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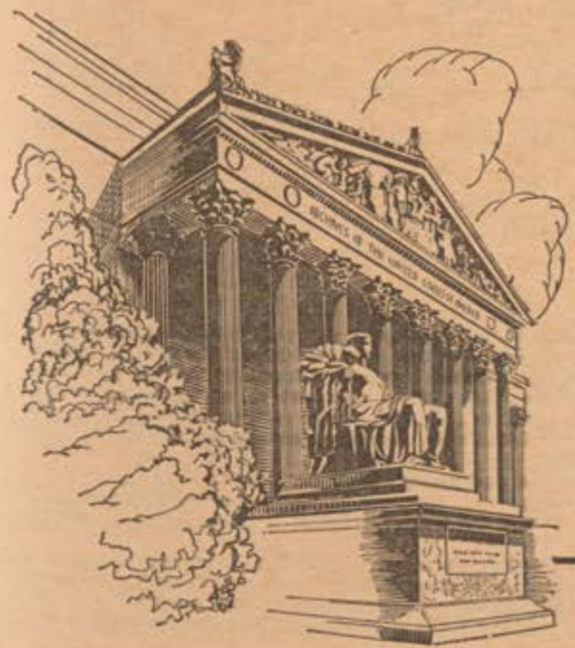

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FEDERAL REGISTER

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(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

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.

Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3796

NATIONAL DAY OF PRAYER FOR RECONCILIATION

By the President of the United States of America

A Proclamation

From its earliest day, our nation has been dedicated to justice, to equality—and to order.

We are a people committed to the rule of law, believing that it holds the greatest hope for human progress and well-being. We must never abandon that commitment.

Today our people reaffirm their faith in law; their faith in progress; their faith in human brotherhood.

It is right to pray that strife will not bring down what we have built, nor threaten all the things we hope to build.

NOW THEREFORE I, LYNDON B. JOHNSON, President of the United States of America, do hereby set aside Sunday, July 30, 1967, as a National Day of Prayer for Peace and Reconciliation.

I call on every Governor, every Mayor, every family in the land to join in this observance. I call on all our citizens to go into their churches on this Sunday, and to pray for peace in the land we love.

We deplore the few who rely upon words and works of terror.

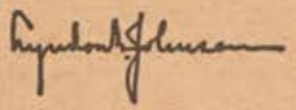
We mourn the many who have suffered from violence in the cities.

We dedicate ourselves once more to the rule of law, in whose absence anarchy is loosed and tragedy is born.

We pray to Almighty God, the Author of our liberty, for hearts free from hate, so that our Nation can be free from bitterness.

We pray for strength to build together so that disorder may cease, progress steadily continue, and justice prosper.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh 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.



THE WHITE HOUSE,
July 27, 1967.

[F.R. Doc. 67-8945; Filed, July 28, 1967; 9:55 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter II—Consumer and Marketing Service (Consumer Food Programs), Department of Agriculture

PART 220—SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS

Appendix—Second Apportionment of the School Breakfast Program Funds Pursuant to Child Nutrition Act of 1966, Fiscal Year 1967

REAPPORTIONMENT FOR TENNESSEE AND COLORADO

A second apportionment pursuant to section 4 of the Child Nutrition Act of 1966, Public Law 89-642, 80 Stat. 886, food assistance funds available for the fiscal year ending June 30, 1967, was published in the FEDERAL REGISTER on May 20, 1967 (32 F.R. 7491). The second apportionment is amended for the States of Tennessee and Colorado as follows:

State	Total apportionment	State agency	Withheld for private schools
Colorado	$7,611	$5,662	1,949
Tennessee	11,500	11,500	
Total	1,042,329	988,737	53,592

(Secs. 2, 4, 6, and 8 through 16, 80 Stat. 885-890; 42 U.S.C. 1771, 1773, 1775, 1777-1785)

Dated: July 26, 1967.

ROY W. LENNARTSON,
Associate Administrator.

[F.R. Doc. 67-8849; Filed, July 28, 1967; 8:47 a.m.]

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

[Valencia Orange Reg. 213]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.513 Valencia Orange Regulation 213.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 27, 1967.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period July 30, 1967, through August 5, 1967, are hereby fixed as follows:

(i) District 1: 150,000 cartons;

(ii) District 2: 475,000 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated: July 28, 1967.

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

[F.R. Doc. 67-8967; Filed, July 28, 1967; 1:02 p.m.]

[Lemon Reg. 278]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.578 Lemon Regulation 278.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are

identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 25, 1967.

(b) *Order*. (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period July 30, 1967, through August 5, 1967, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 232,500 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated: July 27, 1967.

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

[F.R. Doc. 67-8895; Filed, July 28, 1967; 10:56 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 7—INTERPRETATIONS

Corporate Savings Accounts

Part 7, Chapter I, Title 12 is hereby amended by rescinding § 7.8.

Dated: July 25, 1967.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[F.R. Doc. 67-8843; Filed, July 28, 1967; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 67-SW-52; Amdt. 39-452]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 206A Helicopters

Investigation of a fuel tank explosion on a Bell Model 206A helicopter during ground maintenance activities revealed that the positive and negative wires of a fuel boost pump had been reversed. It is believed that this reversal was a contributing factor to the explosion.

If a similar explosion should occur in flight, a catastrophic failure of aircraft structure could result with possible serious injury or loss of life. Since the wires to the fuel boost pumps may be reversed in other helicopters of the same type design, an airworthiness directive is being issued to require inspection and modification of the fuel pump wiring on certain Model 206A helicopters.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

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

BELL. Applies to Model 206A helicopters, serial numbers 4 through 20, 22 through 48, 50 through 56, 59, 61, and 63.

Compliance required as indicated below after the effective date of this airworthiness directive, unless already accomplished.

To assure proper grounding of both fuel boost pumps and prevent a potentially explosive condition in the fuel tank due to improperly wired electric fuel boost pumps, accomplish the following inspection and modification:

1. Before further flight, determine by either of the following methods that the white wire from each fuel boost pump is connected to the aircraft system ground wire:

(a) If the wire identification is legible, by reference to the Master Electrical Wiring Diagram in the Model 206A Maintenance and Overhaul Manual, confirm that helicopter system wires numbered Q2A18N (to the Forward Boost Pump), and Q4A18N (to the Aft Boost Pump) are connected to the white wire from the corresponding boost pump.

(b) If the wire identification is not legible, turn all switches off and disconnect each fuel boost pump white wire from the aircraft system wire. Check each aircraft system wire thus exposed for proper grounding using an ohmmeter or continuity checking device.

If the grounding is confirmed by either of the above methods, disconnected wires may be reconnected and the helicopter returned to service for not more than 25 hours before the modification required by subparagraph 2 below is accomplished.

If grounding is not confirmed by either of the above methods, the fuel pump leads may have been reversed. Use the Master Electrical Diagram in the Maintenance and Overhaul Manual to determine correct connections, and connect the pumps to the aircraft system accordingly. The helicopter may then be returned to service for not more than 25 hours operation before the modification required by subparagraph 2 below is accomplished.

2. Within the next 25 hours time in service, modify the fuel boost pump wiring in accordance with Part B, Bell Helicopter Co. Service Letter, Model 206A—No. 21, Revision A, dated July 18, 1967, or an equivalent method approved by the Director, Southwest Region, Federal Aviation Administration.

This amendment becomes effective on July 29, 1967.

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

Issued in Fort Worth, Tex., on July 21, 1967.

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

[F.R. Doc. 67-8792; Filed, July 28, 1967; 8:45 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Subtitle A—Office of the Secretary of Commerce

PART 12—FAIR PACKAGING AND LABELING

Notice of proposed rulemaking regarding the Department of Commerce proposal to issue procedures for the discharge of the Secretary's responsibilities under sections 5(d) and 5(e) of the Fair Packaging and Labeling Act (Public Law 89-755, 80 Stat. 1299) was published in the FEDERAL REGISTER of May 23, 1967 (32 F.R. 7532). Interested parties were afforded an opportunity to file written comment on the proposed procedures with the Office of the General Counsel of the Department of Commerce.

On the basis of the comments which were received, several changes in the proposed procedures have been effected.

The final procedures are set forth below in the form of a new Part 12 that is hereby added to Title 15, Subtitle A, Code of Federal Regulations.

Sec.
12.1 Introduction.
12.2 Undue proliferation.
12.3 Development of voluntary standards.
12.4 Report to the Congress.

AUTHORITY: The provisions of this Part 12 issued under the authority vested in the Secretary of Commerce by secs. 5(d) and 5(e), Public Law 89-755, 80 Stat. 1299, and delegated to the Assistant Secretary of Commerce for Science and Technology by sec. 3, Department Order 177 (31 F.R. 6746), as amended (32 F.R. 3110).

§ 12.1 Introduction.

(a) These procedures apply to the discharge of the responsibility given to the Secretary of Commerce by sections 5(d) and 5(e) of the Fair Packaging and Labeling Act (Public Law 89-755, 80 Stat. 1299), hereinafter called the "Act". The word "Secretary", as used hereinafter, shall refer to the Secretary of Commerce or his authorized delegate.

(b) The Secretary does not have the responsibility or the authority under the Act to issue any regulations governing the packaging or labeling practices of private industry.

(c) The Secretary does have the responsibility and authority to:

(1) Determine whether the reasonable ability of consumers to make value comparisons with respect to any consumer commodity or reasonably comparable consumer commodities is impaired by

undue proliferation of the weights, measures, or quantities in which such commodity or commodities are being distributed in packages for sale at retail.

(2) Request manufacturers, packers, and distributors, where a determination of undue proliferation has been made, to participate in the development of a voluntary product standard under the procedures governing the Department's voluntary standards program.

(3) Report to Congress with a recommendation as to whether legislation providing regulatory authority should be enacted, when after 1 year following the date private industry has been requested to participate in the development of a voluntary product standard it is determined that such a standard will not be published, or when following the publication of such a standard it is determined that the standard has not been observed.

(d) The Act does not furnish a detailed, definitive explanation of "undue proliferation". It does, however, point out that the condition of "undue proliferation" must be one which "impairs the reasonable ability of consumers to make value comparisons" with respect to consumer commodities. Generally, therefore, the Department will determine "undue proliferation" on a case-by-case basis, and, accordingly, is establishing by these procedures an orderly process for such determinations.

(e) As used hereinafter the term "undue proliferation" shall refer to such undue proliferation—of the weights, measures or quantities in which any consumer commodity or reasonably comparable consumer commodities are being distributed for sale at retail—as impairs the reasonable ability of consumers to make value comparisons with respect to such consumer commodity or commodities, as set out in section 5(d) of the Act.

§ 12.2 Undue proliferation.

(a) *Information as to possible undue proliferation.* Any person or group, including a State or local governmental entity, is invited to communicate information to the Secretary concerning the possible existence of undue proliferation. Such communications should be in writing and include supporting information and explanations.

(b) *Initiation of inquiry as to undue proliferation.* Upon receipt of information regarding the possible existence of undue proliferation, the Secretary will determine whether there has been a showing of good cause warranting an inquiry. If the Secretary determines that good cause exists, he shall initiate an inquiry for the purpose of finding facts concerning the existence of undue proliferation.

(c) *Procedures for Inquiry*—(1) *Cooperation with State and local officials.* Any inquiry initiated under paragraph (b) of this section may be conducted in cooperation with State and local weights and measures officials.

(2) *Participation by interested persons.* The Secretary may, during the course of the inquiry, afford interested persons or groups an opportunity to submit in writing comments, data, arguments, views, or other information relevant to the inquiry.

(d) *Proposed determination as to existence of undue proliferation.* (1) If, after consideration of all relevant information, the Secretary concludes that undue proliferation appears to exist, he shall publish a proposed determination to this effect. The proposed determination shall identify the particular consumer commodity or commodities involved and shall be accompanied by a concise statement of the facts upon which it is based.

(2) Within 60 days after publication of the proposed determination, any interested party may submit in writing comments, data, arguments, views, or other information relevant to the proposed determination. All written submissions shall be made a part of the public record.

(3) Within 30 days after the proposed determination has been published, any interested party may request in writing an oral hearing to present his views. The granting of such a hearing shall be at the discretion of the Secretary. Any such hearing shall be public and notice thereof shall be published at least 15 days in advance. A transcript of the hearing shall be made part of the public record.

(e) *Final determination as to undue proliferation.* As soon as practicable following the conclusion of the proceedings described in paragraph (d) of this section, the Secretary shall either publish a final determination of undue proliferation, or he shall publish a notice withdrawing his proposed determination of undue proliferation. In no event shall the withdrawal of a proposed determination operate to preclude the initiation of another inquiry regarding the same or similar subject matter under paragraph (b) of this section.

§ 12.3 Development of voluntary product standards.

(a) *Invitation to participate in the development of a voluntary product standard.* Whenever the Secretary publishes a final determination of undue proliferation under § 12.2(e), he shall invite manufacturers, packers, and distributors of the commodity or commodities involved to participate in the development of a voluntary product standard in accordance with the terms of the Act and the Department's published procedures for voluntary product standards. The term "Voluntary Product Standard" as used in this section means a standard for weights, measures or quantities in which the commodity or commodities are being distributed in packages for sale at retail.

(b) *Determination that voluntary product standard will not be published.* (1) If a voluntary product standard has not been developed within one year from the date on which participation was invited, the Secretary may conclude that a voluntary product standard will not likely be published. Upon reaching such a conclusion, the Secretary will publish a proposed determination that a voluntary product standard will not be published.

(2) Within 60 days after publication of the proposed determination, any interested party may submit in writing comments, data, arguments, views, or other information relevant to the proposed determination. All written submissions shall be made a part of the public record.

(3) Within 30 days after the proposed determination has been published, any interested party may request in writing an oral hearing to present his views. The granting of such a hearing shall be at the discretion of the Secretary. Any such hearing shall be public and notice thereof shall be published at least 15 days in advance. A transcript of the hearing shall be made part of the public record.

(4) As soon as practicable following the conclusion of the proceedings described in subparagraphs (2) and (3) of this paragraph, the Secretary shall either publish a final determination that a voluntary product standard will not be published, or he shall publish a notice withdrawing his proposed determination under subparagraph (1) of this paragraph. In no event shall the withdrawal of a proposed determination operate to preclude the publication of another proposed determination under subparagraph (1) of this paragraph with respect to the same or similar subject matter.

(c) *Determination that a published voluntary product standard has not been observed.* (1) Whenever the Secretary has reason to believe that a voluntary product standard published under these procedures is not being observed he shall initiate an inquiry to determine such fact.

(2) If, on the basis of the information developed during the inquiry, the Secretary concludes that the voluntary product standard is not being observed, he shall publish a proposed determination to this effect. The proposed determination shall identify the particular standard involved and shall be accompanied by a concise statement of the facts upon which it is based.

(3) Within 60 days after publication of the proposed determination, any interested party may submit in writing comments, data, arguments, views, or other information relevant to the proposed determination. All written submissions shall be made a part of the public record.

(4) Within 30 days after the proposed determination has been published, any interested party may request in writing an oral hearing to present his views. The granting of such a hearing shall be at the discretion of the Secretary. Any such hearing shall be public and notice thereof shall be published at least 15 days in advance. A transcript of the hearing shall be made part of the public record.

(5) As soon as practicable following the conclusion of the proceedings described in subparagraphs (3) and (4) of this paragraph, and upon consideration of all relevant information, the Secretary shall either publish a final determination that the voluntary product standard is not being observed, or he shall publish a notice withdrawing his proposed determination under subparagraph (2)

of this paragraph. In no event shall the withdrawal of a proposed determination operate to preclude the initiation of another inquiry regarding the same standard under subparagraph (1) of this paragraph.

§ 12.4 Report to the Congress.

Whenever the Secretary publishes a final determination under § 12.3(b)(4) or 12.3(c)(5), he shall promptly report such determination to the Congress with a statement of the efforts that have been made under the voluntary standards program and his recommendation as to whether Congress should enact legislation providing regulatory authority to deal with the situation in question.

Effective date. This part shall become effective upon publication in the FEDERAL REGISTER.

J. HERBERT HOLLOMON,
Assistant Secretary of Commerce for Science and Technology.

JULY 27, 1967.

[F.R. Doc. 67-8930; Filed, July 28, 1967; 8:49 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Reg. 4]

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950-_____)

Subpart K—Employment—Wages—Self-Employment—Self-Employment Income

WAGES AND EXCLUSION FROM WAGES

Regulations No. 4, as amended, of the Social Security Administration (20 CFR 404.1 et seq.) are further amended as follows:

1. Sections 404.1026 and 404.1027 are amended to read as follows:

§ 404.1026 Wages.

(a) *General.* (1) Whether remuneration paid after 1950 for employment performed after 1936 constitutes wages is determined under section 209 of the Act. This section and § 404.1027 (relating to the statutory exclusions from wages) apply with respect only to remuneration paid after 1950 for employment performed after 1936. Whether remuneration paid after 1936 and prior to 1940 for employment performed after 1936 constitutes wages shall be determined in accordance with the applicable provisions of law and Regulations No. 2 (20 CFR, 1938 ed., Part 402). Whether remuneration paid after 1939 and prior to 1951 for employment performed after 1936 constitutes wages shall be determined in accordance with the applicable provisions of law and Part 403 of this chapter (Regulations No. 3).

(2) The term "wages" means all remuneration for employment unless specifically excepted under section 209 of the Act (see § 404.1027).

(3) The name by which the remuneration for employment is designated is immaterial. Thus, salaries, fees, bonuses, and commissions on sales or on insurance premiums are wages within the meaning of the Act if paid as compensation for employment.

(4) Generally, the basis upon which the remuneration is paid is immaterial in determining whether the remuneration constitutes wages. Thus, it may be paid on the basis of piecework or a percentage of profits; and it may be paid hourly, daily, weekly, monthly, or annually. See, however, § 404.1027(m)(3) relating to the treatment of cash remuneration computed on a time basis for agricultural labor.

(5) Generally, the medium in which the remuneration is paid is also immaterial. It may be paid in cash or in something other than cash, as for example, goods, lodging, food, or clothing. Remuneration paid in items other than cash is computed on the basis of the fair value of such items at the time of payment. See, however, § 404.1027(l) relating to the treatment of remuneration paid in any medium other than cash for services not in the course of the employer's trade or business, for domestic service in a private home of the employer, or for agricultural labor, § 404.1027(o) for services described in section 209(j) of the Act (relating to home workers), and § 404.1027(p) relating to tips paid in a medium other than cash.

(6) Ordinarily, facilities or privileges (such as entertainment, medical services, or so-called "courtesy" discounts on purchases), furnished or offered by an employer to his employees generally are not considered as remuneration for employment if such facilities or privileges are of relatively small value and are offered or furnished by the employer merely as a means of promoting the health, good will, contentment, or efficiency of his employees. The term "facilities or privileges," however, does not ordinarily include the value of meals or lodging furnished to employees. The value of these items is wages where:

(i) It is agreed as part of the contract of employment that the employer is to furnish to the employee daily meals or regular lodging or both; or

(ii) The value of such items forms an appreciable part of the total remuneration. For example, the value of meals or lodging furnished to hospital, restaurant, or hotel employees or to seamen or other employees aboard vessels, would generally be wages because either one or both of these conditions are met.

(7) Amounts of so-called "vacation allowances" paid to an employee constitute wages. Thus, the salary of an employee on vacation, paid notwithstanding his absence from work, constitutes wages.

(8) Amounts paid specifically—either as advances or reimbursements—for traveling or other bona fide ordinary and necessary expenses incurred or reasonably expected to be incurred in the business of the employer are not wages. Traveling and other reimbursed expenses must be identified either by making a separate payment or by specifically indicating the separate amounts where both wages and expense allowances are combined in a single payment.

(9) Remuneration for employment, unless such remuneration is specifically excepted under section 209 of the Act, constitutes wages even though at the time paid the relationship of employer and employee no longer exists between the person in whose employ the services were performed and the individual who performed them.

Example: A is employed by B during January 1966, in employment and is entitled to receive remuneration of $100 for the services performed for B during the month. A leaves the employ of B on January 31, 1966. On February 15, 1966 (when A is no longer an employee of B), B pays A the remuneration of $100 which was earned for the services performed in January. The $100 is wages within the meaning of the Act.

(b) *When paid and received.* (1) In general, wages are received by an employee at the time they are paid by the employer to the employee. Wages are paid by an employer at the time that they are actually or constructively paid unless under subparagraph (3) of this section they are deemed to be subsequently paid. For provisions relating to the time when tips received by an employee are deemed paid to the employee, see paragraph (d) of this section.

(2) Wages are constructively paid when they are credited to the account of or set apart for an employee so that they may be drawn upon by him at any time although not then actually reduced to possession. To constitute payment in such a case (i) the wages must be credited to or set apart for the employee without any substantial limitation or restriction as to the time or manner of payment or condition upon which payment is to be made, and must be made available to him so that they may be drawn upon at any time, and their payment brought within his own control and disposition, or (ii) there is an intention by the employer to pay or to set apart or credit, and ability to pay wages when due, and failure of the employer to credit or set apart the wages is due to clerical error or inadvertence in the mechanics of payment, and because of such clerical error or inadvertence the wages are not actually available at that time. However, where the employee has authority to withhold wages from himself in the interest of the employer, his failure to reduce any of his wages to his possession shall be deemed to be in the interest of his employer and to establish the employer's intent not to pay such wages, unless there is a clear showing that such withholding was exclusively in the employee's interest. As to the time tips are deemed paid, see § 404.1026(d). For provisions relating to the treatment of deductions from remuneration as payments of re-

muneration, see paragraph (c) of this section.

(3) (i) The first $50 of cash remuneration paid, either actually or constructively, by an employee to an employee in a calendar quarter for:

(*a*) Service not in the course of the employer's trade or business and domestic service in a private home of the employer; or

(*b*) Service performed by certain home workers;

Is deemed paid by the employer to the employee at the first moment of time in such calendar quarter that the sum of such cash payments made within such quarter is at least $50.

(ii) (*a*) The first $100 of cash remuneration paid, either actually or constructively, by an employer to an employee in the calendar year 1955 or 1956 for agricultural labor to which § 404.1027 (m) is applicable is deemed paid by the employer to the employee at the first moment of time in such calendar year that the sum of such cash payments made within such year is at least $100.

(*b*) Cash remuneration paid, either actually or constructively, by an employer to an employee in a calendar year after 1956 for agricultural labor to which § 404.1027(m) is applicable, and before either of the events described in (*1*) or (*2*) of this subdivision has occurred, is deemed paid upon the occurrence of the earlier of such events, as follows:

(*1*) The first moment of time in such calendar year that the sum of the payments of such remuneration is at least $150; or

(*2*) The twentieth day in such calendar year on which the employee has performed such agricultural labor for the employer for cash remuneration computed on a time basis.

(c) *Deductions by an employer from wages of an employee.* The amount of any tax which is required by section 1400 of the Internal Revenue Code of 1939 or section 3101 of the Internal Revenue Code of 1954 to be deducted by the employer from the wages of an employee is considered to be a part of the employee's wages, and is deemed to be paid to the employee as wages at the time that the deduction is made. Other amounts deducted from wages of an employee by an employer also constitute wages paid to the employee at the time of the deduction. It is immaterial that any act of Congress, or the law of any State requires or permits such deductions and the payment thereof to the United States, a State, or any political subdivision thereof.

(d) *Tips*—(1) In general: Except as otherwise provided in § 404.1027(p) tips received after 1965 by an employee in the course of his employment are remuneration for employment. (For definition of the term "employee" see § 404.1004.) Tips reported by an employee to his employer in a written statement furnished to the employer pursuant to section 6053(a) of the Internal Revenue Code of 1954 are deemed to be paid to the employee at the time the written statement is furnished to the employer. Tips received by an employee which are not reported to his employer in a written statement furnished pursuant to such section 6053(a) are deemed to be paid to the employee at the time the tips are actually received by the employee.

(2) Tips received by employee in course of his employment: Tips are considered to be received by an employee in the course of his employment for an employer regardless of whether the tips are received by the employee from a person other than his employer or are paid to the employee by the employer. However, only those tips which are received by an employee on his own behalf (as distinguished from tips received on behalf of another employee) are considered as remuneration paid to the employee. Thus, where employees practice tip splitting (for example, where waiters pay a portion of the tips received by them to the busboys), each employee who receives a portion of a tip left by a customer of the employer is considered to have received tips in the course of his employment.

(3) See § 404.1027(t)(3) for discussion of tips or gratuities received before 1966.

§ 404.1027 **Exclusions from wages.**

(a) *Annual wage limitation.* (1) The term "wages" does not include that part of the remuneration paid to an employee within any calendar year:

(i) After 1950 and prior to 1955 which exceeds the first $3,600 of remuneration;

(ii) After 1954 and prior to 1959 which exceeds the first $4,200 of remuneration; or

(iii) After 1958 and prior to 1966 which exceeds the first $4,800 of remuneration; or

(iv) After 1965 which exceeds the first $6,600 of remuneration; (exclusive of remuneration excepted from wages in accordance with paragraphs (b) through (t) of this section) paid within such calendar year to such employee for employment performed for him at any time after 1936.

(2) The annual wage limitation applies only if the remuneration received during any one calendar year by an employee for employment performed after 1936 exceeds such limitation. The limitation in such case relates to the amount of remuneration received during any one calendar year for employment after 1936 and not to the amount of remuneration for employment performed in any one calendar year.

Example: Employee A, in 1965, receives $5,600 from employer B on account of $6,400 due him for employment performed in 1965. In 1966 A receives from employer B the balance of $800 due him for employment performed in 1965, and thereafter in 1966 also receives $6,800 for employment performed in 1966 for employer B. The first $4,800 of the $5,600 received during 1965 is wages in 1965. The $800 received in 1966 for employment during 1965 is wages in 1966, as is also the first $5,800 paid of the $6,800 for employment during 1966 (the $800 for 1965 employment added to the first $5,800 paid for 1966 employment constitutes the maximum remuneration which could be creditable as wages to A in 1966). The final $1,000 received by A from B in 1966 is not included as wages.

(b) *Payments under employers' plans providing for payments on account of retirement, sickness, or accident disability, medical or hospitalization expenses, or death.* (1) The term "wages" does not include the amount of any payment (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment) made to, or on behalf of, an employee or any of his dependents under a plan or system established by an employer which makes provision for his employees generally (or for his employees generally and their dependents) or for a class or classes of his employees (or for a class or classes of his employees and their dependents), on account of:

(i) An employee's retirement;

(ii) Sickness or accident disability of an employee or any of his dependents;

(iii) Medical or hospitalization expenses in connection with sickness or accident disability of an employee or any of his dependents; or

(iv) Death of an employee or any of his dependents.

(2) The plan or system established by an employer need not provide for payments on account of all of the specified items, but such plan or system may provide for any one or more of such items. Payments for any one or more of such items under a plan or system established by an employer solely for the dependents of his employees are not within this exclusion from wages.

(3) Dependents of an employee include the employee's husband or wife, children, and any other members of the employee's immediate family.

(4) It is immaterial for purposes of this exclusion whether the amount or possibility of such benefit payments is taken into consideration in fixing the amount of an employee's remuneration or whether such payments are required, expressly, or impliedly, by the contract of service.

(c) *Retirement payments.* The term "wages" does not include any payment made by an employer to an employee (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment) on account of the employee's retirement. Thus, payments made to an employee on account of his retirement are excluded from wages under this exception even though not made under a plan or system.

(d) *Payments on account of sickness or accident disability, or medical or hospitalization expenses.* The term "wages" does not include any payment made by an employer to, or on behalf of, an employee on account of the employee's sickness or accident disability or the medical or hospitalization expenses in connection with the employee's sickness or disability, if such payment is made after the expiration of 6 or more calendar months following the last calendar month in which such employee worked for such employer. Such payments are excluded from wages under this exception even though not made under a plan or system. If the employee does not actually perform services for the employer during the requisite period, the existence of the employer-employee relationship during that period is immaterial.

(e) *Payments from or to certain tax-exempt trusts.* The term "wages" does not include any payment made:

(1) By an employer, on behalf of an employee or his beneficiary, into a trust; or

(2) To, or on behalf of, an employee or his beneficiary, from a trust;

If at the time of such payment the trust is exempt from tax under section 165(a) of the Internal Revenue Code of 1939 with respect to payments made prior to 1955, or with respect to payments made after 1954, under section 501(a) of the Internal Revenue Code of 1954 as an organization described in section 401(a) of such Code. A payment made to an employee of such a trust for services rendered as an employee of the trust and not as a beneficiary thereof is not within this exclusion from wages.

(f) *Payments under or to certain annuity plans.* The term "wages" does not include any payment made:

(1) By an employer, on behalf of an employee or his beneficiary, into an annuity plan; or

(2) To, or on behalf of, an employee or his beneficiary, under an annuity plan;

If at the time of such payment:

(3) With respect to payments made prior to 1955, the annuity plan meets the requirements of section 165(a) (3), (4), (5), and (6) of the Internal Revenue Code of 1939;

(4) With respect to payments made after 1954 and prior to 1963, the annuity plan meets the requirements of section 401(a) (3), (4), (5), and (6) of the Internal Revenue Code of 1954;

(5) With respect to payments made after 1962, the annuity plan is a plan described in section 403(a) of the Internal Revenue Code of 1954.

(g) *Payments under or to certain bond purchase plans.* The term "wages" does not include any payment made after December 31, 1962:

(1) By an employer, on behalf of an employee or his beneficiary, into a bond purchase plan; or

(2) To, or on behalf of, an employee or his beneficiary under a bond purchase plan;

If at the time of such payment the plan is a qualified bond purchase plan described in section 405(a) of the Internal Revenue Code of 1954.

(h) *Payments by an employer of employees' tax or employees' contributions under a State law.* The term "wages" does not include any payment by an employer (without deduction from the remuneration of, or other reimbursement from, the employee) of either:

(1) The employee tax imposed by section 1400 of the Internal Revenue Code of 1939 or section 3101 of the Internal Revenue Code of 1954; or

(2) Any payment required from an employee under a State unemployment compensation law.

(i) *Payments other than in cash for certain types of services.* (1) The term "wages" does not include remuneration paid in any medium other than cash:

(i) For services not in the course of the employer's trade or business;

(ii) For domestic service in a private home of the employer; or

(iii) For agricultural labor.

For provisions relating to tips paid in a medium other than cash, see paragraph (p) of this section. Cash remuneration includes checks and other monetary media of exchange. Remuneration paid in any medium other than cash, such as lodging, food, clothing, car tokens, transportation passes, farm products, or other goods or commodities, for services of the prescribed character does not constitute wages. Remuneration paid in any medium other than cash for services other than those mentioned in subdivisions (i), (ii), and (iii) of this subparagraph does not come within this exclusion from wages.

(2) For provisions relating to the circumstances under which prior to 1955 services not in the course of the employer's trade or business or agricultural labor does not constitute employment, see §§ 404.1010 and 404.1008, respectively. For provisions relating to the circumstances under which cash remuneration for domestic service in a private home of the employer or for industrial home work does not constitute wages, see paragraphs (k), (l), and (o) of this section, respectively.

(j) *Domestic service defined.* Services of a household nature performed by an employee in or about a private home of the person by whom he is employed constitute domestic service in a private home of the employer. A private home is a fixed place of abode of an individual or family. A separate and distinct dwelling unit maintained by an individual in an apartment house, hotel, or other similar establishment may constitute a private home. If a dwelling house is utilized primarily as a boarding or lodging house for the purpose of supplying board or lodging to the public as a business enterprise, it is not a private home. In general, services of a household nature in or about a private home include services performed by cooks, waiters, butlers, housekeepers, governesses, maids, valets, baby sitters, janitors, laundresses, furnacemen, caretakers, handymen, gardeners, footmen, grooms, and chauffeurs of automobiles for family use. Remuneration for the services above enumerated is not within this exclusion from wages unless performed in or about a private home of the employer. Remuneration for services not of a household nature, such as services performed as a private secretary, tutor, or librarian, even though performed in the employer's home, is not within this exclusion from wages.

(k) *Cash payments prior to 1955 for domestic services.* (1) The term "wages" does not include cash remuneration paid in any calendar quarter prior to 1955 by an employer to an employee for domestic service in a private home of the employer unless both of the following tests are met:

(i) The cash remuneration paid by the employer to the employee in the calendar quarter for such service is $50 or more; and

(ii) Such employee is regularly employed by such employer in the calendar quarter in which the payment is made.

(2) The test relating to cash remuneration of $50 or more is based on remuneration paid in a calendar quarter rather than on remuneration earned during a calendar quarter. Furthermore, in determining whether $50 or more has been paid for domestic service in a private home of the employer, only cash remuneration for such service shall be taken into account. For meaning of the term "cash remuneration," see paragraph (i) of this section.

(3) For purposes of this exclusion, an individual is deemed to be regularly employed by an employer during a calendar quarter only if:

(i) Such individual performs domestic service in a private home of such employer for some portion of the day on at least 24 days (whether or not consecutive) during such calendar quarter; or

(ii) Such individual was regularly employed (as determined under subdivision (i) of this subparagraph) in the performance of domestic service in a private home of such employer during the preceding calendar quarter (including the last calendar quarter of 1950).

(4) In determining whether an employee has performed domestic service in a private home of the employer on at least 24 days during a calendar quarter, there shall be counted as 1 day:

(i) Any day or portion thereof on which the employee actually performs such service; and

(ii) Any day or portion thereof on which the employee does not perform domestic service in a private home of the employer but with respect to which cash remuneration is paid or payable to the employee for such service, such as a day on which the employee is sick or on vacation.

An employee who on a particular day reports for work and, at the direction of his employer, holds himself in readiness to perform domestic service in a private home of the employer shall be considered to be engaged in the actual performance of such service on that day. For purposes of this exclusion a day is a period of 24 hours commencing at midnight and ending at midnight.

(5)(i) Domestic service in a private home of the employer performed on a farm operated for profit and services not in the course of the employer's trade or business are not within this exclusion from wages. For provisions relating to domestic service in a private home of the employer performed on a farm operated for profit and services performed prior to 1955, not in the course of the employer's trade or business, see §§ 404.1008 and 404.1010, respectively.

(ii) For provisions relating to the exclusion from wages after 1954 of cash remuneration for services not in the course of the employer's trade or business, see paragraph (l) of this section.

(iii) For provisions relating to the exclusion from wages of remuneration paid in any medium other than cash for domestic service in a private home of the employer, see paragraph (i) of this section.

(l) *Cash payments after 1954 for domestic service and service not in the course of the employer's trade or business.* (1) The term "wages" does not include cash remuneration paid by an employer in any calendar quarter after 1954 to an employee for:

(i) Domestic service in a private home of the employer; or

(ii) Service not in the course of the employer's trade or business, unless the cash remuneration paid in such quarter by the employer to the employee for such service is $50 or more.

(2) The test relating to cash remuneration of $50 or more is based on the remuneration paid in a calendar quarter rather than on the remuneration earned during a calendar quarter. It is immaterial whether the remuneration was earned before 1955 or after 1954.

In determining whether $50 or more has been paid either for domestic service in a private home of the employer or for service not in the course of the employer's trade or business, only cash remuneration for such service shall be taken into account. For meaning of the term "cash remuneration," see paragraph (i) of this section. If an employee receives cash remuneration from an employer in a calendar quarter for both types of services the $50 cash-remuneration test is to be applied separately to each type of service. If an employee receives cash remuneration from more than one employer in a calendar quarter for domestic service in a private home of the employer or for service not in the course of the employer's trade or business the $50 cash-remuneration test is to be applied separately to the remuneration received from each employer.

(3) An employer may, for purposes of the Act, elect to compute to the nearest dollar any payment of cash remuneration for domestic service in a private home of the employer which is more or less than a whole-dollar amount. (This also applies with respect to remuneration before 1955). For the purpose of the computation to the nearest dollar, the payment of a fractional part of a dollar shall be disregarded unless it amounts to one-half dollar or more, in which case it shall be increased to $1. For example, any amount actually paid between $4.50 and $5.49, inclusive, may be treated as $5 for purposes of the Act. If an employer elects this method of computation with respect to any payment of cash remuneration made in a calendar quarter for domestic service in his private home, he must use the same method in computing each payment of cash remuneration of more or less than whole-dollar amount made to each of his employees in such calendar quarter for domestic service in his private home. Moreover, if an employer elects this method of computation with respect to payments of the prescribed character made in any calendar quarter, the amount of each payment of cash remuneration so computed to the nearest dollar shall, in lieu of the amount actually paid, be deemed to constitute the amount of cash remuneration for purposes of the regulations in this Part 404. Thus, the amount of cash payments so computed to the nearest dollar shall be used for purposes of determining whether such payment constitute wages, for purposes of applying the employee and employer tax rates to the wage payments, for purposes of any required record keeping, and for purposes of reporting and paying the employee tax and employer tax with respect to such wage payments.

(m) *Payments for agricultural labor.*—(1) *Scope of this section.* For purposes of the regulations in this section, the term "agricultural labor" means only such agricultural labor (see § 404.1008) as constitutes employment or is deemed to constitute employment by reason of the rules relating to included and excluded services contained in section 210(b) of the Act (see § 404.1007).

(2) *Payments other than in cash.* The term "wages" does not include remuneration paid in any medium other than cash for agricultural labor. For meaning of the term "cash remuneration," see paragraph (i) of this section.

(3) *Cash payments.* (i) The term "wages" does not include cash remuneration paid by an employer in the calendar year 1955 or 1956 to an employee for agricultural labor unless the cash remuneration paid in such year by the employer to the employee for such labor is $100 or more.

(ii) The term "wages" does not include cash remuneration paid by an employer in any calendar year after 1956 to an employee for agricultural labor unless the cash remuneration paid in such year by the employer to the employee for such labor is $150 or more, or unless the employee performs agricultural labor for the employer on 20 days or more during such year for cash remuneration computed on a time basis.

Example: On 18 days in 1957 A performs agricultural labor for X for cash remuneration of $8 per day, and X pays A $144 in such year. A performs no further service for X. Neither the $150-cash-remuneration test nor the 20-day test is met. Accordingly, the remuneration paid by X to A is not wages. If in 1957 A had performed agricultural labor for X on 20 days for cash remuneration of $7.20 per day, the $144 paid by X to A would have been wages because the 20-day test would have been met. Or if A had performed the 18 days of agricultural labor for cash remuneration of $8.50 per day and had been paid in full therefor in 1957, his cash remuneration of $153 would have been wages because the $150-cash-remuneration test would have been met.

(4) *Application of cash-remuneration test.* (i) If an employee receives cash remuneration from an employer both for services which constitute agricultural labor and for services which do not constitute agricultural labor, only the amount of such remuneration which is attributable to agricultural labor shall be included in determining whether cash remuneration of $150 or more ($100 or more in 1955 or 1956) has been paid in the calendar year by the employer to the employee for agricultural labor.

Example: Employer X operates a store and also is engaged in farming operations. Employee A, who regularly performs services for X in connection with the operation of the store, works on X's farm when additional help is required for the farm activities. In the calendar year 1957, X pays A $140 in cash computed on a time basis for agricultural labor performed on 19 different days in such year, and $2,260 for services performed in connection with the operation of the store. Since the cash remuneration paid by X to A in the calendar year 1957 for agricultural labor is less than $150, the cash-remuneration test is not met. Since A performed agricultural labor for X on less than 20 days in 1957, the 20-day test set forth in section 209(h)(2) of the Act is not met. The $140 paid by X to A in 1957 for agricultural labor does not constitute wages.

(ii) The test relating to cash remuneration of $150 or more ($100 or more in 1955 or 1956) is based on the cash remuneration paid in a calendar year rather than on the remuneration earned during a calendar year. It is immaterial if such cash remuneration is paid in a calendar year other than the year in which the agricultural labor is performed.

(iii) In determining whether $150 or more ($100 or more in 1955 or 1956) has been paid to an employee for agricultural labor, only cash remuneration for such labor shall be taken into account. If an employee receives cash remuneration in any one calendar year from more than one employer for agricultural labor, the cash-remuneration test is to be applied with respect to the remuneration received by the employee from each employer in such calendar year for such labor.

(5) *Application of 20-day test.* (i) Only agricultural labor for which cash remuneration is computed on a time basis is taken into account in determining whether an employee performs such labor for such remuneration on 20 days or more during a calendar year after 1956. For purposes of the 20-day test, the amount of such remuneration is immaterial, and it is immaterial if, in addition to cash remuneration computed on a time basis, the remuneration for such labor also includes remuneration other than cash or remuneration which is not computed on a time basis. If cash remuneration paid to an employee after 1956 for agricultural labor is computed on a time basis, such cash remuneration does not constitute "wages" unless it is paid in a calendar year in which either the 20-day test or the $150-cash-remuneration test is met.

Example: Employer X employs A to construct fences on a farm owned by X. The work constitutes agricultural labor and is performed on 50 days in November and December 1957. A is not employed by X at any other time. A's remuneration consists of meals and lodging, $5 cash per day, and additional cash measured by the amount of fence constructed. X pays A $140 cash in December 1957 and $160 cash in January 1958, in full payment for the work. Inasmuch as A has performed agricultural labor for X on 50 days in 1957, for remuneration computed on a time basis, the 20-day test is met for 1957 and the $140 cash paid in 1957 is wages. It is immaterial that the $150-cash-remuneration test is not met for 1957. Inasmuch as X has paid A $160 cash remuneration in 1958 for agricultural labor, the $150-cash-remuneration test is met for 1958 and the $160 cash paid in 1958 is wages. It is immaterial that the 20-day test is not met for 1958. If the remuneration paid by X to A in January 1958 had been in an amount less than $150, neither the $150-cash-remuneration test nor the 20-day test would have been met for the calendar year 1958, and the remuneration paid by X to A in such year would not have been wages.

(ii) For the purpose of determining whether an employee performs agricultural labor for an employer on 20 days or more during any calendar year after 1956, for cash remuneration computed on a time basis, there shall be counted as 1 day:

(*a*) Any day or portion thereof on which the employee actually performs such labor for cash remuneration computed on a time basis; and

(*b*) Any day or portion thereof on which the employee does not perform agricultural labor but with respect to which cash remuneration is paid or payable to the employee for such labor, such as a day on which the employee is sick or on vacation.

An employee who on a particular day reports for work and, at the direction of his employer, holds himself in readiness to perform agricultural labor shall be considered to be engaged in the actual performance of such labor on that day. For purposes of the regulations in this section a day is a period of 24 hours commencing at midnight and ending at midnight.

Example: During the period of 20 days beginning April 11, 1957, and ending April 30, 1957, employee A was employed by employer X to perform agricultural labor on X's farm. The agreement provided that A would be furnished room and board at the farm and would be paid cash remuneration of $150 per month. On 1 day during the 20-day period A was sick and unable to work, and on another day X directed A to refrain from work because of weather conditions. At the termination of A's employment X paid A cash remuneration of $100 for the full 20-day period. The 20-day test had been met and the $100 cash remuneration is wages.

(iii) If in any 1 calendar year an employee performs agricultural labor for more than one employer, the 20-day test is to be applied with respect to the agricultural labor performed by the employee in such year for each employer.

(n) *Payments to employees for nonwork periods.* (1) The term "wages" does not include any payment (other than vacation or sick pay) made by an employer to an employee for a period throughout which the employment relationship exists between the employer and the employee, but in which the employee does no work (other than being subject to call for the performance of work) for the employer, if such payment is made after the calendar month in which:

(i) The employee attains age 65, if the employee is a man, or if the employee is a woman to whom the payment is made before November 1956; or

(ii) The employee attains age 62, if the employee is a woman to whom the payment is made after October 1956.

(2) Vacation or sick pay is not within this exclusion from wages. (The term "sick pay" as used in this paragraph, includes "sick leave" payments made after Aug. 27, 1958, by a State, a political subdivision thereof, or an interstate instrumentality, to an employee for a period during which he was absent from work because of illness.) If the employee does any work for the employer in the period for which the payment is made, no remuneration paid by such employer to such employee with respect to such period is within this exclusion from wages.

Example: Mrs. A, an employee of X, attained the age of 62 on September 15, 1956, and discontinued the performance of regular work for X on September 30, 1956. Their employment relationship continued for several years until Mrs. A's death, and X paid Mrs. A $50 per month as consideration for Mrs. A's agreement to work when asked by X. The payment for each month was made on the first day of each succeeding month. After September 30, 1956, the only work performed by Mrs. A for X was performed on one day in October 1956. The payment made by X to Mrs. A on November 1 (for October 1956) is not excluded from wages under this exception, but the payments made thereafter are excluded from wages. The payment on November 1 was not excluded because Mrs. A worked for X on 1 day in October 1956. (Inasmuch as Mrs. A had attained age 62 in September 1956, the November 1 payment would have been excluded if Mrs. A had not performed any work for X in October 1956.)

(o) *Payments to certain home workers.* (1) The term "wages" does not include remuneration paid by an employer in any calendar quarter to an employee for services performed as a home worker who is an employee by application of the provisions in § 404.1003(d)(1)(iii), unless the cash remuneration paid in such quarter by the employer to the employee for such services is $50 or more.

(2) The test relating to cash remuneration of $50 or more is based on remuneration for employment paid in a calendar quarter rather than on remuneration earned during a calendar quarter. If $50 or more of cash remuneration for employment is paid in a particular calendar quarter, it is immaterial whether the $50 is in payment for services performed during the quarter of payment or during any other quarter.

Example 1: A, a home worker, performs services for X, a manufacturer, in 1954 and 1955. In the performance of the homework A is an employee both in 1954 and in 1955. In March 1955, A returns to X articles made by A at home from materials received by A from X in 1954. X pays A cash remuneration of $50 for such work when the finished articles are delivered. The $50 includes $10 which represents remuneration for homework performed by A in 1954. The entire $50 is wages.

Example 2: Assume that the same transactions occur, but that A is not subject in 1954 to licensing requirements under the laws of the State in which the homework is performed. A, therefore, does not perform homework in 1954 as an employee of X by reason of section 210(k)(3)(C) of the Act in effect prior to 1955, and the $10 paid in 1955 for such work is not remuneration for employment. The remaining $40 for the homework performed in 1955 is remuneration for employment, but is excluded from wages by application of the $50 cash remuneration test.

(3) In the event an employee receives remuneration in any one calendar quarter from more than one employer for services performed as a home worker of the character described in subparagraph (1) of this paragraph, the regulations in this paragraph are to be applied with respect to the remuneration received by the employee from each employer in such calendar quarter for such services.

(4) This exclusion from wages has no application to remuneration paid for service performed as a home worker who is an employee under section 210(j)(2) of the Act (see § 404.1003(c)), relating to common-law employees.

(5) If the cash remuneration paid in any calendar quarter by an employer to an employee for services performed as a home worker of the character described in subparagraph (1) of this paragraph is $50 or more, then no remuneration, whether in cash or in any medium other than cash, paid by the employer to the employee in such calendar quarter for such services is excluded from wages under this exception. For meaning of the term "cash remuneration," see paragraph (i) of this section.

(6) For provisions relating to whether a home worker is an employee under section 210(k)(3)(C) of the Act in effect prior to 1955, see § 404.1003(d)(1)(iii).

(p) *Tips.* The term "wages" does not include remuneration received by an employee after December 1965 in the form of tips if:

(1) The tips are paid in any medium other than cash; or

(2) The cash tips received by an employee in any calendar month in the course of his employment by an employer are less than $20. The cash tips to which this section applies include checks and other monetary media of exchange. Tips received by an employee in any medium other than cash, such as passes, tickets, or other goods or commodities do not constitute wages. If an employee in any calendar month performs services for two or more employers and receives tips in the course of his employment by each employer, the $20 test is to be applied separately with respect to the cash tips received by the employee in respect of his services for each employer and not to the total cash tips received by the employee during the month. As to the time tips are deemed paid, see § 404.1026(d). For provisions relating to the treatment of tips received by an employee prior to 1966, see § 404.1027(t)(3).

(q) *Payments to members of the uniformed services.* The term "wages" as applied to remuneration for services by a member of the uniformed services of the United tSates does not include any remuneration for such services other than his basic pay as described in section 102(10) of the Servicemen's and Veterans' Survivor Benefits Act (P.L. 881, 84th Cong., 38 U.S.C. 401(1), 403; 72 Stat. 1126).

(r) *Payments to "volunteers and volunteer leaders" in the Peace Corps.* The term "wages" as applied to remuneration for services as a "volunteer" or "volunteer leader" enrolled under the provisions of the Peace Corps Act (P.L. 87-293, 75 Stat. 612), does not include any amount paid for such service in excess of or in addition to the amounts certified as payable pursuant to section 5(c) or 6(l) of the Peace Corps Act. Amounts certified pursuant to such sections are deemed to have been paid to such individual at the time the service, with respect to which it is paid, is performed. See § 404.1013(h) relating to coverage of such services.

(s) *Moving expenses.* The term "wages" does not include amounts paid to or on behalf of an employee if (and to the extent that) at the time of the payment it is reasonable to believe that a corresponding deduction is allowable under section 217 of the Internal Revenue Code of 1954 (dealing with allowances or reimbursement for moving expenses paid or incurred by the employee).

(t) *Miscellaneous.* In addition to the exclusions specified in paragraphs (a) through (s) of this section, the following types of payments are excluded from wages:

(1) Remuneration for services which do not constitute employment under section 210(a) of the Act;

(2) Remuneration for services which are deemed not to be employment under section 210(b) of the Act;

(3) Tips or gratuities paid, prior to January 1, 1966, directly to an employee by a customer of an employer, and not accounted for by the employee to the employer. For provisions relating to the treatment of tips received by an employee after December 31, 1965, as wages, see §§ 404.1026(d) and 404.1027(p).

(Secs. 205 and 1102, 53 Stat. 1368, as amended, 49 Stat. 647, as amended; sec. 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 405, 1302; sec. 210, 60 Stat. 979, as amended, 42 U.S.C. 410; sec. 209, 49 Stat. 625, as amended, 42 U.S.C. 409)

2. *Effective date.* The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

Dated: July 14, 1967.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: July 24, 1967.

WILBUR J. COHEN,
Acting Secretary of Health, Education, and Welfare.

[F.R. Doc. 67-8842; Filed, July 28, 1967; 8:47 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Naled

A petition (PP 7F0532) was filed with the Food and Drug Administration by Chevron Chemical Co., Ortho Division, 940 Hensley Street, Richmond, Calif. 94801, proposing the establishment of tolerances for residues of the insecticide naled (1,2-dibromo-2,2-dichloroethyl dimethyl phosphate) in or on raw agricultural commodities as follows: 3 parts per million in or on chard, grapefruit, lemons, oranges, spinach, tangerines, and turnip tops; 1 part per million in or on broccoli, brussel sprouts, cabbage, cauliflower, lettuce, and strawberries; and 0.5 part per million in or on beans (succulent and dry forms), cucumbers, eggplants, melons (including cantaloups, honeydew melons, muskmelons, watermelons, and others), peas (succulent and dry forms), peppers, pumpkins, rice, soybeans (succulent and dry forms), summer squash, tomatoes, and winter squash.

Subsequently, the petitioner withdrew the request for tolerances in or on beans, peas, and soybeans. He also modified his request to include the total cholinesterase-inhibiting residue of naled and its conversion product 2,2-dichlorovinyl dimethyl phosphate, expressed as naled.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerances established by this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated by him to the Commissioner (21 CFR 2.120), Part 120 is amended as follows:

1. Section 120.3(e)(5) is amended by alphabetically inserting in the list of pesticides two new items, as follows:

§ 120.3 Tolerances for related pesticide chemicals.

* * * * *

(e) * * *

(5) * * *

2,2-Dichlorovinyl dimethyl phosphate.
Naled (1,2-dibromo-2,2-dichloroethyl dimethyl phosphate).

* * * * *

2. The following new section is added to Subpart C:

§ 120.215 Naled; tolerances for residues.

Tolerances for residues of the insecticide naled (1,2-dibromo-2,2-dichloroethyl dimethyl phosphate) and its conversion product 2,2-dichlorovinyl dimethyl phosphate, expressed as naled, in or on raw agricultural commodities are established as follows:

3 parts per million in or on grapefruit, lemons, oranges, spinach, Swiss chard, tangerines, turnip tops.

1 part per million in or on broccoli, brussel sprouts, cabbage, cauliflower, lettuce, strawberries.

0.5 part per million in or on cucumbers, eggplants, melons, peppers, pumpkins, rice, summer squash, tomatoes, winter squash.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: July 21, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-8839; Filed, July 28, 1967; 8:46 a.m.]

SUBCHAPTER C—DRUGS

PART 148w—CEPHALOSPORIN

Sodium Cephalothin

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120), the antibiotic drug regulation providing for certification of sodium cephalothin is amended to effect improvement in the test procedure by revising § 148w.1(b)(1)(i) (*d*), (*g*), and (*h*) to read as follows:

§ 148w.1 Sodium cephalothin.

* * * * *

(b) * * *

(1) * * *

(i) * * *

(*d*) *Preparation of sample.* Dissolve an accurately weighed sample in sufficient

1 percent potassium phosphate buffer, pH 6.0, to give a stock solution of convenient concentration; and, if it is packaged for dispensing, reconstitute as directed in the labeling, remove an accurately measured representative portion with a suitable syringe fitted with a 22-gauge needle, and appropriately dilute in 1 percent potassium phosphate buffer, pH 6.0 to give a stock solution of convenient concentration. Further dilute the stock solutions with sufficient 1 percent potassium phosphate buffer, pH 6.0, to give a reference concentration of 1.0 microgram of cephalothin per milliliter (estimated).

* * * * *

(*g*) *Standard curve*. Prepare the daily standard curve by further diluting the 1,000 micrograms per milliliter stock solution in 1 percent potassium phosphate buffer, pH 6.0, to obtain concentrations of 0.64, 0.80, 1.00, 1.25, and 1.56 micrograms of cephalothin per milliliter. Use three plates for the determination of each point on the curve, except the 1.0 microgram per milliliter concentration, a total of 12 plates. On each of three plates, fill three cylinders with the 1.0 microgram per milliliter standard and the other three cylinders with the concentration under test. Thus, there will be 36 1.0-microgram determinations and nine determinations for each of the other points on the curve. After incubation, read the diameters of the circles of inhibition in the plates. Average the readings of the 1.0 microgram per milliliter concentration and the readings of the point tested for each set of three plates and average also all 36 readings of the 1.0 microgram per milliliter concentration. The average of the 36 readings of the 1.0 microgram per milliliter concentration is the correction point for the curve. Correct the average value obtained for each point to the figure it would be if the 1.0 microgram per milliliter reading for that set of three plates were the same as the correction point. Thus, if in correcting the 0.8 microgram concentration, the average of the 36 readings of the 1.0-microgram concentration were 20 millimeters, and the average of the 1.0-microgram concentration of this set of three plates were 19.8 millimeters, the correction would be +0.2 millimeter. If the average reading of the 0.8-microgram concentration of these same three plates were 19.0 millimeters, the corrected value would be 19.2 millimeters. Plot these corrected values, including the average of the 1.0 microgram per milliliter concentration, on 2-cycle semilog paper, using the concentration in micrograms per milliliter as the ordinate (the logarithmic scale) and the diameter of the zone of inhibition as the abscissa. Draw the standard curve through these points, either by inspection or by means of the following equations:

$$L=\frac{3a+2b+c-e}{5},$$

$$H=\frac{3e+2d+c-a}{5},$$

where:

L = calculated zone diameter for the lowest concentration of the standard curve;
H = calculated zone diameter for the highest concentration of the standard curve;
c = average zone diameter of 36 readings of the 1.0 microgram per milliliter standard.
a, b, d, e = corrected average values for 0.64, 0.8, 1.25, and 1.56 micrograms per milliliter standard solutions, respectively.

Plot the values obtained for L and H and connect with a straight line.

(*h*) *Assay*. Use three plates for each sample. Fill three cylinders on each plate with the standard 1.0 microgram per milliliter solution and three cylinders with the 1.0 microgram per milliliter (estimated) sample, alternating standard and sample. Incubate all plates, including those containing the standard curve at 32° C.–35° C. overnight, and measure the diameter of each circle of inhibition. To estimate the potency of the sample, average the zone readings of the standard and the zone readings of the sample on the three plates used. If the sample gives a larger zone size than the average of the standard, add the difference between them to the 1.0 microgram per milliliter zone on the standard curve. If the average sample value is lower than the standard value, subtract the difference between them from the 1.0 microgram per milliliter value on the curve, and read the potencies corresponding to these corrected values of zone sizes.

* * * * *

This order, which effects certain technical changes in the subject regulation, is nonrestrictive and presents no points of controversy; therefore, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: July 21, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-8838; Filed, July 28, 1967; 8:46 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 519—EMPLOYMENT OF FULL-TIME STUDENTS AT SPECIAL MINIMUM WAGES

As announced in the document making the present revision of 29 CFR Part 519 (32 F.R. 1088), this action was taken prior to full consideration of the comments received in response to the proposal (32 F.R. 148) so that there would be a valid basis for issuing certificates after February 1, 1967, the effective date of the Fair Labor Standards Amendments of 1966. It was stated at that time that the "comments received responsive to the proposal will be given the further consideration they deserve with a view to prompt action in making any needed amendment to 29 CFR Part 519 as fully as though there had been opportunity to give this measure of consideration prior to adopting the proposal." Such further consideration has indicated a need to, and I do hereby, further revise 29 CFR Part 519, effective immediately to read as follows:

AUTHORITY: The provisions of this Part 519 issued under secs. 11 and 14, 52 Stat. 1068; sec. 11, 75 Stat. 74; secs. 501 and 602, 80 Stat. 843, 844.

§ 519.1 Applicability of the regulations in this part.

(a) *Statutory provisions*. Under section 14 of the Fair Labor Standards Act of 1938, as amended, and the authority and responsibility delegated to him by the Secretary of Labor (15 F.R. 3290), the Administrator of the Wage and Hour and Public Contracts Divisions is authorized and directed, to the extent necessary in order to prevent curtailment of opportunities for employment, to provide by regulation or order for the employment of full-time students regardless of age but in compliance with applicable child labor laws on a part-time basis in retail or service establishments and in agriculture (not to exceed 20 hours in any workweek) or on a part-time or a full-time basis during school vacations, under special certificates issued pursuant to regulations promulgated by him at a wage rate not less than 85 per centum of the minimum wage applicable under section 6 of the Act, except that the proportion of student hours of employment to total hours of employment of all employees in any retail or service establishment may not exceed the proportion established in a detailed formula provided in section 14. Before a certificate of this type is issued, either for employment in a retail or service establishment or for employment in agriculture, the Administrator must find that such employment will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under such certificates.

(b) *Source of limitations*. Some of the limitations expressed in this part are necessary to confine the certificates to those authorized by the formula referred to in paragraph (a) of this section. Special minimum wages on a broader basis than that expressed in §§ 519.4 (e), (f), and (g), and 519.5 (a), (c), (d), (e), and (f) are found to be not necessary to prevent curtailment of opportunities for employment. I cannot find that special minimum wages for employment proscribed by the limitations expressed in §§ 519.4 (e), (f), and (g), and 519.5 (b), (c), (d), and (e) will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed pursuant to certificates issued under this part.

§ 519.2 Definitions.

(a) *Full-time students.* A "full-time student" for the purpose of this part is defined as a student who receives primarily daytime instruction at the physical location of a bona fide educational institution, in accordance with the institution's accepted definition of a full-time student, and who is at least 14 years of age. A full-time student retains that status during Christmas, summer, and other vacations. An individual who was such a student immediately prior to vacation will be presumed not to have discontinued such status during vacation if local law requires his attendance at the end of the vacation. In the absence of such requirement, his status during vacation will be governed by his intention as last communicated to his employer. The term "full-time student" does not include a student learner covered by a certificate issued under Part 520 of this chapter.

(b) *Bona fide educational institution.* A "bona fide educational institution" is ordinarily an accredited institution. However, a school which is not accredited may be considered a "bona fide educational institution" in exceptional circumstances, such as when the school is too recently established to have received accreditation.

(c) *Outside of their school hours.* "Outside of their school hours" refers to periods outside the scheduled hours of instruction of the individual student.

(d) *Retail or service establishment.* "Retail or service establishment" means a retail or service establishment as defined in section 13(a)(2) of the Fair Labor Standards Act. The statutory definition is interpreted in Part 779 of this chapter.

(e) *Agriculture.* "Agriculture" means agriculture as defined in section 3(f) of the Fair Labor Standards Act of 1938. The statutory definition is interpreted in Part 780 of this chapter.

(f) *Base year.* The phrase "base year" shall mean:

(1) Except as provided in subparagraph (2) of this paragraph the base year for a retail or service establishment shall be the 12-month period preceding May 1, 1961.

(2) In the case of a farm or a retail or service establishment whose employees (other than employees engaged in commerce or in the production of goods for commerce) are covered by the Fair Labor Standards Act of 1938 as amended, for the first time on or after February 1, 1967, the base year shall be the 12-month period immediately prior to February 1, 1967.

(3) In the case of a farm coming into existence after February 1, 1966, or a retail or service establishment coming into existence after May 1, 1960, in cases to which subparagraph (1) of this paragraph applies; or February 1, 1966, in cases to which subparagraph (2) of this paragraph applies, or a farm or a retail or service establishment for which records of student hours worked are not available, the base year shall be the 12-month period provided in subparagraph (1) or (2) of this paragraph, whichever is applicable, in (i) similar retail or service establishments of the same employer in the same general metropolitan area in which the establishment is located, (ii) similar retail or service establishments of the same employer in the same or nearby counties if the establishment is not in a metropolitan area, or (iii) other farms or retail or service establishments, as the case may be, of the same general character operating in the community or the nearest comparable community.

(g) *Base period.* (1) The base period shall be the calendar or fiscal month of the base year which corresponds to the month of full-time student certificated employment for which a base period comparison is required. For farms, the month of full-time student certificated employment may vary somewhat from the fiscal or calendar month in the base year, depending on seasonal factors.

§ 519.3 Application for a full-time student certificate.

(a) Whenever the employment of full-time students working outside of school hours in agriculture or in any retail or service establishment at wages lower than the minimum wage applicable under section 6 of the Fair Labor Standards Act of 1938 is believed to be necessary to prevent curtailment of opportunities for employment and employment of them will not create a substantial probability of reducing the full-time employment opportunities of the other workers, an application for a certificate authorizing such employment may be filed by their employer with the appropriate Regional or District Office of the Wage and Hour and Public Contracts Divisions. Such application shall be signed by an authorized representative of the employer.

(b) The application must be filed in duplicate on official forms or exact copies thereof. The forms are available at the offices mentioned in paragraph (a) of this section. The application must contain the information as to the type of products sold or services rendered by the establishment, base year data on occupations, hours of employment, and other information for which request is made on the form.

(c) Separate application must be made for each farm or establishment in which authority to employ full-time students at special minimum wage rates is sought.

(d) Application for renewal of a certificate shall be made on the same type of form as is used for a new application. No certificate in effect shall expire until action on such an application shall have been finally determined, provided that such application has been properly executed, and is received by the office specified in paragraph (a) of this section not less than 15 nor more than 30 days prior to the expiration date. A final determinations means either the initial grant, denial, or withdrawal of such application. A properly executed application is one which fully and accurately contains the information required on the form, and the required certification by an authorized representative of the employer.

§ 519.4 Procedure for action upon an application.

(a) Upon receipt of an application for a certificate, the officer authorized to act upon such application shall issue a certificate if the terms and conditions specified in this part are satisfied. To the extent he deems appropriate, the authorized officer may provide an opportunity to other interested persons to present data, views, or argument on the application prior to granting or denying a certificate.

(b) If a certificate is issued, there shall be published in the FEDERAL REGISTER a general statement of the terms of such certificate together with a notice that, pursuant to § 519.9, for thirty (30) days following such publication any interested person may file a written request for reconsideration or review.

(c) If a certificate is denied, notice of such denial shall be sent to the employer, stating the reason or reasons for the denial. Such denial shall be without prejudice to the filing of any subsequent application.

(d) Neither oppressive child labor as defined in section 3(l) of the Act and regulations issued under the Act nor any other employment in violation of a Federal, State, or local child labor law or ordinance shall come within the terms of any certificate issued under this part.

(e) Full-time students shall not be permitted to work at special minimum wages for more than 8 hours a day, nor for more than 40 hours a week when school is not in session, nor more than 20 hours a week when school is in session, except that when a full-day school holiday occurs on a day when the establishment is open for business, the weekly limitation on the maximum number of hours which may be worked shall be increased by 8 hours for each such holiday but in no event shall the 40-hour limitation be exceeded. Whenever a full-time student is employed for more than 20 hours in any workweek in conformance with this paragraph, the employer shall note in his payroll records that school was not in session during all or part of that workweek.

(f) Full-time students shall be employed at special minimum wages only in occupations of the same general classes as those in which the establishment (or the establishment(s) relied on in accordance with § 519.2(f)(3)) employed full-time student (as defined in

§ 519.2(a)) at wages below $1 per hour in the base year, except as provided in § 519.6(e).

(g) No full-time student shall be hired under a full-time student certificate while abnormal labor conditions, such as a strike or lockout, exist at the establishment or farm.

(h) No provision of any full-time student certificate shall excuse noncompliance with higher standards applicable to full-time students which may be established under the Walsh-Healey Public Contracts Act or any other Federal law, State law, local ordinance, or union or other agreement. Thus, certificates issued under this law have no application to employments governed by the McNamara-O'Hara Service Contract Act.

§ 519.5 Conditions governing issuance of full-time student certificates.

Certificates authorizing the employment of full-time students at special minimum wage rates shall not be issued unless the following conditions are met:

(a) Full-time students are available for employment at special minimum rates; the granting of a certificate is necessary in order to prevent curtailment of opportunities for employment.

(b) The employment of full-time students will not create a substantial probability of reducing the full-time employment opportunities for persons other than those employed under such certificates.

(c) Abnormal labor conditions such as a strike or a lockout do not exist at the farm or establishment for which a full-time certificate is requested.

(d) The base year data given on the application are accurate and based on available records.

(e) The farms or establishments on whose base-year experience the applicant relies meet the requirements of § 519.2(f).

(f) There are no serious outstanding violations of the provisions of a full-time student certificate previously issued to the employer, nor have there been any serious violations of the Fair Labor Standards Act (including Child-Labor Regulation No. 3 and the Hazardous Occupations Orders published in Part 1500 of this title) which provide reasonable grounds to conclude that the terms of a certificate may not be complied with, if issued.

§ 519.6 Terms and conditions of employment under full-time student certificates.

(a) A full-time student certificate will not be issued for a period longer than 1 year, nor will it be issued retroactively. It shall specify its effective and expiration dates. A copy of the certificate shall be posted during its effective period in a conspicuous place or places in the establishment or at the farm readily visible to all employees, for example, adjacent to the time clock or on the bulletin board used for notices to the employees.

(b) Full-time students may not be employed under a certificate at less than 85 percent of the minimum wage applicable under section 6 of the Act. No such certificate shall have effect to any employee to whom a certificate issued under section 14 (a) or (d) of the Act has application.

(c)(1) During any month in which full-time students are to be employed at special minimum wages the percentage derived by the total number of hours worked by full-time students at special minimum wages divided by the total number of hours worked by all employees shall not exceed the same percentage computed for the base period, comparing total hours worked by full-time students at less than $1 per hour with total hours for all employees.

(2) For example, in retail Establishment A, with a base year as defined in § 519.2(f)(1), full-time students employed at less than $1 worked 900 hours in July 1960, and the total hours of employment of all employees in the establishment in that month were 10,000. The percentage of full-time student hours at less than $1 an hour to all hours of employment is therefore 9 percent. In July 1968, if the hours of employment of Establishment A are 12,000, then not more than 9 percent or 1,080 of these hours may be compensated at special minimum wages for full-time students.

(d) An overestimate of total hours of employment of all employees in the establishment for a current month resulting in the employment of the full-time students in excess of the hours authorized in paragraph (c) of this section may be corrected by compensating them for the difference between the special minimum wages actually paid and the applicable minimum under section 6 of the Act for the excess hours. This additional compensation shall be paid on the regular payday next after the end of the period.

(e) Where unusual conditions are demonstrated, a farm or retail or service establishment may be authorized by certificate to exceed the limitations contained in § 519.4(f).

(f) Full-time students shall be employed only outside of their school hours.

§ 519.7 Records to be kept.

(a) The employer shall designate each worker employed as a full-time student under a full-time student certificate at special minimum wages, as provided under Part 516 of this chapter.

(b)(1) In addition to the records required under Part 516 of this chapter and this part, the employer shall keep the records specified in subparagraph (2) and (3) of this paragraph specifically relating to full-time students employed at special minimum wages.

(2) The employer shall obtain at the time of hiring and keep in his records information from the school attended that the employee receives primarily daytime instruction at the physical location of the school in accordance with the school's accepted definition of a full-time student. During a period between attendance at different schools not longer than the usual summer vacation, a certificate from the school next to be attended that the student has been accepted as a full-time student for its next term will satisfy the requirements of this subparagraph.

(3) The employer operating any farm or retail or service establishment shall maintain records of the monthly hours of employment of full-time students at special minimum wages and of the total hours of employment during the month of all employees in the establishment, who, in cases of employment in agriculture, do not come within one of the other exemptions from the minimum wage provisions of the Act. The records shall show the total hours worked in the establishment by all full-time students of the type defined in § 519.2(a) at less than the minimum wage otherwise applicable under the Act, and the total hours of employment of all employees in the establishment, to whom, in cases of employment in agriculture, the minimum wage provision of the Act applies. They shall be based on payroll or other available records such as those used for social security and withholding income taxes.

(c) The records required in this section, including a copy of any full-time student certificate issued, shall be kept for a period of 3 years at the place and made available for inspection, both as provided in Part 516 of this chapter.

§ 519.8 Amendment or replacement of a full-time student certificate.

In the absence of an objection by the employer (which may be resolved in the manner provided in Part 528 of this chapter) the authorized officer upon his own motion may amend the provisions of a certificate when it is necessary by reason of the amendment of these regulations, or may withdraw a certificate and issue a replacement certificate when necessary to correct omissions or apparent defects in the original certificates.

§ 519.9 Reconsideration and review.

(a) Within 15 days after being informed of a denial of an application for a full-time student certificate or within 30 days after Federal Register publication of a statement of the terms of the certificate granted, any person aggrieved by the action of an authorized officer in denying or granting a certificate may: (1) File a written request for reconsideration thereof by the authorized officer who made the decision in the first instance, or (2) file with the Administrator a written request for review.

(b) A request for reconsideration shall be accompanied by a statement of the additional evidence which the applicant believes may materially affect the decision and a showing that there were reasonable grounds for failure to present such evidence in the original proceedings.

(c) Any person aggrieved by the reconsideration determination of an authorized officer may, within 15 days after such determination, file with the Administrator a written request for review.

(d) A request for review shall be granted where reasonable grounds for the review are set forth in the request.

(e) If a request for reconsideration or review is granted, the authorized officer or the Administrator may, to the extent he deems it appropriate, afford other interested persons an opportunity to present data, views, or argument.

§ 519.10 Amendment or revocation of the regulations in this part.

The Administrator may at any time upon his own motion or upon written request of any interested person or persons setting forth reasonable grounds therefor, and after opportunity has been given to interested persons to present data, views, or argument, amend or revoke any of the regulations of this part.

Signed at Washington, D.C., this 25th day of July 1967.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 67-8828; Filed, July 28, 1967; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Ouray National Wildlife Refuge, Utah

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

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

UTAH

OURAY NATIONAL WILDLIFE REFUGE

Public hunting of deer and antelope in accordance with State regulations is permitted on the Ouray National Wildlife Refuge, Utah, for the 1967 archery and rifle seasons except in those areas designated by signs as closed to hunting. This open area, comprising 9,500 acres, is delineated on maps available at refuge headquarters, Vernal, Utah, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Archery deer season is August 26 through September 10, 1967, inclusive. Rifle deer season is October 21 through October 31, 1967, inclusive. Rifle season for antelope is August 19, 20, 21, and 26, 27, 28, 1967.

Hunting shall be in accordance with all applicable State regulations covering the hunting of deer and antelope subject to the following special conditions:

(1) Hunting on Indian lands east of Green River, as posted, requires the possession of a Ute Tribal Permit.

(2) Every deer or antelope killed must be checked out at refuge sub-headquarters before hunters leave the area.

The provisions of this special regulation supplements the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 31, 1967.

H. J. JOHNSON,
Refuge Manager, Ouray National Wildlife Refuge, Vernal, Utah.

JULY 20, 1967.

[F.R. Doc. 67-8822; Filed, July 28, 1967; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter VII—Commission on Civil Rights

PART 704—INFORMATION DISCLOSURE AND COMMUNICATIONS

Effective Date of Material Available; Correction

Section 704.1(h) is corrected to read as follows:

§ 704.1 Material available pursuant to 5 U.S.C. 552.

* * * * *

(h) *Effective date.* The regulations of this § 704.1 are effective July 4, 1967.

Dated: July 24, 1967.

JOHN A. HANNAH,
Chairman,
U.S. Commission on Civil Rights.

[F.R. Doc. 67-8818; Filed, July 28, 1967; 8:45 a.m.]

Chapter VIII—Civil Service Commission

PART 801—VOTING RIGHTS PROGRAM

Appendix A; Mississippi

Appendix A to Part 801 is amended as set out below to show, under the heading "Dates, Times, and Places for Filing," five additional places for filing in Mississippi:

MISSISSIPPI

County; Place for filing; Beginning date.

* * * * *

Amite; (1) Liberty—Walsh Building, Main Street, second floor; April 3, 1967; (2) Gloster—Ivey Building, First Street; July 29, 1967.

Holmes; (1) Lexington—U.S. Post Office; November 8, 1965; (2) Cruger—U.S. Post Office; July 29, 1967.

Newton; (1) Newton—Post Office Building; January 4, 1966; (2) Decatur—building on Fourth Avenue across street from U.S. Post Office; July 29, 1967.

Noxubee; (1) Macon—Post Office Building, Basement, Room 1; April 16, 1966; (2) Brooksville—Jourdan Building, Front Street; July 29, 1967.

Rankin; (1) Brandon—Rankin Building, intersection of U.S. Highway 80 and State Highway 18; April 16, 1966, through August 4, 1966; (2) Brandon—Nettles Drug Store Building, East Government Street; August 5, 1966; (3) Pelahatchie—trailer on lot at Church Service Station, Highway 80 West; July 29, 1967.

(Secs. 7 and 9 of the Voting Rights Act of 1965; P.L. 89-110)

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

[F.R. Doc. 67-8886; Filed, July 28, 1967; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1133]

[Docket No. AO 275-A18]

MILK IN INLAND EMPIRE MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Ridpath Hotel, West 510 Sprague Avenue, Spokane, Wash., beginning at 9:30 a.m., local time, on August 17, 1967, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Inland Empire marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The adoption of this proposal might result in the regulation of plants, heretofore not regulated, which dispose of fluid milk products containing vegetable fats and solids-not-fat derived from milk.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Inland Empire Dairy Association and Spokane Milk Producers Association:

Proposal No. 1. Revise § 1133.17 to include a definition of imitation or filled milk products containing solids-not-fat derived from milk and vegetable fat, including all such products reconstituted or fortified with additional nonfat milk solids.

Proposed by Dairy Division, Consumer and Marketing Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, James A. Burger, North 811 Jefferson, Room 115, Spokane, Wash. 99201, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on July 25, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-8829; Filed, July 28, 1967; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 16222]

STANDARD METHOD FOR CALCULATING RADIATION TO EVALUATE INTERFERENCE, COVERAGE AND OVERLAP OF CONTOURS

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of Part 73 of the Commission rules to specify, in lieu of the existing MEOV concept, a standard method for calculating radiation for use in evaluating interference, coverage and overlap of mutually prohibited contours in the Standard Broadcast Service, Docket No. 16222.

1. The Commission on October 8, 1965 issued a notice of proposed rule making in the above-entitled matter inviting comments on a proposed revision of § 73.150 by January 14, 1966. In subsequent orders the time for filing comments was extended to July 14, 1967, and for replies to August 14, 1967.

2. On July 12, 1967, the Association of Federal Communications Consulting Engineers (Association) filed a petition for extension of time for filing comments in this proceeding for a further period of 6 months from July 15, 1967. The Association was one of the parties which previously requested the extensions granted by the Commission. It now urges the further extension on the grounds that additional time is needed to explore the effect on the allocations situation based upon a study of a new method for calculating radiation values for direction antenna systems on one or more channels.

3. We are of the view that an extension of time in this case is warranted and would serve the public interest. However, in view of the previous lengthy extensions we do not believe that 6-month extension is necessary or justified. It appears that an extension of 2 months should be sufficient to complete the indicated studies. *Accordingly, it is ordered,* That the time for filing comments in this proceeding is extended from July 14, 1967, to September 14, 1967, and the time for filing reply comments is extended from August 14, 1967, to October 16, 1967.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: July 17, 1967.

Released: July 25, 1967.

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

[F.R. Doc. 67-8865; Filed, July 28, 1967; 8:49 a.m.]

Notices

DEPARTMENT OF JUSTICE

[Tax Division Directive No. 10]

CHIEF OF GENERAL LITIGATION SECTION ET AL.

Redelegation of Authority To Compromise, Settle, and Close Claims

By virtue of the authority vested in me by Part 0 of Title 28 of the Code of Federal Regulations, particularly §§ 0.70, 0.160, 0.162, 0.164, 0.166, and 0.171, it is ordered as follows:

SECTION 1. The chiefs of the General Litigation Section, the Appellate Section, the Court of Claims Section, and the Refund Trial Sections shall have authority to reject offers in compromise, regardless of amount, without reference to the Review Section: *Provided*, That such action is unopposed by the agency or agencies involved.

SEC. 2. Subject to the limitations and conditions set forth in section 4 hereof, the Chief of the Review Section shall have authority to—

(A) Accept offers in compromise of claims in behalf of the United States in all cases in which the gross amount of the original claim does not exceed $100,000 and of claims against the United States in all cases in which the amount of the refund does not exceed $50,000;

(B) Approve administrative settlements not exceeding $50,000;

(C) Close (other than by compromise or by entry of judgment) civil claims asserted by the Government in all cases in which the gross amount of the original claim does not exceed $50,000; and

(D) Reject offers in compromise, regardless of amount:

Provided, That the proposed action is unopposed by the agency or agencies involved, or by the chief of the section to which the case is assigned.

SEC. 3. Subject to the limitations and conditions set forth in section 4 hereof, the First Assistant, the Second Assistant and the Assistant for Civil Trials each shall have authority to—

(A) Accept offers in compromise of claims in behalf of the United States in all cases in which the gross amount of the original claim does not exceed $250,000, and of claims against the United States in all cases in which the amount of the refund does not exceed $250,000;

(B) Approve administrative settlements not exceeding $250,000;

(C) Close (other than by compromise or by entry of judgment) civil claims asserted by the Government in all cases in which the gross amount of the original claim does not exceed $250,000; and

(D) Reject offers in compromise, or disapprove administrative settlements or closings, regardless of amount:

Provided, That the limiting amount in (A), (B), and (C) shall be $100,000 if the proposed disposition of the claim is opposed by the agency or agencies involved or if the case is subject to reference to the Joint Committee on Internal Revenue Taxation.

SEC. 4. The authority redelegated herein shall be subject to the following limitations and conditions:

(A) When, for any reason, the compromise or administrative settlement or closing of a particular claim, as a practical matter, will control or adversely influence the disposition of other claims totaling more than the respective amounts designated in sections 2 and 3, the case shall be forwarded for review at the appropriate level.

(B) When the person otherwise authorized herein to take final action is of the opinion that, because of the importance of a question of law or policy presented, the position taken by the agency or agencies or by the U.S. attorney involved or any other considerations, the proposed disposition should be reviewed at a higher level, the case shall be forwarded for such review.

(C) Nothing in this directive shall be construed as altering any provision of Subpart W of Part 0 of Title 28 of the Code of Federal Regulations requiring the submission of certain cases to the Attorney General or the Solicitor General.

(D) Authority to approve recommendations that the Government confess error, or make administrative settlements, in cases on appeal is excepted from the foregoing redelegations.

SEC. 5. Tax Division Directive No. 7 of June 15, 1965, is hereby superseded.

SEC. 6. This directive shall be effective on the date of its publication in the FEDERAL REGISTER.

MITCHELL ROGOVIN,
Assistant Attorney General.

Approved: July 25, 1967.

RAMSEY CLARK,
Attorney General.

[F.R. Doc. 67-8830; Filed, July 28, 1967; 8:46 a.m.]

[Tax Division Directive No. 11]

CRIMINAL TAX CASES

Designation of Functions

The functions and procedures set forth below with respect to criminal tax cases within the cognizance of the Tax Division shall become effective immediately:

1. When the recommendations within the Criminal Section unanimously favor the institution of criminal proceedings as outlined in the Internal Revenue Service's letters of reference, or do not vary substantially therefrom in character or scope, the Chief of that Section is authorized to approve the institution of such proceedings: *Provided*, That the substitution of a misdemeanor count for a felony count, or the elimination of one or more of several principal defendants, or the allowance of a major count to be barred by limitations, or matters of comparable importance, shall be referred to the Assistant Attorney General through the Second Assistant: *Provided further*, That if in the opinion of the Chief of Section a case should receive a higher level of review before criminal proceedings are commenced, the case shall be referred to the Second Assistant.

2. The Second Assistant is authorized to—

(a) Approve recommendations of the Chief of the Criminal Section which favor prosecutions as outlined in the Service's letters of reference, or not varying substantially therefrom in character or scope.

(b) Approve recommendations of the Chief of the Criminal Section that prosecutions which have been authorized in accordance with this directive shall continue notwithstanding recommendations by the respective U.S. attorneys that such prosecutions be declined or dismissed.

(c) Approve memoranda to the Solicitor General relating to appeals of criminal cases when the recommendations of the U.S. attorney, the Service, and the Chiefs of the Appellate and Criminal Sections are not unanimous.

3. The following cases and matters shall be referred to the Assistant Attorney General for decision:

(a) Cases in which either the Second Assistant or the Chief of the Criminal Section, or both, recommend:

(1) That the prosecutions proposed by the Service be declined or varied substantially in character or scope; or

(2) That sealed indictments, informations, or complaints be returned; or

(3) That indictments, informations, or complaints be dismissed.

(b) Cases in which the Service withdraws its recommendations for prosecution.

(c) Cases involving any charge or evidence of improper or irregular conduct on the part of any Government official.

(d) Any case or matter not included in (a) through (e), which, in the opinion of the Second Assistant, should receive the personal attention of the Assistant Attorney General.

4. On referral by the Assistant Attorney General, the First Assistant and the Second Assistant are authorized to take action in their own names on any matters otherwise requiring action by the Assistant Attorney General.

MITCHELL ROGOVIN,
Assistant Attorney General.

Approved: July 25, 1967.

RAMSEY CLARK,
Attorney General.

[F.R. Doc. 67-8831; Filed, July 28, 1967; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Mines

FRANK G. PEPPER ET AL.

Minerals Research; Amendment of Redelegation of Authority Regarding Execution of Contracts; Tiburon

Section 205.11.4 of Bureau of Mines Manual issued June 8, 1967 (32 F.R. 8255), is revised to read as follows:

Section 205.11.4 *Negotiated Contracts.* The authority to enter into negotiated contracts under section 302(c)(3) of the Federal Property Administrative Services Act of 1949, as amended (purchases not in excess of $2,500), is redelegated by the Research Director, Marine Minerals Technology Center to the following named persons. This authority to approve Field Purchase Orders in amounts of $2,500 or less for open market items is to be exercised only when the named employees are on a cruise away from the home port of Tiburon.

Frank G. Pepper, First Officer, MMTC.
Leo J. Leoni, Master, MMTC.
Ralph W. Dale, Jr., Master, MMTC.
Harry L. Troutman, Jr., Chief Engineer, MMTC.

HARRY C. ALLEN, JR.,
Assistant Director, Minerals Research.

[F.R. Doc. 67-8823; Filed, July 28, 1967; 8:45 a.m.]

Fish and Wildlife Service

[Docket No. A-434]

CARROL C. McHENRY

Notice of Loan Application

Carrol C. McHenry, Box 57, Haines, Alaska 99827, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 32-foot fiberglass vessel to engage in the fishery for salmon, halibut, and crab.

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

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

JULY 25, 1967.

[F.R. Doc. 67-8821; Filed, July 28, 1967; 8:45 a.m.]

Office of the Secretary

PROPERTY OF SMITH RIVER RANCHERIA IN CALIFORNIA AND INDIVIDUAL MEMBERS THEREOF

Notice of Termination of Federal Supervision

Notice is hereby given that the Indians named below and the dependent members of their immediate families named below who are not members of any other tribe or band of Indians are no longer entitled to any of the services performed by the United States for Indians because of their status as Indians; that all statutes of the United States which affect Indians because of their status as Indians shall be inapplicable to them, and the laws of the several States shall apply to them in the same manner as they apply to other citizens within their jurisdiction. Title to the land on the Smith River Rancheria has passed from the United States Government under distribution plan dated November 25, 1960, for the above-named rancheria.

SMITH RIVER RANCHERIA

Located in Del Norte County, Calif., and more particularly described as the N½NW¼ NE¼, the NE¼NE¼, and fractional W½ of sec. 17, T. 18 N., R. 1 W., H.B.M., originally contained 178.21 acres. This acreage was decreased to 163.96 acres by rights-of-way for county roads and U.S. Highway 101.

Name	Birthdate	Address
Edward Lopez, Jr.	7-27-1933	Post Office Box 1, Smith River, Calif.
Rosalind Gardner Lopez.	8- 3-1939	Do.
Modesta Aleen Lopez.	6-27-1958	Do.
Denise Annette Lopez.	3-12-1960	Do.
Albert Lopez	6-11-1934	Do.
Debra Kay Lopez	6-29-1957	Do.
Russell William Lopez.	4-12-1960	Do.
Walter Richards, Jr.	3-18-1939	Post Office Box 99, Smith River, Calif.
Ethel Lopez	....	715 Enden Street, Crescent City, Calif.
Barbara Ann Lopez.	10-19-1945	Smith River, Calif.
Mary June Lopez	5-16-1949	Do.
Robert Lopez, Jr.	3-30-1950	Do.
John Douglas Lopez.	8-15-1951	Do.
Luetta Marie Lopez.	4-15-1953	Do.
Lynne Rae Lopez	12- 5-1955	Do.
Peter Edward Lopez.	3-23-1957	Do.
Barbara J. Fullam	8-23-1925	1434 Naranca Street, El Cajon, Calif.
Denyce Annette Fullam.	11- 8-1948	Do.
Linda Gayle Fullam.	3-16-1955	Do.
Ernest Scott	12-24-1911	2619 Maker Avenue, Crescent City, Calif.
Ethel Scott (Divorced).	9-14-1912	Smith River, Calif.

Name	Birthdate	Address
Frank Hostler	8-31 1935	Box 45, Fort Dick, Calif.
Elmer Hostler	6-23-1934	Smith River, Calif.
Walter Richards	8-29-1913	Box 99, Smith River, Calif.
Mattie Richards	6-14-1922	Do.
Barbara Richards	6-28-1942	Do.
Mary Bartow	2-23-1928	Box 49, Smith River, Calif.
Freddie Bartow, Jr.	2-22-1959	Do.
Ben Allen Bartow	4-23-1960	Do.
Paul Winton	5-23-1918	578 Norgard Lane, Ukiah, Calif.
Clifford Winton	3-14-1906	717 Grand Boulevard, Olympia, Wash.
Sylvia Green	9-11-1926	Box 184, Smith River, Calif.
Catherine Hostler	12-21-1919	330 West 14th Street, Eureka, Calif.
LeRoy Elmer Gardner.	8-29-1942	Do.
Marilyn Gardner	3-14-1944	Do.
Rose Marie Gardner.	4-16-1945	Do.
Bertha Stewart	3-10-1900	Route 2, Box 1271-A, Smith River, Calif.
Betty Willburn Myers.	3- 5-1929	1166-B Gilmore Drive, South Key West, Fla.
Jack St. Clare Willburn, Jr.	11-17-1946	Do.
Stewart Willburn	3-15-1948	Do.
Candace Yvonne Willburn.	5-27-1949	Do.
Mark Wayne Willburn.	3-12-1951	Do.
Betty Ann Willburn.	2- 8-1956	Do.
Joseph La Fountain.	6-26-1906	Post Office Box 194, Smith River, Calif.
Ellen La Fountain	4-28-1905	Do.
Leonard James	9-15-1925	Post Office Box 49, Smith River, Calif.
Kenneth Lee James.	7-26-1946	Do.
Leonard James, Jr.	5- 3-1950	Do.
Ronald Leon James.	1-17-1952	Do.
Wilma Linda James.	5-17-1955	Do.
Carl James	1-31-1957	Do.
Raymond Criteser	10-25-1927	Post Office Box 112, Smith River, Calif.
Phyllis Criteser	3-17-1932	Do.
David Martin Criteser.	10- 1-1951	Do.
Rayona Faye Criteser.	10-14-1954	Do.
Dawn Alane Criteser.	8- 5-1956	Do.
Janelle Sue Criteser.	6-27-1958	Do.
Jasper James	12-22-1918	Post Office Box 174, Smith River, Calif.
Amelia Brown	7- 4-1871	Route 2, Box 1271-B, Smith River, Calif.
Harriet Smith	6- 3-1916	Post Office Box 784, Smith River, Calif.
Fred Moorehead	2-18-1911	Post Office Box 679, Smith River, Calif.
Lila Moorehead	7- 9-1923	Do.
Murry Richards	1- 9-1938	Post Office Box 82, Smith River, Calif.
Norene Melton Richards.	11-26-1941	Do.
Edward Richards, III.	6- 1-1927	Do.
Joan Richards	6-30-1928	Do.
Edward Richards, Jr.	3- 6-1900	Do.
Florence Richards	7-27-1943	Do.
Marian Lopez	2- 9-1929	Post Office Box 53, Smith River, Calif.
Deanna Lopez	11-13-1949	Do.
Richard Laird Lopez.	11- 9-1950	Do.
Kerry Lizette Lopez.	10-28-1954	Do.
Laurel Marie Lopez.	5- 8-1956	Do.
Theodore Moorehead.	5-13-1903	Blue Lake, Calif.
Isabel Moorehead	8-17-1909	Do.
Ramona Weatherford.	4-18-1930	Route 1, Box 486, Bayside, Calif.
Rita Ann Weatherford.	7-21-1949	Do.
Gloria Jean Weatherford.	7-24-1950	Do.
Cornelius Moorehead.	7-10-1922	Post Office Box 38, Smith River, Calif.
Elaine Marie Moorehead.	2- 5-1947	Do.
Darrell Larry Moorehead.	1-11-1951	Do.

Name	Birthdate	Address
Bonita Fay Moorehead.	1-11-1952	Post Office Box 38, Smith River, Calif.
Frank Moorehead	2-18-1911	Route 2, Box 1251, Smith River, Calif.
Carmen Kibbe Moorehead (Separated).	11-28-1926	1822 L Street, Sacramento, Calif.
Stella Moorehead	2-29-1944	Post Office Box 679, Smith River, Calif.
Jimmy Moorehead	1- 3-1952	Do.
Samuel M. Stanshaw.	11-11-1935	C/o Joan Richards, Post Office Box 82, Smith River, Calif.
Ernest Richards	4- 8-1918	Route 2, Box 1252, Smith River, Calif.
Lauretta Martin	9-19-1924	Box 719, Smith River, Calif.
Eugene Harvey Martin.	9-18-1946	Do.
John Earl Martin	12-10-1956	Do.
Ray Moorehead	9-20-1927	Post Office Box 38, Smith River, Calif.
Andrew Whipple	12-23-1915	Box 38, Smith River, Calif.
Louise Whipple	4-29-1920	Do.
Andrew Whipple, Jr.	11- 5-1942	Do.
Diane Sue Whipple	4-19-1944	Do.
Allen Richards	4- 9-1934	Post Office Box 749, Fort Dick, Calif.
Darlene Richards	8-19-1931	Do.
Cherry Ann Richards.	5- 1-1954	Do.
Allen Richards, Jr.	10- 4-1955	Do.
Marvin Lyle Richards.	1-23-1957	Do.
Ronald David Richards.	1-27-1959	Do.
Frank Richards	9-21-1925	Box 53, Smith River, Calif.
Leslie Norris Richards.	8-19-1931	Do.
Michael Gary Richards.	2-20-1951	Do.
Denise Lorraine Richards.	4- 3-1957	Do.
William Roberts	8-14-1912	Smith River, Calif.
Charles Whipple	3- 1-1927	Box 61, Smith River, Calif.
Thelma Richards Whipple.	1-31-1925	Do.
Valerie Whipple	2-21-1953	Do.
Gaylene Alice Whipple.	9-24-1954	Do.
Toni Charlene Whipple.	5-13-1956	Do.
Sunnae Marie Whipple.	5-14-1957	Do.
Calvin Whipple	5-17-1958	Do.
Katheleene Whipple	11- 9-1959	Do.

This notice is issued pursuant to the act of August 18, 1958 (72 Stat. 619), amended August 11, 1964 (78 Stat. 390), including the provisions in the 1964 act that this notice affects only Indians who received any part of the assets of the rancheria and the dependent members of their immediate families who are not members of any other tribe or band of Indians; and that all restrictions and tax exemptions applicable to trust or restricted lands or interests therein owned by the Indians who are affected by this notice are terminated.

This notice becomes effective as of the date of publication in the FEDERAL REGISTER.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 25, 1967.

[F.R. Doc. 67-8826; Filed, July 28, 1967; 8:45 a.m.]

[Order No. 2508, Amdt. No. 73]

COMMISSIONER OF INDIAN AFFAIRS

Indian Health Matters; Amendment of Delegation of Authority

The Secretary of the Interior's Order 2508, as amended, and appearing at 14 F.R. 258 is further amended as follows:

1. The heading of section 10, "Health and Welfare Matters" is amended to read: "Social Services Matters" and subsections 10 (a), (b), (c), and (d) thereof are deleted. The authority for the issuance of these subsections was terminated by Public Law 568, 83d Congress (68 Stat. 674).

2. Section 26, Repeal, is deleted from the order.

STEWART L. UDALL,
Secretary of the Interior.

JULY 20, 1967.

[F.R. Doc. 67-8824; Filed, July 28, 1967; 8:45 a.m.]

FORT BELKNAP INDIAN RESERVATION, MONT.

Ordinance Legalizing the Sale of Intoxicants

Pursuant to the Act of August 15, 1953 (Public Law 277, 83d Cong., 1st sess.; 67 Stat. 586), I hereby certify that on May 4, 1967, the following ordinance No. 3-67 relating to the application of the Federal Indian liquor laws on the Fort Belknap Indian Reservation was duly enacted by the Fort Belknap Indian Community Council which has jurisdiction over the area of Indian country included in the ordinance:

Whereas, Public Law 277, 83d Congress, approved August 15, 1953, provides that sections 1154, 1156, 3113, 3488, and 3618 of Title 18, United States Code, commonly referred to as the Federal Indian Liquor Law, shall not apply to any act or transaction within any area of Indian country provided such act or transaction occurs within an ordinance duly adopted by the Tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Indian Interior and published in the FEDERAL REGISTER, and,

Whereas, Ordinance No. 65 of the Fort Belknap Indian Community Council relating to the application of the Federal Indian Liquor laws on the Fort Belknap Reservation permitted the introduction and possession of intoxicating liquor on the Reservation but did not permit the sale of the same, and,

Whereas, Ordinance No. 3-61 enacted September 8, 1961, rescinded Ordinance No. 65 and established certain rules and regulations regarding the sale of packaged beer within the Indian Country under the jurisdiction of the Fort Belknap Indian Community, and

Whereas, it is now felt that these rules and regulations should be modified to permit the sale of intoxicating liquor and packaged beer

Now therefore be it ordained, that this Ordinance shall supersede Ordinance No. 3-61, and,

Be it further ordained, that:

1. Packaged beer may be sold by grocery stores, owned and operated by members of the Fort Belknap Indian Community, or the Community itself, subject to licensing requirements set forth herein.

2. Intoxicating liquor, including but not limited to beer, whiskey, wine, etc., may be sold by outlets owned and operated by members of the Fort Belknap Indian Community, or the Community itself, subject to licensing requirements set forth herein.

3. Any person or outlet shall possess a license issued by the Fort Belknap Indian Community prior to consummating any sale of intoxicating liquor or packaged beer. An annual fee of $25 shall be charged for each license issued.

4. Any person or outlet shall possess a license issued by the State of Montana prior to consummating any sale of intoxicating liquor or packaged beer. All sales shall be made in accordance with the laws of the State of Montana.

5. No more than one Tribal license shall be issued under this ordinance for each of the three districts (Milk River, Hays, and Lodge Pole) of the Fort Belknap Reservation.

Be it further ordained, that this Ordinance shall become effective upon certification of this ordinance by the Secretary of the Interior and its publication in the FEDERAL REGISTER.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 24, 1967.

[F.R. Doc. 67-8825; Filed, July 28, 1967; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18752]

BRANIFF AIRWAYS, INC.

Notice of Proposed Approval

Application of Braniff Airways, Inc., for approval of contingent agreement to purchase an aircraft, Docket 18752.

Notice is hereby given, pursuant to the statutory requirements of section 408(b), that the undersigned intends to issue the attached order under delegated authority. Interested parties are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., July 26, 1967.

[SEAL] A. M. ANDREWS,
Director,
Bureau of Operating Rights.

[Docket 18752]

ORDER APPROVING PURCHASE AGREEMENT

Application of Braniff Airways, Inc. for approval, pursuant to the third proviso of section 408(b) of the Federal Aviation Act of 1958, as amended, of a contingent agreement to purchase an aircraft.

By application filed June 30, 1967, Braniff Airways, Inc. (Braniff), requested approval pursuant to the third proviso of section 408(b) of the Federal Aviation Act of 1958, as amended (the Act), of an agreement whereby under certain circumstances Braniff undertakes to purchase from Compania de Aviacion "Faucett" S.A. (Faucett) one Boeing 727-63 jet aircraft, together with related spare parts. Faucett is a Peruvian foreign air carrier.[1]

The purchase agreement involves an aircraft and spares which Faucett has ordered from the Boeing Co. for a comprehensive price of about $6,500,000. Faucett's cost of such purchase is to be financed by a loan of $1,400,000 from Chase Manhattan Bank (N.A.), and further arrangements between the Export-Import Bank and Faucett for financing the remainder of the cost of the aircraft and parts are contemplated. Under the instant Braniff-Faucett agreement, should Faucett default in any of its obligations to Boeing or the financing institutions Braniff would, upon request of the financing institutions, purchase the aircraft and spares subject to Faucett's delivery of a bill of sale vesting in Braniff good title to the aircraft, the equipment installed therein and the related spares, in each case free and clear of any and all encumbrances thereon. Braniff will be obliged to pay a purchase price computed on the basis of Faucett's cost of the aircraft and spares, less deductions for depreciation over a 12-year useful life with a 10 percent residual value, and reserves for overhaul of engines and airframe at stipulated rates. It is represented that the aircraft is being manufactured in accordance with specifications which would make it compatible with the 24 B-727 aircraft now in operation or on order by Braniff.

Faucett is the principal carrier offering domestic services within Peru. Braniff believes that the availability of jet service by Faucett to interior points will be an important inducement for tourist travel to and from Peru. Braniff has a vital interest in the development of this traffic by reason of its authority to operate between points in the United States and Lima, Peru, and Braniff's present and contemplated plans to construct hotel and other facilities in Lima and other points in Peru served by Faucett.

Braniff contends that the transaction is the result of arm's length bargaining and is in the public interest.

No adverse comments or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the foregoing, we conclude that the purchase transaction is subject to section 408 of the Act in that it may involve the acquisition by an air carrier of a substantial part of the properties of a person engaged in a phase of aeronautics, namely, Faucett. However, it is concluded that the acquisition, should it occur, would not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, would not result in creating a monopoly, and would not tend to restrain competition.[2] Furthermore, no person disclosing a substantial interest is currently requesting a hearing and we conclude that no hearing is required. It appears that approval of the instant agreement would not be inconsistent with the public interest. The agreement may assist Faucett in acquiring jet equipment and thereby improving its services.

Pursuant to authority duly delegated by the Board, in the Board's regulations, 14 CFR 385.13, it is found that the above-described transaction should be approved under section 408(b) of the Act without a hearing.

Accordingly, it is ordered:

1. That the agreement of purchase described above between Braniff and Faucett be and it hereby is approved under section 408 of the Act, and

2. That this action shall not be deemed an approval for rate-making purposes of the financial provisions of the transaction.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HAROLD R. SANDERSON, *Secretary*.

[F.R. Doc. 67-8833; Filed, July 28, 1967; 8:46 a.m.]

[1] Faucett has held a temporary foreign air carrier permit since 1961 to operate between Miami, Fla., and Lima, Peru, via Panama City, Panama. Its permit was extended for a further 5-year period by Order E-24787 Feb. 23, 1967. Faucett, however, has not yet inaugurated service over the route.

[2] Braniff, as a successor in interest to Panagra, owns 17.77 percent of Faucett's outstanding stock. In Docket 16187 the Examiner found that Faucett was substantially owned and effectively controlled by citizens of Peru, and in opinion and Order E-24787, Feb. 23, 1967, the Board adopted the Examiner's findings and conclusions. Braniff indicated that it may contract with Faucett to provide, for a limited period of time, purchasing and shipping services in connection with the subject aircraft. It may be that in view of the existing and contemplated transactions that new section 408 relationships may arise in the future. Of course, if such relationships should develop, Braniff would be required to seek appropriate relief. Further, Braniff alleged that it entered into the agreement without reliance on any representation by Faucett that it either will or will not use the aircraft on its route to the United States.

[Docket Nos. 17750, 18828; Order No. E-25457]

CITY AND COUNTY OF DENVER, COLO. ET AL.

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of July 1967.

Petition of City and County of Denver, Colo. and the Denver Chamber of Commerce, Docket 17750; for new, improved, and additional air service; Denver-Twin Cities Service Investigation, Docket 18828.

On September 26, 1966, the city and county of Denver and the Denver Chamber of Commerce (hereinafter referred to collectively as Denver) filed a petition with the Board requesting an investigation into the need for authorization of "unrestricted direct single-carrier competitive authority" between Denver and Minneapolis/St. Paul, Omaha, Phoenix, and Las Vegas. On April 12, 1967, Denver filed a motion for an expedited hearing on its application with respect to new, improved, and additional service in the Minneapolis/St. Paul, Omaha and Phoenix markets,[1] contending that the traffic generation in these markets in fiscal 1966 increased 23 percent over the previous year and 126 percent since 1959, that unrestricted competitive authority in these markets has never been adjudicated by the Board, and that the volume of traffic warrants consideration of first competitive nonstop authority. In fiscal year 1966, Denver-Minneapolis/St. Paul generated a total of 210 passengers, Denver-Omaha 173 passengers, and Denver-Phoenix 219 passengers a day.

Frontier and North Central have filed answers to Denver's motion for an expedited hearing. Frontier and North Central support the motion insofar as the Denver-Minneapolis/St. Paul market is concerned. According to North Central, this market will generate over 140,000 passengers by 1968 and will be one of the largest markets in the country without the benefit of competitive air service. North Central also contends that an award of nonstop authority in this market would result in an "appreciable subsidy reduction." Frontier points out that improved service in the Denver-Omaha market is in issue in the Service to Omaha case, Docket 18401[2] and that the public interest would not be served by considering nonstop competitive issues at this time in the Denver-Phoenix market because it now provides one- and two-stop servicese with 727 aircraft in this market and there is pending an application for a change of service pattern which, if granted, would authorize Frontier to operate nonstop between Denver and Phoenix.

Upon consideration of the foregoing, the Board has decided to grant Denver's motion for an expedited hearing to the extent that it requests consideration of first competitive nonstop service issues in the Denver-Minneapolis/St. Paul market and institute herein an investigation to be designated as the Denver-Twin Cities Service Investigation. The remainder of the motion will be denied.

Although traffic generation in the Denver-Minneapolis/St. Paul market is large and has grown rapidly, Western is the only carrier authorized to provide nonstop service and the only carrier

[1] Denver did not include the Las Vegas market because improved Denver-Las Vegas service is at issue in the Denver-Grand Junction-Las Vegas Investigation, Docket 17914.

[2] Order E-24977, Apr. 13, 1967.

which provides any single-plane service in the market.[3] For the year ended September 30, 1966, the market generated a total of 78,000 passengers or 214 passengers a day in both directions. Since Western's service is essentially long-haul, it is quite possible that substantial traffic flow, not reflected in the Board's traffic surveys, is moving over the Denver-Minneapolis/St. Paul segment. Because Western's nonstop flights are part of a long-haul service, we deem it important to consider in this investigation whether the local traffic demands in the market are being served adequately and whether additional capacity and competitive authority is required for the convenience and continued development of local traffic.[4]

In evaluating Denver's motion and deciding to grant that portion which requests expedited consideration of air service requirements in the Denver-Minneapolis/St. Paul market, we also take note of North Central's contention that competitive nonstop service in the market can be provided economically with a possibility for significant subsidy reduction and the fact that service requirements in this market have not been examined for a considerable period of time.

We have decided not to hear the Denver-Phoenix market at this time. Although the Denver-Phoenix and Denver-Minneapolis/St. Paul markets are comparable in size, the Denver-Minneapolis/St. Paul market is a monopoly market while Denver-Phoenix is not. In addition to Western's Denver-Phoenix nonstop services, Frontier provides one and two-stop services in the market with 727 aircraft and multistop services with CV-580 aircraft and has attained a 15 percent participation in the market.[5] Under these circumstances the question of improved service in the Denver-Phoenix market is not of such urgent proportions as to warrant an immediate hearing.[6]

In order to assure that the scope of this investigation is limited to the consideration of first competitive nonstop service in the Denver-Minneapolis/St. Paul market, we will impose a pretrial restriction that any new certificate authority awarded herein shall be in the form of a new segment rather than an addition to an existing segment and that any new certificate authority awarded shall be without subsidy eligibility.

[3] Western now offers three nonstop roundtrips in the Denver-Minneapolis/St. Paul market which are throughplane services to the west coast. Western also provides two one-stop roundtrips and one three-stop roundtrip in the market. Eastbound, two of these multistop flights originate in Denver and one originates in Los Angeles; westbound, two of the multistop flights operate beyond Denver to west coast points.

[4] Except for westbound flight 701, we note that Western's nonstop flights arrive at and depart from Denver at midday or later. OAG, June 1967.

[5] Based on 1966 O&D traffic.

[6] Since improved service in the Denver-Omaha market is now in issue in the Service to Omaha Case, Order E-24977, Apr. 13, 1967, questions of improved operating authority in this market will not be heard in this investigation.

The Board will not search its dockets to sever out and consolidate with this investigation those applications or portions of applications which are within the scope of this proceeding. However, favorable consideration will be given to timely-filed motions which seek to consolidate herein applications or portions of applications which are within the clearly defined scope of this case.

Accordingly, it is ordered, That:

1. An investigation designated as the Denver-Twin Cities Service Investigation be and it hereby is instituted in Docket 18828 pursuant to sections 204(a) and 401(g) of the Federal Aviation Act of 1958, as amended, to determine whether the public convenience and necessity require the alteration, amendment or modification of any carrier authorizations so as to authorize competitive nonstop service between Denver and Minneapolis/St. Paul;

2. The motion of Denver to the extent that it seeks expedited consideration of that portion of its application in Docket 17750 related to additional service between Denver and Minneapolis-St. Paul is granted and in all other respects the motion is denied;

3. In the event that any carrier is awarded certificate authority in this proceeding, such new authority will be granted in the form of a separate segment in the carrier's existing certificate and will be without subsidy eligibility;

4. Motions to consolidate, applications, and motions or petitions seeking modification or reconsideration of this order shall be filed no later than 20 days after the service date of this order and answers to such pleadings shall be filed no later than 20 days thereafter;

5. This proceeding shall be set down for hearing before an Examiner of the Board at a time and place hereafter designated; and

6. A copy of this order be served upon the city and county of Denver, Colo.; the Denver Chamber of Commerce; the cities of Minneapolis, St. Paul, Minn.; Omaha, Nebr.; and Phoenix, Ariz.; the Aeronautical Departments and/or Commissions of the States of Colorado, Minnesota, Nebraska, and Arizona; Braniff Airways, Inc., Central Airlines, Inc., Continental Air Lines, Inc., Frontier Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-8834; Filed, July 28, 1967; 8:46 a.m.]

[Docket No. 18229]

LLOYD INTERNATIONAL AIRWAYS, LTD.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on August 14, 1967, at 10 a.m., e.d.s.t., in Room 911, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Hearing Examiner.

For further information concerning the issues involved and other matters in this proceeding, interested persons are referred to the Report of Prehearing Conference, served May 4, 1967, and other documents on file in the above docket in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., July 25, 1967.

[SEAL] LESLIE G. DONAHUE,
Hearing Examiner.

[F.R. Doc. 67-8835; Filed, July 28, 1967; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

HUMBLE OIL & REFINING CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 7B2192) has been filed by Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001, proposing an amendment to § 121.2589 *Mineral oil* to provide for the safe use of an additional grade of mineral oil in lubricants with incidental contact as provided under § 221.2553 *Lubricants with incidental food contact*.

Dated: July 21, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-8840; Filed, July 28, 1967; 8:47 a.m.]

TRIFLURALIN

Notice of Establishment of Temporary Tolerance

Notice is given that at the request of the Elanco Products Co., a division of Eli Lilly and Co., Indianapolis, Ind. 46206, a temporary tolerance of 0.05 part per million is established for residues of the herbicide trifluralin (α,α,α-trifluoro-2,6-dinitro-*N,N*,-dipropyl-*p*-toluidine) in or on sugarcane. The Commissioner of Food and Drugs has determined that this temporary tolerance will protect the public health.

A condition under which this temporary tolerance is established is that the herbicide will be used in accord with the temporary permit issued by the U.S. Department of Agriculture. Distribution will be under the Elanco Products Co. name.

This temporary tolerance expires July 21, 1968.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a (j)) and delegated by him to the Commissioner (21 CFR 2.120).

Dated: July 21, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-8841; Filed, July 28, 1967; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

RAYNOR I. CROSMAN ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below, it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

Name, location of stockyard, and date of posting

MAINE

Raynor I. Crosman, Corinna, May 23, 1967.

MISSISSIPPI

Columbus Stock Yards, Inc., Columbus, June 23, 1967.

NORTH CAROLINA

Carolina Stockyards Co., Fayetteville, June 23, 1967.

TENNESSEE

Wilson Livestock Market, Newport, June 16, 1967.

TEXAS

Palestine Commission Company, Palestine, June 5, 1967.

Done at Washington, D.C., this 25th day of July 1967.

CHARLES G. CLEVELAND,
Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration.

[F.R. Doc. 67-8850; Filed, July 28, 1967; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 17598]

RONNIE J. CAMP

Order Designating Matter for Hearing

In the matter of Ronnie J. Camp, Temple City, Calif., Docket No. 17598, suspension of Amateur Radio Operator License (K6EVR).

The Commission, having under consideration its order, released June 19, 1967, which suspended the General Class Amateur Radio Operator license of Ronnie J. Camp, 9861 East Estrella Avenue, Temple City, Calif., for 6 months and licensee's request for a hearing in the above-entitled matter;

It appearing, that Ronnie J. Camp, in accordance with section 303(m)(2) of the Communications Act of 1934, as amended, filed with the Commission within the time specified therefor an application requesting a hearing on the Commission's above-mentioned suspension order; and

It further appearing, that, under the provisions of section 303(m)(2) of the Communications Act of 1934, as amended, upon the filing of a timely written application for hearing, the Commission's suspension order is held in abeyance until the conclusion of proceedings thereon;

It is ordered, Under authority contained in section 303(m)(2) of the Communications Act, as amended, and § 0.332(f) of the Commission's rules, that the matter of the suspension of the General Class Amateur Radio Operator license of Ronnie J. Camp, is designated for hearing before a Hearing Examiner and at a time and place to be specified by subsequent order, upon the following issues:

1. To determine whether the licensee committed the violation of the Commission's rules as set forth in the Commission's order of suspension;

2. If the licensee committed such violation, to determine whether the facts or circumstances in connection therewith would warrant any change in the Commission's order of suspension; and

It is further ordered, That the Secretary shall send a copy of this order by airmail to Mr. Ronnie J. Camp, 9861 East Estrella Avenue, Temple City, Calif. 91780.

Adopted: July 13, 1967.

Released: July 18, 1967.

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

[F.R. Doc. 67-8851; Filed, July 28, 1967; 8:48 a.m.]

[Docket No. 17598; FCC 67M-1223]

RONNIE J. CAMP

Order Scheduling Hearing

In the matter of Ronnie J. Camp, Temple City, Calif., suspension of Amateur Radio Operator License (K6EVR).

It is ordered, That Jay A. Kyle shall serve as Presiding Officer in the above-entitled proceeding; and that the hearing therein shall be convened in the offices of the Commission, Washington, D.C., on October 9, 1967, at 10 a.m.

Issued: July 20, 1967.

Released: July 24, 1967.

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

[F.R. Doc. 67-8852; Filed, July 28, 1967; 8:48 a.m.]

[Docket Nos. 17570-17573; FCC 67M-1212]

ELIM BIBLE INSTITUTE, INC., ET AL.

Order Scheduling Hearing

In re applications of Elim Bible Institute, Inc., Lima, N.Y., Docket No. 17570, File No. BP-16869; "What The Bible Says, Inc.", Henrietta, N.Y., Docket No. 17571, File No. BP-17001; Oxbow Broadcasting Corp., Geneseo, N.Y., Docket No. 17572, File No. BP-17399; John B. Weeks, Warsaw, N.Y., Docket No. 17573, File No. BP-17400; for construction permits.

It is ordered, That Isadore A. Honig shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on October 30, 1967, at 10 a.m.; and that a prehearing conference shall be held on September 18, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: July 10 1967.

Released: July 24, 1967.

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

[F.R. Doc. 67-8853; Filed, July 28, 1967; 8:48 a.m.]

[Docket No. 10834 etc.; FCC 67M-1229]

FLORIDA-GEORGIA TELEVISION CO., INC., ET AL.

Order Scheduling Hearing

In re applications of: Florida-Georgia Television Co., Inc., Jacksonville, Fla., Docket No. 10834, File No. BPCT-1624; Community First Corp., Jacksonville, Fla., Docket No. 17582, File No. BPCT-3681; The New Horizons Telecasting Co., Inc., Jacksonville, Fla., Docket No. 17583, File No. BPCT-3731; Florida Gateway Television Co., Jacksonville, Fla., Docket No. 17584, File No. BPCT-3732; for construction permit for New Television Broadcast Station (Channel 12).

It is ordered, That Forest L. McClenning shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on October 23, 1967, at 10 a.m.; and that a prehearing conference shall be held on September 8, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: July 10, 1967.

Released: July 25, 1967.

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

[F.R. Doc. 67-8854; Filed, July 28, 1967; 8:48 a.m.]

[Docket Nos. 17594, 17595; FCC 67-828]

GOSPEL BROADCASTING COMPANY OF FORT WAYNE, INC., AND FORT WAYNE BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re application of The Gospel Broadcasting Company of Fort Wayne, Inc., Fort Wayne, Ind. Requests: 101.7 mc, No. 269; 3 kw (horizontal) 3 kw (vertical); 300 feet, Docket No. 17594, File No. BPH-5561; Clarence C. Moore trading as Fort Wayne Broadcasting Co., Fort Wayne, Ind. Requests: 101.7 mc, No. 269; 3 kw; 299 feet, Docket No. 17595, File No. BPH-5672; for construction permits.

1. The Commission has under consideration the above captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. According to its application, Fort Wayne Broadcasting Co. will require $40,000 to construct and operate for 1 year without revenue. To meet this need, Fort Wayne Broadcasting Co. has a $1,000 bank deposit, with the balance to be provided by the applicant directly or from a bank loan. No balance sheet or bank letter of commitment, however, has been submitted. Accordingly, we will specify an issue to determine whether the additional $39,000 is available.

3. The Gospel Broadcasting Company of Fort Wayne, Inc., will not be able to provide a 3.16 mv/m signal to the entire city of Fort Wayne, Ind., as required by § 73.315(a) of the Commission's rules, and it has requested waiver of this provision. Accordingly, we will specify an issue to determine whether under the circumstances described by Gospel waiver of this provision is warranted.

4. Full comparison of the programing proposals is warranted when one applicant proposes predominantly specialized programing and the other general market programing—Ward L. Jones, FCC 67-82 (1967); Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, footnote 9 at 397 (1965). In this case, the Gospel Broadcasting Company of Fort Wayne, Inc., proposes predominantly religious programing and Fort Wayne Broadcasting Co., general market programing. Therefore, the programing proposals of the applicants may be compared under the standard comparative issue.

5. Except as indicated below, the applicants are qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity, as is of the opinion that the applications must be designated for hearing on the issues set forth below.

6. *It is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether Fort Wayne Broadcasting Co. has available to it the additional $39,000 required to construct and operate for 1 year without revenue and thus demonstrate its financial qualifications.

2. To determine whether circumstances exist which would warrant waiver of § 73.315(a) of the Commission's rules.

3. To determine which of the proposals would better serve the public interest.

4. To determine in the light of the evidence adduced pursuant to the foregoing issues, which if either of the applications for construction permit should be granted.

7. *It is further ordered,* That to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

8. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 12, 1967.

Released: July 25, 1967.

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

[F.R. Doc. 67-8855; Filed, July 28, 1967; 8:48 a.m.]

[Docket Nos. 17538-17540; FCC 67M-1241]

LAUREL CABLEVISION CO. ET AL.

Order Scheduling Hearing

In re petitions by Laurel Cablevision Co., Somerset, Pa., Docket No. 17538, File No. CATV 100-24; Punxsutawney TV Cable Co., Inc., Punxsutawney, Pa., Docket No. 17539, File No. CATV 100-155; for authority pursuant to § 74.1107 of the rules to operate CATV systems in the Johnstown-Altoona Television Market, and in re application of New York-Penn Microwave Corp., Brockport, Pa., Docket No. 17540, File No. 7793-C1-P-66; for construction permit for new point-to-point microwave radio station.

It is ordered, That Isadore A. Honig shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on September 14, 1967, at 10 a.m.; and that a prehearing conference shall be held on August 2, 1967, commencing at 9 a.m.: *And, it is further ordered,* That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: July 20, 1967.

Released: July 25, 1967.

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

[F.R. Doc. 67-8856; Filed, July 28, 1967; 8:48 a.m.]

[Docket Nos. 17589, 17590; FCC 67-826]

PIEDMONT BROADCASTING CORP. AND BARON BROADCASTING CORP.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Piedmont Broadcasting Corp., Danville, Va., Requests: 103.3 mc, No. 277; 100 kw; 655 feet, Docket No. 17589, File No. BPH-5741; Baron Broadcasting Corp., Danville, Va., Requests: 103.3 mc, No. 277; 100 kw, 578 feet, Docket No. 17590, File No. BPH-5827; for construction permits.

1. The Commission has under consideration the above-captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. According to the information in its application, Baron Broadcasting Corp. will require approximately $66,561 to construct and operate for 1 year without revenue. Since Baron Broadcasting Corp. has only shown the availability of $50,000 (from a bank loan) an issue will be specified to determine whether the additional $16,561 it requires is available.

3. Consideration of the programing proposals is required because of the substantial and material difference between the proposals in the amount of AM programing to be duplicated. Piedmont Broadcasting Corp. proposes 37 percent duplication of AM programing while Baron Broadcasting Corp. proposes independent programing. Therefore, evidence regarding program duplication will be admissible under the standard comparative issue. The showing permitted under the standard comparative issue when duplicated programing is proposed will be limited to evidence concerning the benefits to be derived from the proposed

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[1] Commissioners Bartley, Cox, and Loevinger absent.

duplication, and a full comparison of the applicants' program proposals will not be permitted in the absence of a specific programing inquiry—Jones T. Sudbury ______ FCC 2d ______, FCC 67-614 (1967).

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether Baron Broadcasting Corp. has available to it the additional $16,561 required to construct and operate for 1 year without revenue and thus demonstrate its financial qualifications.

2. To determine, if issue number one is resolved in Baron Broadcasting Corp.'s favor, which of the proposals would better serve the public interest.

3. To determine in the light of the evidence adduced pursuant to the foregoing issue, which of the applications for construction permit should be granted.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 12, 1967.

Released: July 25, 1967.

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

[F.R. Doc. 67-8857; Filed, July 28, 1967; 8:48 a.m.]

[1] Commissioners Bartley, Cox, and Loevinger absent.

[Docket Nos. 17589, 17590; FCC 67M-1255]

PIEDMONT BROADCASTING CORP. AND BARON BROADCASTING CORP.

Order Scheduling Hearing

In re applications of Piedmont Broadcasting Corp., Danville, Va., Docket No. 17589, File No. BPH-5741; Baron Broadcasting Corp., Danville, Va., Docket No. 17590, File No. BPH-5827; for construction permits.

It is ordered, That Thomas H. Donahue shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on November 16, 1967, at 10 a.m.; and that a prehearing conference shall be held on September 15, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: July 20, 1967.

Released: July 26, 1967.

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

[F.R. Doc. 67-8858; Filed, July 28, 1967; 8:48 a.m.]

[Docket Nos. 17591-17593; FCC 67-827]

QUEST FOR LIFE, INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Quest For Life, Inc., Rockford, Ill., Requests: 104.9 mc, No. 285; 3 kw; 300 feet, Docket No. 17591, File No. BPH-5601; Greater Rockford Sound, Inc., Rockford, Ill., Requests: 104.9 mc, No. 285; 3 kw; 149 feet, Docket No. 17592, File No. BPH-5647; Belvidere Broadcasting Co., Inc., Belvidere, Ill., Requests: 104.9 mc, No. 285; 3 kw (horizontal) 2.01 kw (vertical); 300 feet, Docket No. 17593, File No. BPH-5755; for construction permits.

1. The Commission has under consideration the above captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. The respective proposals are for two different communities. Consequently, it will be necessary to determine pursuant to section 307(b) of the Communications Act of 1934, as amended, whether the proposals for Rockford or the proposal for Belvidere would better provide a fair, efficient, and equitable distribution of radio service.

3. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently the areas and populations within the 1 mv/m contour together with the availability of other FM services of 1 mv/m or greater intensity in such areas will be considered under the 307(b) issue, and if necessary, under the contingent comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

4. Full comparison of the applicants' programing proposals is warranted when one applicant proposes predominantly specialized programing and the others, general market programing—Ward L. Jones, FCC 67-82 (1967); Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, footnote 9 at 397 (1965). In this case, Quest for Life, Inc., proposes extensive amounts of religious programing and Greater Rockford Sound, Inc., and Belvidere Broadcasting Co., Inc., both propose general market programing. Therefore, the specialized Quest for Life programing proposal may be compared under the contingent comparative issue with the general format proposals of the other applicants.

5. Since no determination has yet been reached on whether the antenna proposed by Belvidere Broadcasting Co., Inc., would constitute a menace to air navigation, an issue regarding this matter is required.

6. Quest for Life, Inc., has requested waiver of § 73.210(a)(2) of the Commission's rules to permit the main studio to be located outside the city limits of Rockford, Ill., at a point other than the transmitter site. The proposed main studio location in North Park, a nearby Rockford suburb, which would be on a major artery, would be convenient to Rockford residents. Under these circumstances, we believe that adequate justification has been provided for waiver if these applications are granted.

7. Except as indicated below, the applicants are qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, as is of the opinion that the applications must be designated for hearing on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether there is a reasonable possibility that the tower height and location proposed by Belvidere Broadcasting Co., Inc., would constitute a menace to air navigation.

2. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of radio service.

3. To determine, in the event it is concluded that a choice between applications should not be based solely on considerations relating to section 307(b), which of the proposals would best serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the applications should be granted.

It is further ordered, That the Federal Aviation Administration is made a party to the proceeding.

It is further ordered, That if the Quest for Life, Inc., application is granted, the permit shall contain the following condition:

> Section 73.210(a)(2) of the Commission's rules is waived to permit the establishment of the main studio outside the city limits of Rockford, Ill., at 8200 North Second Street, North Park, Ill.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants (and party respondent herein), pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.494(g) of the rules.

Adopted: July 12, 1967.

Released: July 25, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary*.

[F.R. Doc. 67-8859; Filed, July 28, 1967; 8:48 a.m.]

[Docket Nos. 17591-17593; FCC 67M-1256]

QUEST FOR LIFE, INC., ET AL.

Order Scheduling Hearing

In re applications of Quest for Life, Inc., Rockford, Ill., Docket No. 17591, File No. BPH-5601; Greater Rockford Sound, Inc., Rockford, Ill., Docket No. 17592, File No. BPH-5647; Belvidere Broadcasting Co., Inc., Belvidere, Ill., Docket No. 17593, File No. BPH-5755; for construction permits.

It is ordered, That Herbert Sharfman shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on October 24, 1967, at 10 a.m.; and that a prehearing conference shall be held on September 5, 1967, commencing at 9 a.m.: *And it is further ordered*, That all proceedings shall take place in the Office of the Commission, Washington, D.C.

Issued: July 20, 1967.

Released: July 26, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary*.

[F.R. Doc. 67-8860; Filed, July 28, 1967; 8:48 a.m.]

[Docket No. 17587; FCC 67-824]

E. O. SMITH (KRDS)

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of E. O. Smith (KRDS), Tolleson, Ariz., Has: 1190 kc, 250 w, DA-1, U, Requests: 1190 kc, 250 w, 10 kw-LS, DA-2, U, Class II, Docket No. 17587, File No. BP-17053; for construction permit.

1. The Commission has before it for consideration (a) the above application; (b) a petition to deny by Golden West Broadcasters, Inc., licensee of Station KEX, Portland, Oreg.; (c) a petition to deny, as supplemented, by Radio K-HAT, Inc., licensee of Station KHAT, Phoenix, Ariz.; and (d) pleadings in opposition and reply thereto.

2. KEX alleges that KRDS cannot avoid emitting excessive daytime skywave radiation in the direction of KEX's 0.1 mv/m contour, in contravention of § 73.187 of the Commission's rules. In opposition, KRDS denies that its proposal exceeds the maximum permissible radiation. Subsequently, on March 23, 1967, the two parties entered into an agreement pursuant to which KEX would dismiss its petition in return for KRDS agreeing to accept a condition limiting its radiation on an azimuth of 326° to a maximum inverse field of 800 mv/m.

3. The solution contemplated by KEX and KRDS appears to be reasonable under the circumstances. Accordingly, the condition agreed upon by the parties will be imposed if the application is granted and the KEX petition will be dismissed.

4. KHAT bases its claim of standing on the grounds that, since KRDS competes with it within the Phoenix, Ariz. market for listening audience and revenue, a grant of the above application would result in economic injury to its operation. The Commission finds that KHAT has standing as a "party in interest" within the meaning of section 309(d)(1) of the Communications Act of 1934, as amended, and § 1.580(i) of the Commission's rules. FCC v. Sanders Bros. Radio Station, 309 U.S. 470, 9 RR 2008 (1940).

5. In its petition, KHAT urges denial of the above application and alleges that the KRDS proposal comes within the purview of the Commission's 307(b) suburban communities policy[1] and should thus be considered as proposing realistically to serve Phoenix.

6. In opposition, E. O. Smith filed an amendment to his application, wherein he stated, in substance, that the application was filed for the purpose of increasing the service available to Tolleson; that Tolleson was a separate and distinct community with its own political and business activities; and that the programing of KRDS met the needs of Tolleson. In support of the last allegation, the applicant included letters from a number of organizations praising KRDS for its public service efforts.

7. The Commission finds that the application must be designated for hearing with 307(b) suburban communities issues specified. Tolleson has a population, according to the 1960 Census, of 3,886 and is located approximately 5 miles west of Phoenix, population 439,170. The existing 5 mv/m contour of KRDS penetrates approximately one-half of Phoenix. The proposed operation would result in the 5 mv/m contour encompassing virtually the entire city limits of Phoenix, thus raising a presumption under the Policy Statement that the applicant is realistically proposing to serve that city rather than Tolleson. We have examined the materials submitted by E. O. Smith and find that he has failed to overcome this presumption. In the main, his statement consists of unsupported, self-serving, and conclusional statements which do not directly tend to rebut the presumption. For instance, no attempt was made to show that the applicant, in designing the proposal, sought to avoid increasing the 5 mv/m coverage of Phoenix. Nor was any attempt made to show that ten kilowatts of power is necessary to provide adequate service to Tolleson and its immediate environs.

8. Except as indicated by the issues specified below, the applicant is qualified to construct and operate as proposed. However, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KRDS and the availability of other primary service to such areas and populations.

2. To determine whether the proposal of KRDS will realistically provide a local transmission facility for its specified station location or for another larger community, in light of all the relevant evidence, including, but not necessarily limited to, the showing with respect to:

(a) The extent to which the specified station location has been ascertained by the applicant to have separate and distinct programing needs;

(b) The extent to which the needs of the specified station location are being met by existing standard broadcast stations;

(c) The extent to which the applicant's program proposal will meet the specific unsatisfied programing needs of its specified station location; and

(d) The extent to which the projected sources of the applicant's advertising revenues within its specified station location are adequate to support its proposal, as compared with its projected sources from all other areas.

3. To determine, in the event that it is concluded pursuant to the foregoing issue (2) that the proposal will not realistically provide a local transmission service for its specified station location, whether such proposal meets all of the technical provisions of the rules for standard

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[1] Commissioners Bartley, Cox, and Loevinger absent.

[1] Policy Statement on section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities, 2 FCC 2d 190, 6 RR 2d 1901.

broadcast stations assigned to the most populous community for which it is determined that the proposal will realistically provide a local transmission service, namely, Phoenix, Ariz.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience, and necessity.

It is further ordered, That, Radio K-HAT, Inc., licensee of Station KHAT, Phoenix, Ariz., is made a party to the proceeding.

It is further ordered, That the petition to deny by Radio K-HAT, Inc., is granted to the extent indicated above and is denied in all other respects.

It is further ordered, That the petition to deny by Golden West Broadcasting, Inc., licensee of Station KEX, Portland, Oreg., is dismissed.

It is further ordered, That in the event of a grant of the above application, the construction permit shall contain the following conditions:

Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

Before program tests are authorized, permittee shall submit field intensity measurement data made in accordance with § 73.186 of the rules to establish that the inverse distance field at 1 mile does not exceed 800 mv/m along an azimuth of 326° true.

Permittee shall submit new common point impedance measurements and sufficient field intensity measurement data to clearly show that adjustment of the daytime array has not adversely affected the nighttime directional radiation pattern.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant, and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 12, 1967.

Released: July 20, 1967.

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

[F.R. Doc. 67-8861; Filed, July 28, 1967; 8:49 a.m.]

[1] Commissioners Bartley, Cox, and Loevinger absent.

[Docket No. 17587; FCC 67M-1224]

E. O. SMITH (KRDS)

Order Scheduling Hearing

In re application of E. O. Smith (KRDS), Tolleson, Ariz., Docket No. 17587, File No. BP-17053; for construction permit.

It is ordered, That Chester F. Naumowicz, Jr., shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on October 26, 1967, at 10 a.m.; and that a prehearing conference shall be held on September 1, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: July 20, 1967.

Released: July 24, 1967.

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

[F.R. Doc. 67-8862; Filed, July 28, 1967; 8:49 a.m.]

[Docket No. 17560; FCC 67M-1260]

V.W.B., INC.

Order Continuing Hearing

In re application of V.W.B., Inc., Bridgeton, N.C., Docket No. 17560, File No. BP-16766, for Construction Permit.

As a result of agreements reached on the record of a prehearing conference held in the above matter on July 20, 1967:

It is ordered, That a further prehearing conference will be held commencing at 9:30 a.m., September 15, 1967, in the Commission's offices in Washington, D.C., and

It is further ordered, That the hearing now set for September 15, 1967, is continued to a date to be determined at the said prehearing conference.

Issued: July 24, 1967.

Released: July 26, 1967.

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

[F.R. Doc. 67-8863; Filed, July 28, 1967; 8:49 a.m.]

[Docket No. 17604; FCC 67M-1253]

WILLMAR VIDEO, INC.

Order Scheduling Hearing

In re Cease and Desist Order to be directed against the following CATV operator: Willmar Video, Inc., Operator of a Community Antenna Television System at Willmar, Minn., Docket No. 17604.

It is ordered, That David I. Kraushaar shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on August 29, 1967, at 10 a.m.; and that a prehearing conference shall be held on August 7, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.[1]

Issued: July 26, 1967.

Released: July 26, 1967.

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

[F.R. Doc. 67-8864; Filed, July 28, 1967; 8:49 a.m.]

DEPARTMENT OF STATE

[Public Notice 273]

PORTAL PIPELINE CO.

Notice of Application for Presidential Permit

The Department of State has received an application dated July 7, 1967, from the Portal Pipeline Co., a Delaware corporation having its main office in St. Paul, Minn., to construct, connect, operate, and maintain a pipeline system for crude oil and other hydrocarbons from Burke County, N. Dak., to the international boundary line between the United States and Canada, and to connect such facilities with like facilities in the Province of Saskatchewan, Canada.

Notice is hereby given that copies of this application are available to the public and that written comments thereon will be received by the Department of State for 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: July 21, 1967.

For the Secretary of State.

[SEAL] MURRAY J. BELMAN,
Deputy Legal Adviser.

[F.R. Doc. 67-8832; Filed, July 28, 1967; 8:46 a.m.]

FEDERAL POWER COMMISSION

LICENSES ISSUED PURSUANT TO THE FEDERAL POWER ACT

Notice of Expiration

JULY 25, 1967.

So that the Congress may have an adequate opportunity to decide whether upon the expiration of the licenses for the following-designated projects, the United States will recapture the projects under section 14 of the Federal Power Act and that the licensees for the projects and others may have adequate notice and opportunity to file timely applications for new licenses, public notice is hereby given pursuant to § 2.6 of the Commission's rules (18 CFR 2.6) that the licenses issued for the designated and described projects on the list below will expire on the dates specified.

GORDON M. GRANT,
Secretary.

[1] All concerned are reminded of the Commission's directive that this proceeding shall be expedited.

LICENSES FOR PROJECTS WHICH WILL EXPIRE BETWEEN JULY 1, 1967, AND JUNE 30, 1973, WHICH ARE SUBJECT TO RECAPTURE [1]

License expiration date	License	Project No.	State	County or town	Stream	Installation (kilowatts)	Facilities under license	Period of license (years)
Sept. 29, 1967	Mrs. O. B. Day	1946	Alaska	Valdez	Allison Creek	200	Diversion dam, penstock, powerhouse, transmission line.	20
May 17, 1968	Edible Herring Products, Inc.	1998	do	On Baranof Is	Big Port Walter Falls Creek.	300	Diversion dam, wood stave pipe, powerhouse.	20
Aug. 31, 1968	The Empire District Electric Co.	2221	Missouri	Taney	White River	16,000	Dam and integral powerhouse.	10
Sept. 30, 1968	Calvert Corp	[2] 1880	Alaska		Hanley Creek	280	Diversion dam, flume, penstock, powerhouse, transmission line.	25
Dec. 31, 1968	Pacific Gas & Electric Co.	619	California	Plumas	Bucks Creek	66,000	4 reservoirs, pipeline, tunnels, penstock, powerhouse.	44¾
Do	Utah Power & Light Co.	1740	Wyoming	Lincoln	Pine Creek	350	Diversion dam, conduit, powerhouse, transmission line.	25
Do	Jardine Mining Co	1878	Montana	Park	Bear Creek	880	Diversion dam, ditch, pipeline, powerhouse, transmission line.	25
Dec. 31, 1969	Margaret P. Dawson	1890	California	Mono	Milner Creek	250	Diversion dam, pipeline, powerhouse, transmission line.	25
Do	Intercoastal Packing Co.	2026	Alaska	On Kodiak Is	Crater and Ash Creeks.	150	2 diversion dams, ditch, flumes, pipeline, powerhouse.	25
Do	The Montana Power Co.	2301	Montana	Stillwater	West Rosebud Creek.	10,000	Storage dam, tunnel, pipeline, penstock, powerhouse, transmission line.	7¾
Apr. 12, 1970	The Western Colorado Power Co.	733	Colorado	Ouray	Uncompahgre River.	432	Storage dam, conduit, penstock, powerhouse.	10
June 15, 1970	Southern California Edison Co.	372	California	Tulare	Tule River	2,000	2 diversion dams, conduits, regulating reservoir, penstock, powerhouse, transmission line.	28½
June 30, 1970	The Western Colorado Power Co.	400	Colorado	La Plata, San Juan, San Miguel, Ouray.	Animas and South Fork, San Miguel Rivers.	11,600	4 dams, 3 reservoirs, 3 conduits, 2 powerhouses, 5 transmission lines.	35
Do	Utah Power & Light Co.	472	Idaho	Franklin	Bear River	30,000	Storage dam, steel pipe, penstocks, powerhouse, transmission line.	43 1/12
Do	do	486	Utah	Cache	Logan River	2,000	Diversion dam, wooden flume, 2 penstocks, powerhouse, transmission line.	43 1/12
Do	Idaho Power Co	503	Idaho	Ada and Owyhee	Snake River	10,300	Storage dam and powerhouse.	42½
Do	Utah Power & Light Co.	597	Utah	Salt Lake	Big Cottonwood Creek.	1,000	Diversion dam, channel, steel pipe, powerhouse, transmission line.	43 1/12
Do	do	665	do	Utah	Santaquin or Summit Creek.	880	Diversion dam, conduit, steel pipe, powerhouse, transmission line.	43 1/12
Do	do	696	do	do	American Fork Creek.	950	Diversion dam, conduit, penstock, powerhouse, transmission line.	43 1/12
Do	do	703	Idaho	Bear Lake	Paris Creek	650	Diversion dam, canal, forebay, penstock, powerhouse, transmission line.	43 1/12
Do	do	713	Utah	Salt Lake	Mill Creek	300	Diversion dam, conduit, penstock, powerhouse, transmission line.	43 1/12
Do	do	1744	do	David, Morgan, Weber.	Weber River	2,500	Dam, conduit, powerhouse, 2 transmission lines.	22½
Do	Wisconsin Michigan Power Co.	1759	Wisconsin	Iron	Michigamme and Menominee Rivers.	22,500	3 dams, 3 reservoirs, tunnel, conduits, 3 powerhouses, 2 transmission lines.	32½
Do	New England Power Co.	1855	Vermont, New Hampshire.	Windham, Windsor, Vt.; Cheshire, Sullivan, N.H.	Connecticut River	40,800	Dam, canal, powerhouse, 4 transmission lines.	32½
Do	Pennsylvania Power & Light Co.	1881	Pennsylvania	York and Lancaster.	Susquehanna River.	109,800	Dam and integral powerhouse.	32½
Do	Metropolitan Edison Co.	1888	do	Dauphin, Lancaster, York.	do	19,600	2 dams, headrace, powerhouse.	32½
Do	Western Massachusetts Electric Co.	1889	Vermont, Massachusetts, New Hampshire.	Windham, Vt.; Franklin, Mass.; Cheshire, N.H.	Connecticut River	55,800	2 dams, canals, 2 powerhouses, transmission line.	32½
Do	New England Power Co.	1892	Vermont, New Hampshire.	Orange, Windsor, Vt.; Cheshire, Grafton, Sullivan, N.H.	do	32,400	Dam, integral powerhouse, 4 transmission lines.	32½
Do	Public Service Co. of New Hampshire.	1893	New Hampshire	Hillsboro, Merrimack.	Merrimack River	16,000	Dam, powerhouse, transmission line.	32½
Do	South Carolina Electric & Gas Co.	1894	South Carolina	Fairfield	Broad River	14,900	Dam and integral powerhouse.	32½
Do	do	1895	do	Richland	do	10,600	Dam, canal, powerhouse	32½
Do	Pennsylvania Electric Co.	1899	Pennsylvania	Susquehanna	North Branch Susquehanna.	600	Dam and integral powerhouse.	32½
Do	New England Power Co.	1904	Massachusetts, Vermont, New Hampshire.	Franklin, Worcester, Mass.; Windham, Vt.; Cheshire, N.H.	Connecticut River	24,400	Dam, integral powerhouse, 2 transmission lines.	32½
Do	Public Service Co. of New Hampshire.	1913	New Hampshire	Merrimack	Merrimack River	1,600	Dam and powerhouse	32½
Do	Wisconsin Public Service Corp.	1957	Wisconsin	Vilas	Wisconsin River	750	Dam and integral powerhouse.	32½
Do	Whiting Plover Paper Co.	[2] 1967	do	Portage	do	600	2 dams and part of factory building.	32½

See footnotes at end of table.

LICENSES FOR PROJECTS WHICH WILL EXPIRE BETWEEN JULY 1, 1967, AND JUNE 30, 1973, WHICH ARE SUBJECT TO RECAPTURE [1]—Continued

License expiration date	License	Project No.	State	County or town	Stream	Installation (kilowatts)	Facilities under license	Period of license (years)
June 30, 1970	Wisconsin Public Service Corp.	1968	Wisconsin	Oneida	Wisconsin River	1,440	Dam and 2 integral powerhouses.	32 11/12
Do	do	1989	do	Lincoln	do	840	Dam, headrace, powerhouse.	32 11/12
Do	do	1999	do	Marathon	do	5,400	Dam, integral powerhouse, guard locks, 2 transmission lines.	32 11/12
Do	International Paper Co.	2095	Pennsylvania	York	Susquehanna River.	2,500	Headrace, powerhouse, parts of 2 factory buildings.	32 11/12
Do	Consolidated Water Power Co.	2110	Wisconsin	Portage	Wisconsin River	3,800	Dam, integral powerhouse, transmission line.	32 11/12
Do	St. Regis Paper Co.	2161	do	Oneida	do	2,120	Dam, canal, powerhouse	32 11/12
Do	Consolidated Water Power Co.	[2] 2192	do	Wood and Portage	do	3,300	Dam, integral powerhouse, integral grinder building.	32 11/12
Mar. 2, 1971	Henry Ford & Son, Inc.	13	New York	Albany, Saratoga, Rensselaer.	Hudson River	3,280	Powerhouse	50
Do	Southern California Edison Co.	67	California	Fresno	Tributaries of San Joaquin River.	138,500	2 storage reservoirs, diversion dams, conduits, 2 powerhouses, transmission lines.	50
Mar. 3, 1971	do	120	do	Fresno, Kern, Madera, Los Angeles, Tulare.	San Joaquin River	110,000	Diversion dam, tunnel, penstock, powerhouse, transmission lines.	48 5/6
June 26, 1971	Alabama Power Co.	82	Alabama	Coosa and Chilton	Coosa River	72,500	Dam, reservoir, powerhouse.	50
Aug. 8, 1971	Northern States Power Co.	108	Wisconsin	Sawyer	Chippewa River		Dam and reservoir	50
Sept. 16, 1971	Georgia Power Co.	1218	Georgia	Dougherty and Lee.	Flint River	5,400	2 dams, 2 reservoirs, powerhouse.	38 1/2
Dec. 31, 1971	Leonard Lundgren	1097	Oregon	Jefferson	Jack Creek	90	Diversion dam, canal, penstock, powerhouse, transmission line.	20
Feb. 22, 1972	Pacific Gas & Electric Co.	184	California	Alpine, Amador, and Eldorado.	South Fork, American River.	20,000	4 storage reservoirs, conduit, powerhouse, transmission line.	50
Apr. 14, 1972	do	77	do	Mendocino	Eel and Russian Rivers.	8,800	Storage reservoir, diversion dam, forebay, pressure conduit, 2 powerhouses, discharge canal.	50
July 27, 1972	do	175	do	Fresno	North Fork, Kings River.	128,200	Diversion dam, afterbay dam, conduit, powerhouse transmission line.	50
Sept. 26, 1972	Portland General Electric Co.	135	Oregon	Clackamas	Clackamas River and Oak Grove River.	51,000	Storage reservoir, diversion dam, forebay reservoir, conduit powerhouse and transmission line.	50
Oct. 12, 1972	Pennsylvania Electric Co.	309	Pennsylvania	Clarion	Clarion River	28,800	Dam and powerhouse	50
Dec. 1, 1972	Pacific Gas & Electric Co.	96	California	Madera and Fresno	San Joaquin River	34,100	Dam, conduit, powerhouse, transmission lines.	50
Feb. 6, 1973	Arkansas Power & Light Co.	271	Arkansas	Montgomery, Garland, Hot Springs.	Ouachita River	65,300	2 dams, 2 reservoirs, 2 powerhouse.	50
Feb. 11, 1973	Pacific Gas & Electric Co.	[3] 99	California	Humboldt and Trinity.	Canyon Creek	2,700	Diversion dam, conduit, penstocks, powerhouse, transmission line.	50
Apr. 22, 1973	do	187	do	Yuba	North Fork Yuba River.	6,500	Dam, reservoir, penstock, powerhouse, transmission line.	50
Apr. 26, 1973	Southern California Edison Co.	344	do	Riverside and San Bernardino.	San Gorgonio River.	2,300	2 diversion dams, 2 canals, 2 forebay tanks, 2 penstocks, 2 powerhouses, and transmission line.	50
June 6, 1973	Ford Motor Co.	362	Minnesota	Hennepin and Ramsey.	Mississippi River	14,400	Powerhouse	50
June 8, 1973	Alabama Power Co.	349	Alabama	Elmore, Tallapoosa, and Coosa.	Tallapoosa River	154,200	Dam, reservoir, powerhouse	50
June 30, 1973	Owens-Illinois Glass Co.	2,180	Wisconsin	Lincoln	Wisconsin River	3,000	Dam, integral powerhouse, transmission line.	35 1/2

[1] Sec. 14 of the Federal Power Act (16 U.S.C. 807) reserves the right to the United States to recapture the project works upon expiration of each license listed in this table at a price to be determined under that section.

[2] Application for surrender of license filed.

[3] This project produces both mechanical and electrical power. The mechanical power is represented in this figure by an equivalent number of kilowatts of electric power.

[F.R. Doc. 67-8768; Filed, July 28, 1967; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

FIRST WISCONSIN BANKSHARES CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by First Wisconsin Bankshares Corp., which is a bank holding company located in Milwaukee, Wis., for the prior approval of the Board of the acquisition by Applicant of 80 percent or more of the voting shares of First Northwestern National Bank of Milwaukee, Milwaukee, Wis., a proposed new bank.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that in every case, the Board shall take into consideration, the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Dated at Washington, D.C., this 24th day of July 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67-8819; Filed, July 28, 1967; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

CORPORACION PERUANA DE VAPORES ET AL.

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 offices 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.

Corporacion Peruana de Vapores, Grace Line, Inc., and Gulf & South American Steamship Co.

Notice of agreement filed for approval by:

Mr. E. Russell Lutz, Vice President, Grace Line, Inc., 1511 K Street NW., Washington, D.C. 20005.

Agreement 9644, among Corporacion Peruana de Vapores, Grace Line, Inc., and Gulf & South American Steamship Co., proposes to establish a cooperative working arrangement for the movement of cargoes controlled, purchased, routed, or financed by the Governments of Peru and the United States. Each party agrees to schedule a minimum number of voyages properly spaced to meet the service requirements of shippers and receivers in the trade between U.S. Atlantic and Gulf ports and Peruvian ports in accordance with the terms set forth in the agreement.

Dated: July 26, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-8836; Filed, July 28, 1967; 8:46 a.m.]

[Independent Ocean Freight Forwarder License 1047]

CARLO INTERNATIONAL & CO.

Order To Show Cause

Notice is hereby given that George Carlo doing business as Carlo International & Co., Port Everglades Station, Fort Lauderdale, Fla. 33316, has complied with the Commission's Order to Show Cause dated July 18, 1967, and published in the FEDERAL REGISTER (32 F.R. 10893), by filing an effective surety bond with the Commission.

JAMES E. MAZURE,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 67-8837; Filed, July 28, 1967; 8:46 a.m.]

TARIFF COMMISSION

[TEA-I-11]

BARBERS' CHAIRS

Notice of Investigation and Hearing

Investigation instituted. Following receipt on July 21, 1967, of a petition filed by certain domestic firms and labor unions, the U.S. Tariff Commission, on the 26th day of July 1967, instituted an investigation under section 301(b)(1) of the Trade Expansion Act of 1962 to determine whether barbers' chairs with mechanical elevating, rotating, or reclining movements and parts thereof, provided for in item 727.02 of the Tariff Schedules of the United States are, as a result in major part of concessions granted thereon under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to the domestic industry or industries producing like or directly competitive products.

Public hearing ordered. A public hearing in connection with this investigation will be held beginning at 10 a.m., e.d.s.t., on October 31, 1967, in the Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D.C. Appearances at the hearing should be entered in accordance with § 201.13 of the Tariff Commission's rules of practice and procedure.

Inspection of petition. The petition filed in this case is available for inspection by persons concerned at the office of the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, D.C., and at the New York office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: July 26, 1967.

By order of the Commission.

[SEAL] DON N. BENT,
Secretary.

[F.R. Doc. 67-8848; Filed, July 28, 1967; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC-64; General Temporary Order 4]

MOTOR CARRIER SERVICES DUE TO CESSATION OF NORMAL RAIL TRANSPORTATION OCCASIONED BY WORK STOPPAGES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D.C., on the 20th day of July, 1967; Section 210a(a).

Upon consideration of the record, and of the resumption of normal rail transportation:

It is ordered, That General Temporary Order No. 4, entered herein on July 16, 1967 (32 F.R. 10538), be, and it is hereby, vacated and set aside.

And it is further ordered, That notice of this order shall be given to motor carriers, other parties of interest, and to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Division 1.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-8845; Filed, July 28, 1967; 8:47 a.m.]

[Notice 426]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 26, 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 117898 (Sub-No. 22 TA), filed July 20, 1967. Applicant: WILLIAM EARNHARDT, doing business as EARNHARDT TRANSPORT, Post Office Box 376, 205 East Council Street, Salisbury, N.C. 28144. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel, fabricated steel, steel joist, and metal deck*, from Wilmington, N.C., to points in North Carolina, South Carolina, Virginia, Tennessee, Georgia, Alabama, Mississippi, Florida, and Louisiana; and *rejected shipments* on return; for 180 days. Supporting shipper: Plowden & Roberts, Inc., Post Office Box 633, Columbia, S.C. 29205 (R. L. Plowden, Sr., President). 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 125694 (Sub-No. 7 TA), filed July 20, 1967. Applicant: OTTO FELDT, INC., Route 22, Brewster, N.Y. 10509. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pulverized talc*, in bags, from Hailesboro, N.Y., to Brooklyn, N.Y., and South Plainfield, N.J.; and (2) *floor tiles and related articles, and materials, equipment, and supplies used or useful in the manufacture of floor tiles*, in dump vehicles, (a) between South Plainfield, N.J., and Brooklyn, N.Y., and (b) between South Plainfield, N.J., and Brooklyn, N.Y., on the one hand, and, on the other, points in Middlesex, Norfolk, Plymouth, Suffolk, and Worcester Counties, Mass., and New Haven and Hartford Counties, Conn.; for 180 days. Supporting shipper: Kentile Floors, Inc., Brooklyn, N.Y. 11215. Send protests to: Jack G. Takakjian, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Albany, N.Y. 12207.

No. MC 128470 (Sub-No. 2 TA), filed July 21, 1967. Applicant: HARRIS O. SMESTAD, doing business as H. O. SMESTAD, Post Office Box 299, Great Falls, Mont. 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, articles distributed by meat packinghouses, and commodities used by meat packers*, as described in sections A, B, C, and D of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between points in Cascade County, Mont., on the one hand, and, on the other, points in Washington, Oregon, California, Minnesota, and Wisconsin; for 180 days. Supporting shipper: Needham Packing Corp. of Montana, Post Office Box 2381, Great Falls, Mont. 59401. Send protests to: Paul J. Lebane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 128951 (Sub-No. 2 TA), filed July 20, 1967. Applicant: ROBERT DITTRICH, doing business as BOB DITTRICH TRUCKING, 312 North Garden Street, New Ulm, Minn. 56073. Applicant's representative: Gislason, Reim, Alsop, and Dosland, State and Center Streets, New Ulm, Minn. 56073. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refrigerator gaskets containing magnetic strip inserts*, from New Ulm, Minn., to Amana, Iowa; for 180 days. Supporting shipper: The B. F. Goodrich Co., 500 South Main Street, Akron, Ohio 44318. Send protests to: C. H. Bergquist, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 129036 (Sub-No. 1 TA), filed July 21, 1967. Applicant: BLEVANS MOTOR TRANSPORT, INC., doing business as MADDEN MOTOR TRANSPORT, 15441 Lemay Street, Van Nuys, Calif. 91406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aircraft engines or aircraft propellers*, uncrated, between points in the Los Angeles Commercial Zone, Calif., and Miami, Fla.; for 180 days. Supporting shippers: Saturn Airways, Inc., Post Office Box 2426, Oakland International Airport, Oakland, Calif. 94614; and The Flying Tiger Line, Inc., 7401 World Way West, Los Angeles International Airport, Los Angeles, Calif. 90009. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 129253 TA, filed July 20, 1967. Applicant: P & H TRUCKING COMPANY, 184 West 33d South Street, Salt Lake City, Utah 84115. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing, heating, and waterworks supplies and equipment*, between points in California, Utah, Arizona, Idaho, Wyoming, Nebraska, Colorado, New Mexico, Texas, and Nevada; under a continuing contract with Mountain States Supply Co.; for 180 days. Supporting shipper: Mountain States Supply, Inc., 184 West 3300 South Street, Post Office Box 15099, Salt Lake City, Utah 84115. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2224 Federal Building, Salt Lake City, Utah 84111.

No. MC 129256 TA, filed July 21, 1967. Applicant: DAVID OSBORN, Route No. 2, Ramer, Tenn. 38367. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, pallets, and platforms*, from Corinth, Miss., to points in Tennessee, Kentucky, Illinois, Indiana, and Ohio; for 180 days. Supporting shipper: East Side Planing Mill Co., South Noel Street, Corinth, Miss. 38834 (M. E. Hood, Owner). Send protests to: William W. Garland, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 390 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 129257 TA, filed July 21, 1967. Applicant: M. I. BRUEGGEMAN, INC., doing business as CAL-MO-TEX TRUCKING, Post Office Box 4305, Affton, Mo. 63123. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* dealt in by General Grocer Co. of St. Louis, Mo., (1) to, from, or between points in Missouri, Iowa, Illinois, Indiana, and Arkansas serviced by General Grocer Co. as a wholesale grocery company; and (2) from points in Florida, Georgia, Alabama, Louisiana, Tennessee, Kentucky, Illinois, Missouri, Texas, Colorado, Oklahoma, Kansas, Nebraska, Minnesota, Iowa, Wisconsin, Michigan, Ohio, Pennsylvania, California, Arizona, New Mexico, Nevada, and Utah, to points in Missouri; for 180 days. Supporting shipper: General Grocer Co., Box 7049, Main Post Office, St. Louis, Mo. 63177. 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 129258 TA, filed July 21, 1967. Applicant: JAMES VANDERWEELE AND KENNETH J. VANDERWEELE, doing business as SEATTLE ALASKA FAST EXPRESS (S.A.F.E.), 2222 Tongass Avenue, Ketchikan, Alaska 99901. Applicant's representative: Boyd Hartman, Suite 1010, Dexter Horton Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Seattle and Tacoma, Wash., and Ketchikan, Petersburg, and Juneau, Alaska; for 180 days. Supporting shippers: There are eight shippers' supporting statements attached to application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or at the field office named below. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 1532, Anchorage, Alaska 99501.

No. MC 29854 (Sub-No. 31 TA), filed July 20, 1967. Applicant: THE HUDSON BUS TRANSPORTATION CO., INC., 437 Tonnele Avenue, Jersey City, N.J. 07306. Applicant's representative: Virden A. Rittgers, c/o Rockland Coaches, Inc., 126 North Washington Avenue, Bergenfield, N.J. 07621. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, (1) between junction Palisade Avenue and Paterson Plank Road, located on the Jersey City-Union City, N.J., boundary line, and the Lincoln Industrial Park area in Secaucus, N.J.: From junction Palisade Avenue and Paterson Plank Road, over Paterson Plank Road to junction Secaucus Road, thence over Secaucus Road to

Secaucus, thence over Secaucus Road to Frozen Food Plaza, thence over Frozen Food Plaza to the northerly terminus thereof, and return over the same route, serving intermediate points in Secaucus; and (2) between junction Pleasant Avenue ramp and Interstate Highway 495 (elevated highway to Lincoln Tunnel) in Weehawken, N.J., and junction County Avenue and Secaucus Road in Secaucus, N.J., a point on route (1) above: From junction Pleasant Avenue ramp and Interstate Highway 495, over Interstate Highway 495 to junction New Jersey Highway 3, thence over New Jersey Highway 3 to junction Paterson Plank Road in Secaucus, thence over Paterson Plank Road to junction County Avenue, thence over County Avenue to junction Secaucus Road, and return over the same route, serving intermediate points in Secaucus south of junction County Avenue and Peterson Lane; for 150 days. NOTE: Applicant proposes to tack the authority here sought with its existing authority in MC 29854 and Subs thereto and to tack routes (1) and (2). Applicant states that no duplication of authority is here sought. Supporting shipper: Gilbert Systems, Inc., 441 Ninth Avenue, New York, N.Y. 10001. Send protests to: Walter J. Grossmann, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1060 Broad Street, Newark, N.J. 07102.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-8846; Filed, July 28, 1967; 8:47 a.m.]

[Notice 13]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 26, 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-69770. By order of July 24, 1967, the Transfer Board approved the transfer to Conlon Moving & Storage, Inc., Pawtucket, R.I., of certificate No. MC-38317, issued August 3, 1956, to Edgar P. Harrison, doing business as Conlon Warehouse, Pawtucket, R.I., authorizing the transportation of household goods, as defined by the Commission, between points in Rhode Island, on the one hand, and, on the other, points in New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, and the District of Columbia. Russell B. Curnett, 36 Circuit Drive, Providence, R.I., attorney for applicants.

No. MC-FC-69712. By order of July 19, 1967, the Transfer Board approved the transfer to Mardel Trucking Co., Inc., North East, Md., of permit in No. MC-119675 (Sub-No. 1), issued July 12, 1962, to Carlson's Garage, Inc., North East, Md., authorizing the transportation of: Stone, crushed stone, and crushed stone screenings, in bulk, in dump trucks, from the plantsite of Maryland Materials, Inc., near North East, Md., to points in Delaware. Charles McD. Gillan, Jr., 315 Glen Rae Drive, Baltimore, Md. 21228, attorney for applicants.

No. MC-FC-69772. By order of July 24, 1967, the Transfer Board approved the transfer to John J. Herrsche, doing business as Midvale Movers, Lake Hiawatha, N.J., of the operating rights in certificate Nos. MC-43161 and MC-43161 (Sub-No. 1), issued April 13, 1955, and February 4, 1964, respectively, to Carton Moving & Storage Co., a corporation, Chatham, N.J., authorizing the transportation of: Household goods, between points in specified counties in New Jersey, on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia. Ralph J. Pocara, Esq., 777 Springfield Avenue, Summit, N.J. 07901, attorney for applicants.

No. MC-FC-69773. By order of July 24, 1967, the Transfer Board approved the transfer to Rapid Film Service, Inc., Grand Island, Nebr., of certificate of registration No. MC-21337 (Sub-No. 2), evidencing a right to engage in interstate or foreign commerce issued November 18, 1963, to Richard R. Lysinger and Herbert E. Lysinger, doing business as Rapid Film Service, Grand Island, Nebr., authorizing service between points in Nebraska. James E. Ryan, 214 Sharp Building, Lincoln, Nebr., attorney for applicants.

No. MC-FC-69774. By order of July 24, 1967, the Transfer Board approved the transfer to North Loop Transportation Co., Inc., Houston, Tex., of certificate of registration No. MC-121057 (Sub-No. 1), issued April 1, 1964, to M. C. Rhodes Trucking Co., Inc., Abilene, Tex., evidencing a right to engage in interstate or foreign commerce between points in Texas. M. S. Williams, Post Office Box 162000, Houston, Tex. 77022, attorney for applicants.

No. MC-FC-69789. By order of July 24, 1967, the Transfer Board approved the transfer to R & F Trucking Co., Inc., Brooklyn, N.Y., of the operating rights in certificate No. MC-1579 issued March 22, 1962, to Leroy Essig, doing business as De Luxe Trucking Service, Maspeth, N.Y., authorizing the transportation of: Radiator enclosures, new furniture, oil heaters and parts, between points in New York and Connecticut. A. David Millner, 1060 Broad Street, Newark, N.J. 07102, attorney for applicants.

No. MC-FC-69790. By order of July 24, 1967, the Transfer Board approved the transfer to Mitchell J. Van Der Aa, John J. Van Der Aa, and John G. Van Der Aa, doing business as Van Der Aa Bros. School Bus Service, South Holland, Ill., the operating rights in certificate No. MC-114886, issued April 16, 1963, to Mitchell J. Van Der Aa and John J. Van Der Aa, a partnership, doing business as Van Der Aa Bros. School Bus Service, South Holland, Ill., authorizing the transportation of, passengers and their baggage, in charter operations, beginning and ending at specified points in Illinois and extending to points in specified counties in Indiana. Donald E. Arnell, 1010 Dixie Highway, Chicago Heights, Ill., attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-8847; Filed, July 28, 1967; 8:47 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Procurement; Temporary Reg. No. 12]

FAIR LABOR STANDARDS AMENDMENTS OF 1966

Extension of Temporary Regulations

To Heads of Federal Agencies:

1. *Purpose.* This regulation continues in effect the provisions of paragraphs Nos. 1, 2, 3, and 5 of FPR Temporary Regulation No. 10, February 11, 1967 (32 F.R. 3029, February 17, 1967).

2. *Effective date.* This regulation is effective August 1, 1967.

3. *Expiration date.* This regulation will remain in effect until canceled. It is expected that the appropriate provisions of FPR Temporary Regulation No. 10 will be codified in the FPR together with the changes in rules and regulations concerning labor standards for Federal service contracts which are currently being considered by the Department of Labor (see 31 F.R. 12646, Sept. 27, 1966) and that this regulation and the provisions of FPR Temporary Regulation No. 10, continued in effect hereunder in paragraph No. 5, will be canceled at that time.

4. *Background.* FPR Temporary Regulation No. 10 provided interim procedures for the implementation of the Fair Labor Standards Amendments of 1966 (Public Law 89-601; 80 Stat. 830), which amended the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et seq.), insofar as the new legislation affects contracts for the furnishing of services to the Federal Government. Codification of these procedures in the Federal Procurement Regulations will be accomplished subsequent to the issuance of changes in rules and regulations by the Department of Labor concerning labor standards for service contracts generally. However, since the new regulations will not be issued by the Department prior to the expiration of FPR

Temporary Regulation No. 10, it is necessary to continue in effect the provisions of that regulation with the exception of paragraph No. 4. Paragraph No. 4 is no longer regarded as necessary since further implementation of its provisions will serve no useful purpose.

5. *Agency implementation.* Federal agencies shall be guided by and shall comply with, as appropriate, the provisions of paragraphs Nos. 1, 2, 3, and 5 of FPR Temporary Regulation No. 10 pending a formal revision of the Federal Procurement Regulations and/or cancellation of this regulation.

Dated: July 27, 1967.

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

[F.R. Doc. 67-8966; Filed, July 28, 1967; 12:54 p.m.]

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