of any joint account are deemed to have equal interests in the account, except in the case of a tenancy in common. With a tenancy in common, equal interests are presumed unless otherwise stated on the records of the institution.

EXAMPLE 1

Question: A and B maintain an account as joint tenants with right of survivorship and, in addition, each holds an individual account. Is each account separately insured?

Answer: If both A and B have executed the signature card and possess withdrawal rights with respect to the joint funds, each account is separately insured to the $15,000 maximum (§ 564.9 (a) and (b)).

EXAMPLE 2

Question: H and W, husband and wife, reside in a community property state. Each holds an individual account and, in addition, they hold a qualifying joint account. The funds in all three accounts consist of community property. Is each account separately insured?

Answer: Yes. An account in the individual name of a spouse will be insured up to $15,000, whether the funds consist of community property or separate property of the spouse. A joint account containing community property is also insured up to $15,000. Thus, community property can be used for individual accounts in the name of each spouse and for a joint account in the name of both spouses, each of which accounts is separately insured up to $15,000 (§ 564.3(a) and § 564.9(a)).

EXAMPLE 3

Question: Two accounts of $15,000 each are held by a husband and his wife under the following names:

John Doe and Mary Doe, husband and wife, as joint tenants with right of survivorship. Mrs. John Doe and John Q. Doe (community property). Are the accounts separately insured?

Answer: No. Both accounts are considered joint accounts owned by the same combination of individuals, regardless of the form of joint ownership. Reversal of names or use of different styles does not change the result, as long as the account owners are in fact the same in both cases. For insurance purposes, the accounts are added together for a total of $30,000, of which $15,000 is insured (§ 564.9(d)).

EXAMPLE 4

Question: The following accounts are held by A, B, and C, each of whom has personally executed signature cards for the accounts in which he has an interest. Each co-owner of a joint account possesses the necessary withdrawal rights.

No. 1 A, as an individual—$15,000.
No. 2 B, as an individual—$15,000.
No. 3 C, as an individual—$15,000.
No. 4 A and B, as joint tenants w/r/o survivorship—$15,000.
No. 5 A and C, as joint tenants w/r/o survivorship—$15,000.
No. 6 B and C, as joint tenants w/r/o survivorship—$15,000.
No. 7 A, B, and C, as joint tenants w/r/o survivorship—$15,000.

What is the insurance coverage?

Answer: Accounts numbered 1, 2, and 3 are each separately insured for $15,000 as individual accounts held by A, B, and C, respectively (§ 564.3(a)). With regard to accounts numbered 4, 5, 6, and 7, the respective interests of A, B, and C in such accounts are added together for insurance purposes (§ 564.9(e)). The interests of the co-owners of each joint account are deemed equal for insurance purposes (§ 564.2(b)(4)). Thus, A has an interest of $7,500 in account No. 4,

$7,500 in account No. 5, and $5,000 in account No. 7, for a total joint account interest of $20,000, of which $15,000 is insured. The interests of B and C are similarly insured.

EXAMPLE 5

Question: A, B, and C hold accounts as set forth in Example 4. A and B are husband and wife. C, their minor child, has failed to execute the signature card for account No. 7. In account No. 5, C cannot make a withdrawal without A's written consent. In account No. 6, the signatures of both B and C are required for withdrawal. A has provided all of the funds for accounts numbered 5 and 7. What is the insurance coverage?

Answer: If any of the co-owners of a joint account have failed to meet any of the joint account requirements, the account is not insured as a joint account. Instead, the account is insured as if it consisted of commingled individual accounts of each of the co-owners in accordance with his actual ownership of the funds, as determined under applicable state law (§ 564.9(c)). Account No. 5 is not insured as a joint account because C does not possess the right to withdraw the funds in accordance with his purported interest in the account (§ 564.9(b)). However, account No. 6 does qualify as a joint account for insurance purposes since each co-owner possesses the right to withdraw funds on the same basis. Account No. 7 is not insured as a joint account since C did not personally execute the signature card. Assuming that, under applicable state law, A has the entire actual ownership interest in accounts 5 and 7, all of the funds in these accounts are treated for insurance purposes as individually owned by A (§ 564.9(c)). Thus, the $30,000 in these accounts is added to the $15,000 in account No. 1, A's individual account, and insured up to $15,000 in the aggregate, leaving $30,000 uninsured. Accounts 4 and 6, the remaining joint accounts, are each insured to the $15,000 limit, since they are owned by different combinations of individuals and no co-owner has an aggregate interest in the two accounts in excess of $15,000 (§ 564.9 (d) and (e)).

EXAMPLE 6

Question: Three qualifying joint accounts are owned by A, B and C, as joint tenants with right of survivorship, as follows:

No. 1 A and B—$15,000.
No. 2 A and B—5,000.
No. 3 A and C—10,000.

What is the insurance coverage?

Answer: Since accounts numbered 1 and 2 are owned by the same combination of individuals, they are first added together and insured to $15,000 in the aggregate, leaving $5,000 uninsured (§ 564.9(d)). Since the respective interests of the co-owners of each joint account are deemed equal for insurance purposes, A has an interest of $7,500 in account No. 1, $2,500 in account No. 2, and $5,000 in account No. 3, for a total joint account interest of $15,000. A's interest of $10,000 in accounts numbered 1 and 2 receives a $7,500 proportionate share of the $15,000 insurance coverage on the two accounts, as does B's interest, leaving $2,500 uninsured in each case. A is entitled to $15,000 of insurance on the total of his interests in joint accounts owned by different combinations of individuals (§ 564.9(e)). $7,500 of this $15,000 is allocated to A's interest in accounts numbered 1 and 2, leaving $7,500 of insurance available for his $5,000 interest in account No. 3, which is fully insured. C's $5,000 interest in account No. 3 is also fully insured. Thus, $12,500 of A's total interest of $15,000 is insured; $7,500 of B's $10,000 interest is insured; and all of C's $5,000 interest is insured. Of the $30,000 invested in the three joint accounts, a total of $25,000 is insured.

G. Trust accounts. A trust estate is the interest of a beneficiary in an irrevocable express trust, whether created by trust instrument or statute, that is valid under State law. Thus, funds invested in an account by a trustee under an irrevocable express trust are insured on the basis of the beneficial interests under such trust. The interest of each beneficiary in an account (or accounts) established under such a trust arrangement is insured to $15,000, separately from other accounts held by the trustee, the settlor (grantor) or the beneficiary. However, in cases where a beneficiary has an interest in more than one trust arrangement created by the same settlor, the interests of the beneficiary in all accounts established under such trusts are added together for insurance purposes, and the beneficiary's aggregate interest derived from the same settlor is separately insured to the $15,000 maximum.

A beneficiary's interest in an account established pursuant to an irrevocable express trust arrangement is insured separately from other beneficial interests (trust estates) invested in the same account if the value of the beneficiary's interest (trust estate) can be determined (as of the date of default) without evaluation of contingencies except for those covered by the present worth tables and rules of calculation for their use set forth in Sec. 20.2031–7 of the Federal Estate Tax Regulations (26 CFR 20.2031–7). If any trust estates in such an account cannot be so determined, the insurance with respect to all such trust estates together shall not exceed the basic insured amount of $15,000.

In order for insurance coverage of trust accounts to be effective in accordance with the foregoing rules, certain recordkeeping requirements must be met. In connection with each trust account, the institution's records must indicate the name of both the settlor and the trustee of the trust and must contain an account signature card indicating the fiduciary capacity of the trustee and executed by him. In addition, the interests of the beneficiaries under the trust must be ascertainable from the records of either the institution or the trustee.

Although each ascertainable trust estate is separately insured, it should be noted that in short-term trusts the insurable interest or interests may be very small, since the interests are computed only for the duration of the trust. Thus, if a trust is made irrevocable for a specified period of time, the beneficial interest will be calculated in terms of the length of time stated. A reversionary interest retained by the settlor is treated in the same manner as an individual account of the settlor.

As stated, the trust must be valid under local law. A trust which does not meet local requirements, such as one imposing no duties on the trustee or conveying no interest to the beneficiary, is of no effect for insurance purposes. An account in which such funds are invested is considered to be an individual account.

An account established pursuant to a revocable trust arrangement is insured as a form of individual account and is treated under Section B, supra, dealing with Testamentary Accounts.

EXAMPLE 1

Question: T is a trustee of an irrevocable trust created by S, settlor, for the benefit of A and B in equal shares. T holds an account containing $30,000 in trust funds. A and B, as well as T and S, each maintain individual accounts in the amount of $15,000 each. What is the insurance coverage?

Answer: The trust estates of A and B invested in the account are each insured to the $15,000 maximum, assuming that neither A nor B have beneficial interests in any other accounts established pursuant to an irrevocable trust created by the same settlor. Since A and B have equal beneficial interests under the trust, each has a proportionate interest in the trust account of $15,000, and the account is fully insured. The individual accounts of A, B, T and S are each separately insured to $15,000 (§ 564.10).

EXAMPLE 2

Question: S is the settlor of an irrevocable trust for the sole benefit of his son, B. T, the trustee, maintains an account containing $15,000 in trust funds. S subsequently creates a separate irrevocable trust, also for B's sole benefit, with X Bank as trustee. X Bank invests $5,000 of the trust funds in another account. What is the insurance coverage?

Answer: B has the sole beneficial interest in two accounts established under trusts created by the same settlor. Both accounts are added together and insured up to $15,000 in the aggregate, leaving $5,000 uninsured. The fact that two different trustees are involved is immaterial (§ 564.10).

EXAMPLE 3

Question: S is the settlor of an irrevocable trust fund for the sole benefit of his son, B. T, trustee, invests $15,000 of the trust funds in a trust account. S establishes a revocable trust account in the amount of $15,000 for the sole benefit of B. S also has an individual account of $15,000. What is the insurance coverage?

Answer: B's trust estate in the account established pursuant to the irrevocable trust arrangement is insured to $15,000 separately from the accounts owned by S (§ 564.10). The revocable trust account is insured to $15,000 as a testamentary account owned by S with his child as beneficiary, separately from S's individual account (§ 564.4(a)). The three accounts are fully insured.

EXAMPLE 4

Question: An account in the amount of $25,000 is held pursuant to an irrevocable trust for the benefit of A and B. Under the terms of the trust instrument, A is to receive the income for life and B is to receive the remainder at A's death. At the time of default, A is 70 years of age. What is the insurance coverage?

Answer: The proportionate value of A's life estate can be determined by the use of the present worth tables found at 26 CFR § 20.2031–7. To ascertain A's beneficial interest in the account, the appropriate multiplier (.27370) indicated by Table 1 is multiplied by the amount in the account. A's interest is found to be $6,842.50. The difference of $18,157.50 represents B's beneficial interest in the account. The trustee is entitled to an insurance payment of $21,842.50, representing A's complete interest ($6,842.50) and $15,000 of B's interest (§ 564.2(c)(1) and § 564.10).

EXAMPLE 5

Question: The situation is the same as in Example 4, except that A is to receive the income for life or until she marries, with remainder over to B. What is the insurance coverage?

Answer: Both trust estates are subject to a contingency (A's marriage) which precludes their evaluation by the use of the present worth tables. The insurance coverage with respect to all trust estates in the account is limited to the $15,000 maximum (§ 564.2(c)(2)). The trustee is entitled to an insurance payment of $15,000.

EXAMPLE 6

Question: S establishes an irrevocable trust fund of $75,000 for the equal benefit of A, B, C, D, and E. The trustee invests the entire amount in a properly designated trust account. The trust provides that each beneficiary is to receive income in equal shares until the age of 35, at which time the principal is to vest in equal shares, except that if either D or E does not complete college by age 35, his share of the principal is to go to X Church. What is the insurance coverage?

Answer: The proportionate (one-fifth) interests in the account of A, B, and C are each insured up to $15,000 as separate trust estates. The interests of D, E and X Church are subject to contingencies (completion of college) which cannot be evaluated by use of the present worth tables. Therefore, the insurance coverage on their interests is limited to $15,000 in the aggregate, resulting in a total insurance coverage of $60,000 for the trust account (§ 564.2(c) (1) and (2)).

EXAMPLE 7

Question: G is settlor of a short-term irrevocable trust for the benefit of H University. Under the terms of the trust instrument, the university is to receive all of the income (payable annually) for 2 years. At the end of the 2-year period, the trust is to terminate, and the corpus is to revert to G. The trustee invests $20,000 in a trust account. At the date of default, 1 year of the 2-year term of the trust has expired. What is the insurance coverage?

Answer: Although this arrangement constitutes an express irrevocable trust, G's reversionary interest is treated, for insurance purposes, as an individual account owned by him (§ 561.4). To ascertain the value of H University's remaining one-year income interest in the trust account, the appropriate multiplier (0.03382) indicated by Table II of the present worth tables is multiplied by the account balance. H University's trust estate in the account is $676.40. G's reversionary interest is worth $19,323.60. Assuming that G has no individual interest in any other account, the trustee is entitled to an insurance payment of $15,676.40, representing H University's entire trust estate in the account ($676.40) and $15,000 of G's reversionary interest (§ 564.2(c)(1) and § 564.10).

EXAMPLE 8

Question: H and W create an irrevocable trust for the benefit of their children, S and D, in equal shares. The trust contains $100,000, of which $20,000 was contributed by W. As joint trustees, H and W invest $40,000 of these funds in a trust account. What is the insurance coverage?

Answer: The trust estates of S and D are deemed to be derived from H and W in proportion to the contribution of each to the trust. W has contributed 20 percent of the funds and H has contributed 80 percent. S and D have equal beneficial interests in the trust account. Of S's beneficial interest of $20,000, $4,000 (20 percent) is deemed to be derived from W and $16,000 (80 percent) is deemed to be derived form H. D's beneficial interest is similarly derived. The trust estate of each beneficiary derived from each settlor is separately insured to the $15,000 maximum. The $4,000 interest derived from W is fully insured, and $15,000 of the interest derived from H is insured, leaving $1,000 uninsured in the case of each beneficiary. The account is insured to a total of $38,000 (§ 564.2(c)(3)).

EXAMPLE 9

Question: X Corporation acts as servicing agent for FHA, VA and conventional mortgage loans. Each month X Corporation collects payments from approximately 2,000 mortgagors and commingles these funds in a single account. The account contains $200,000. What is the insurance coverage?

Answer: The amount of insurance coverage depends upon the terms of the contract or instrument under which X Corporation collects the funds. If it acts in the capacity of a trustee for the benefit of the mortgagors, the interest of each mortgagor is separately insured to the $15,000 maximum. If it acts in the capacity of a trustee for the lenders, the interest of each lender is separately insured to the $15,000 maximum. In either case, this insurance is separate from that afforded the individually owned funds of X Corporation invested in the institution or the individual accounts of any of the mortgagors or lenders (§ 564.10). If X Corporation is found to act in the capacity of an agent for either the mortgagors or the lenders, the interest of each such principal is separately insured as his individual account (but added to any other individual accounts which the principal holds in the same institution) (§ 564.3(b)). If X Corporation is found to hold the funds as owner, or principal, with only a contractual obligation to pay to its creditors, and not as trustee or agent, the account would be insured only to the $15,000 limit (§ 564.6).

EXAMPLE 10

Question: What is the insurance coverage on other fiduciary accounts, such as clients' funds invested in the name of a lawyer, rent security funds invested in the name of the landlord, escrow funds invested in the name of a real estate broker, litigants' funds invested in the name of a representative of a court, consignors' funds invested in the name of a market servicing agent, and similar funds invested in other custodial accounts?

Answer: Such funds are insured in the same manner as indicated in Example 9. If the funds are held in irrevocable trust pursuant to statute or trust instrument, they are insured as trust funds. If held on an agent-principal basis, they are insured as the individually owned property of the various principals (§ 564.3(b) and § 564.10).

EXAMPLE 11

Question: A cemetery maintains an account, consisting of its general funds, in the amount of $15,000. It also maintains a properly designated trust account, containing perpetual care funds held in trust pursuant to statute or trust instrument for the benefit of various cemetery lots, in the amount of $50,000. No single perpetual care fund in the trust account exceeds $15,000. What is the insurance coverage?

Answer: The general funds account is separately insured to $15,000. Since each separate trust estate in the trust account is separately insured, the trust account is fully insured in the amount of $50,000 (§ 564.10).

EXAMPLE 12

Question: G creates a charitable trust under which the principal and income are to be used for the furtherance of legal education, in the discretion of the trustee. The trustee invests $25,000 of the trust funds in a properly designated account. What is the insurance coverage?

Answer: Since the beneficiaries under the trust are indefinite and cannot be ascertained, there can be insurance only to the basic insured amount (§ 564.2(c)(2)). Thus, the account is insured only to $15,000, leaving $10,000 uninsured (§ 564.10).

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