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Agencies in this issue—

The President
Agriculture Department
Commerce Department
Consumer and Marketing Service
Defense Department
Federal Aviation Administration
Federal Communications Commission
Federal Power Commission
Fish and Wildlife Service
Housing and Urban Development
Department
Interstate Commerce Commission
Land Management Bureau
Securities and Exchange Commission
Small Business Administration
Tariff Commission

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

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Title 3—THE PRESIDENT

Reorganization Plan No. 3 of 1967

Prepared by the President and Transmitted to the Senate and the House of Representatives in Congress Assembled, June 1, 1967, Pursuant to the Provisions of Chapter 9 of Title 5 of the United States Code.¹

GOVERNMENT OF THE DISTRICT OF COLUMBIA

PART I. GENERAL PROVISIONS

SECTION. 101. *Definitions.* (a) As used in this reorganization plan, the term "the Corporation" means the body-corporate for municipal purposes created a government by the name of the "District of Columbia."

(b) References in this reorganization plan to any provision of the District of Columbia Code are references to the provisions of statutory law codified under that provision and include the said provision as amended, modified, or supplemented prior to the effective date of this reorganization plan (including modifications made by Reorganization Plan No. 5 of 1952 (66 Stat. 824)).

SEC. 102. *Reorganization.* The Corporation is hereby reorganized as provided in the following Parts of this reorganization plan.

PART II. DISTRICT OF COLUMBIA COUNCIL

SEC. 201. *Establishment of the Council.* (a) There is hereby established in the Corporation a Council which shall be known as the "District of Columbia Council" (hereinafter referred to as the Council).

(b) The Council shall be composed of a Chairman of the Council, a Vice Chairman of the Council, and seven other members, all of whom shall be appointed by the President of the United States, by and with the advice and consent of the Senate. At the time of his appointment each member of the Council shall be a citizen of the United States, shall have been an actual resident of the District of Columbia for three years next preceding his appointment, and shall during that period have claimed residence nowhere else. The Council shall be nonpartisan and no more than six of its members shall be adherents of any one political party. Appointments to the Council shall be made with a view toward achieving a Council membership which will be broadly representative of the District of Columbia community.

(c) One or more of the nine Council members hereinabove provided for may be appointed from among (1) retired civilian employees of the Government, (2) retired personnel of the armed services of the United States, and (3) retired personnel of the Corporation. Any person so appointed shall be eligible to receive the compensation provided for in section 204 hereof and appointment hereunder shall not affect his right to receive annuity, pension, or retired pay to which he is otherwise entitled.

(d) Three of the appointments first made under this section shall be for terms expiring February 1, 1968, three shall be for terms expiring February 1, 1969, and three shall be for terms expiring February 1, 1970; and thereafter appointments shall be made for terms of three years. Any appointment made to fill a vacancy shall be made only for the unexpired balance of the term. Any member of the Council may continue to serve as such member after the expiration of his

¹ Effective in part on August 11, 1967, under the provisions of section 504(a) of the plan and 5 U.S.C. 906. Also effective in part at a time determined under the provisions of section 504(b) of the plan.

term of office until his successor is appointed and qualifies. Any member of the Council may be removed by the President of the United States for neglect of duty or malfeasance in office or when the member has been found guilty of a felony or conduct involving moral turpitude.

(e) Each member of the Council before entering upon the discharge of his duties as such member shall take an oath or affirmation to support the Constitution of the United States and to faithfully discharge the duties imposed upon him as such member.

(f) Five members of the Council shall constitute a quorum for the transaction of business of the Council, except that four members shall constitute a quorum whenever two or more Council memberships are vacant.

SEC. 202. *Acting Chairman.* During the absence or disability of the Chairman of the Council, or whenever there be no Chairman, the Vice Chairman shall act as Chairman of the Council.

SEC. 203. *Secretary of the Council.* (a) There is hereby established the office of the Secretary of the Council. The Secretary shall be appointed by the Council from time to time.

(b) The Secretary shall perform such duties, and shall provide such services for the Council and its members, as the Council may prescribe. Personnel appointed to assist the Secretary in carrying out his responsibilities under this section shall be appointed by the Secretary subject to the approval of the Council.

SEC. 204. *Compensation.* The Chairman of the Council shall receive compensation at the rate of \$10,000 per annum, the Vice Chairman shall receive compensation at the rate of \$9,000 per annum, and each other member of the Council shall receive compensation at the rate of \$7,500 per annum. The Secretary of the Council shall receive compensation determined in accordance with the classification laws as amended from time to time.

SEC. 205. *Performance of functions of the Council.* (a) The Council is hereby authorized to make from time to time such provisions as it deems appropriate to authorize the performance of any of its functions by the Commissioner of the District of Columbia (hereinafter provided for).

(b) The Council is hereby authorized to make from time to time, subject to the concurrence of the Commissioner of the District of Columbia, such provisions as it deems appropriate to authorize the performance of any of its functions by any officer, agency, or employee of the Corporation except the courts thereof.

(c) All functions provided for in regulations of the Council (including existing regulations continued in force without action by the Council) which are to be carried out by any officer, employee, or agency, who or which is in other respects under the jurisdiction of the Commissioner of the District of Columbia shall be carried out by such officer, employee, or agency under the direction and control of the Commissioner.

PART III. COMMISSIONER OF THE DISTRICT OF COLUMBIA

SEC. 301. *Establishment of office of Commissioner.* (a) There is hereby established in the Corporation an office with the title of "Commissioner of the District of Columbia." The officer who holds that office is hereinafter referred to as the Commissioner.

(b) The Commissioner shall be appointed by the President of the United States, by and with the advice and consent of the Senate. The Commissioner shall at the time of his appointment be a citizen of the United States. Before entering upon the discharge of his duties the Commissioner shall take an oath or affirmation to support the Constitution of the United States and faithfully discharge the duties imposed upon him as Commissioner. The Commissioner shall receive compensation at the rate now or hereafter prescribed by law for offices and positions of Level III of the Executive Schedule Pay Rates (5 U.S.C.

5314). Whenever both a Commissioner and an Assistant to the Commissioner appointed under section 302 hereof are in office at least one of them shall have been an actual resident of the District of Columbia for three years next preceding his appointment and have during that period claimed residence nowhere else. Both the Commissioner and the Assistant to the Commissioner shall reside in the District of Columbia during the time each holds office.

(c) The first appointment of a Commissioner hereunder shall be for a term expiring on February 1, 1969, and thereafter each appointment shall be made for a term of four years. Any appointment made to fill a vacancy in the office shall be made only for the unexpired balance of the term. A Commissioner may continue to serve as such after the expiration of his term of office until his successor is appointed and qualifies. The Commissioner is subject to removal by the President of the United States.

(d) The President may from time to time (1) designate officials of the Corporation (including the Chairman, the Vice Chairman, and the other members of the Council provided for in Part II of this reorganization plan if the President so elects) to act as Commissioner during the absence or disability of the Commissioner or in the event of a vacancy in the office of Commissioner, and (2) prescribe the order of succession in which the officials so designated shall so act.

SEC. 302. *Assistant to the Commissioner.* There is hereby established in the Corporation a new office which shall have the title "Assistant to the Commissioner of the District of Columbia." Such assistant (1) shall be appointed by the President of the United States, by and with the advice and consent of the Senate, (2) shall receive compensation at the rate now or hereafter prescribed by law for offices and positions of Level V of the Executive Schedule Pay Rates (5 U.S.C. 5316), and (3) shall assist the Commissioner as the Commissioner may direct in connection with the carrying out of the functions of the Commissioner.

SEC. 303. *Establishment of other new offices.* There are hereby established in the Corporation so many agencies and offices, with such names or titles, as the Commissioner shall from time to time determine. The said offices shall be filled by appointment by, or under the authority of, the Commissioner. Each officer so appointed shall perform the functions delegated or otherwise assigned to him in pursuance of this reorganization plan and shall receive compensation to be fixed in accordance with the classification laws as amended from time to time.

SEC. 304. *Transfer of personnel, property, records, and funds.* With respect to personnel, property, records, and unexpended balances of appropriations, allocations and other funds, available or to be made available, relating to functions transferred by the provisions of this reorganization plan, the Commissioner may from time to time effect such transfers between the agencies of the Corporation (including transfers between the Commissioner and any other agency of the Corporation) as he may deem necessary in order to carry out the provisions of this reorganization plan.

SEC. 305. *Performance of functions of Commissioner.* The Commissioner is hereby authorized to make from time to time such provisions as he deems appropriate to authorize performance of his functions by any other officer, or by any employee or agency, of the Corporation except the courts thereof.

PART IV. TRANSFERS OF FUNCTIONS

SEC. 401. *Transfer of functions to Commissioner.* Except as otherwise provided in this reorganization plan, all functions of the Board of Commissioners of the District of Columbia, including all functions of the President of that Board and all functions of each other member of that Board and including also the executive power vested therein (D.C. Code, sec. 1-218), are hereby transferred to the Commissioner of the District of Columbia.

SEC. 402. *Transfer of functions to Council.* The following regulatory and other functions now vested in the Board of Commissioners of the District of Columbia are hereby transferred to the Council (subject to the provisions of section 406 of this reorganization plan):

1. GENERAL PROVISIONS

- (1) Making and modifying police regulations under D.C. Code, sec. 1-224 (including the prescribing of penalties under paragraph "Eleventh" thereof).
- (2) Prescribing penalties under D.C. Code, sec. 1-224a.
- (3) Making and modifying regulations to regulate the keeping and leashing of dogs, and to regulate or prohibit the running at large of dogs, including penalties for violations of such regulations, under D.C. Code, sec. 1-224b.
- (4) Making regulations under D.C. Code, secs. 1-226 and 1-227.
- (5) Making building regulations under D.C. Code, sec. 1-228.
- (6) Making and publishing such orders as may be necessary to regulate the construction, repair and operation of elevators and prescribing such means of security as may be found necessary to protect life and limb under D.C. Code, sec. 1-229.
- (7) Issuing proclamations related to the control of rabies under D.C. Code, sec. 1-230.
- (8) Making regulations relating to outdoor signs and other forms of exterior advertising under D.C. Code, sec. 1-231.
- (9) With respect to the functions transferred to the Council by the provisions of this reorganization plan, (i) making investigations or examinations of municipal matters, and (ii) administering oaths to witnesses, under D.C. Code, sec. 1-237.
- (10) Reporting annually to the Congress concerning the functions transferred to the Council by the provisions of this reorganization plan under D.C. Code, sec. 1-238.
- (11) Making regulations to provide for the waiver of payment of fees (by persons in the military service of the United States) under D.C. Code, sec. 1-244(a).
- (12) Making and adopting regulations relating to the furnishing and keeping in force a bond by persons, firms, or corporations engaged in the business of plumbing or gas fitting, or of installing, maintaining, or repairing heating, ventilating, air-conditioning, or mechanical refrigerating apparatus, equipment, appliances, systems, or parts thereof, or of installing, maintaining, or repairing apparatus, equipment, fixtures, appliances, or wiring, using or conducting electric current under D.C. Code, sec. 1-244(b).
- (13) Prescribing regulations for the examination of the qualifications and fitness of applicants for licenses to engage in the business referred to in the immediately preceding paragraph hereof under D.C. Code, sec. 1-244(b).
- (14) Naming highways and naming and renaming circles, bridges, buildings, or other public places or properties under D.C. Code, sec. 1-244(f).
- (15) Prescribing penalties under D.C. Code, sec. 1-244(h).
- (16) Fixing and changing periods for which licenses, certificates, or registrations may be issued under D.C. Code, sec. 1-257.
- (17) Prescribing regulations relating to holidays for District of Columbia employees under D.C. Code, sec. 1-260.
- (18) The reception and entertainment of officials of foreign, State, local, or Federal governments and other dignitaries and eminent persons visiting in or returning to the District of Columbia under D.C. Code, sec. 1-262.

- (19) Prescribing penalties under D.C. Code, sec. 1-264.
- (20) Prescribing rules and regulations relating to notaries public under D.C. Code, sec. 1-501.
- (21) Making and publishing general orders regulating the platting and subdividing of lands and grounds under D.C. Code, sec. 1-613.
- (22) Prescribing a schedule of fees for surveyor's services under D.C. Code, sec. 1-629.
- (23) Exempting certain boilers from provision prohibiting using steam boilers without first obtaining certificate of inspection under D.C. Code, sec. 1-705.
- (24) Making regulations to carry out the provisions of the Act of June 25, 1936 under section 14 of that Act (D.C. Code, sec. 1-715).
- (25) Making rules and regulations respecting the production, use, and control of electricity, and prescribing fees, under D.C. Code, sec. 1-719.
- (26) Making and modifying regulations governing plumbing, house drainage, and sewers, and making and modifying regulations governing the examination, registration, and licensing of plumbers and the practice of the business of plumbing and gas fitting, under D.C. Code, sec. 1-725.
- (27) Establishing fees for permits to connect buildings, premises, or establishments with sewer, water, or gas mains, or other underground structures, and establishing fees for permits granted to make excavations, under D.C. Code, sec. 1-726.
- (28) Consulting concerning the formation of one or more citizen advisory councils under D.C. Code, sec. 1-1004(e) (40 U.S.C. 71e(e)).
- (29) Defining and redefining the central area of the District of Columbia under D.C. Code, sec. 1-1005(c) (40 U.S.C. 71d(c)).
- (30) Approving a major thoroughfare plan or parts thereof or revisions thereof, and proposing revision of the major thoroughfare plan or parts thereof, under D.C. Code, sec. 1-1006(a) (40 U.S.C. 71e(a)).
- (31) Consulting with National Capital Planning Commission prior to final adoption of the thoroughfare plan under D.C. Code, sec. 1-1006(b) (40 U.S.C. 71e(b)).
- (32) Submitting a copy of the District's advance program of capital improvements to the National Capital Planning Commission under D.C. Code, sec. 1-1007 (40 U.S.C. 71f).
- (33) With respect to each inaugural period: (i) making regulations necessary to secure the preservation of public order and protection of life, health, and property, (ii) making regulations respecting the standing, movement, and operation of vehicles, (iii) fixing conditions with respect to licenses to peddlers and vendors, and (iv) fixing fees for the privilege of selling goods, wares, and merchandise, under D.C. Code, sec. 1-1202 (36 U.S.C. 722).

2. REGULATION OF PROFESSIONS, OCCUPATIONS, ETC.

- (34) Making and altering rules for the conduct of business of agency administering, and for the execution and enforcement of, the Healing Arts Practice Act of 1928, under D.C. Code, sec. 2-103, and adopting and altering a common seal thereunder.
- (35) Establishing minimum standards of preprofessional and professional education in the healing art and establishing minimum standards for hospitals for interne training under D.C. Code, sec. 2-103a(a).
- (36) Adopting and promulgating rules and regulations prescribing (i) the terms and conditions under which a tissue bank license may be issued and renewed, (ii) the fees to be paid by the issuance and renewal of such licenses, (iii) the duration of such licenses, (iv) the grounds for the suspension and revocation of such licenses, (v) the

operation of tissue banks, (vi) the conditions under which tissue may be processed, preserved, stored, and transported, and (vii) the making, keeping, and disposition of records by tissue banks and by other persons under D.C. Code, sec. 2-253(b).

(37) Making and adopting rules and regulations to effect the purposes of the Act of July 2, 1940, relating to the licensing of dentists and the practice of dentistry (including the making of rules regulating professional announcements and the number of offices of a licensed dentist and including also the prescribing of rules and regulations to permit the use in hospitals of dental internes) under D.C. Code, sec. 2-302.

(38) Adopting and amending by-laws carrying into effect the Act of February 9, 1907, relating to the registration of graduate nurses, under D.C. Code, secs. 2-403 and 2-406.

(39) Fixing, under D.C. Code, sec. 2-408, the fees referred to in clause (c) thereof.

(40) Adopting and prescribing rules and regulations to carry into effect the Act of September 6, 1960, and prescribing minimum curricula and standards for schools and programs, under D.C. Code, sec. 2-427(a).

(41) Obtaining or requiring the furnishing of information under oath or affirmation or otherwise necessary to assist in prescribing any regulation under the Act of September 6, 1960 under D.C. Code, sec. 2-427(b).

(42) With respect to the functions transferred by the paragraph immediately preceding this paragraph, administering oaths and affirmations, requiring by subpoena or otherwise the attendance and testimony of witnesses and the production of documents, and making application to the Court for an order requiring obedience thereto, under D.C. Code, sec. 2-427(b).

(43) Determining the qualifications, prescribing the terms of office, and fixing the compensation of members of the physical therapists examining board under D.C. Code, sec. 2-455.

(44) Adopting and prescribing rules and regulations to carry into effect the Act of September 22, 1961, under D.C. Code, sec. 2-456(a).

(45) Obtaining or requiring the furnishing of information under oath or affirmation or otherwise necessary to assist in prescribing any regulation under the Act of September 22, 1961 under D.C. Code, sec. 2-456(b).

(46) With respect to the functions transferred by the paragraph immediately preceding this paragraph, administering oaths and affirmations, requiring by subpoena or otherwise the attendance and testimony of witnesses and the production of documents, and making application to the Court for an order requiring obedience thereto, under D.C. Code, sec. 2-456(b).

(47) Changing the periods for which registrations as physical therapists or renewals thereof may be issued under D.C. Code, sec. 2-461(a).

(48) Altering, amending, or otherwise changing educational standards (relating to optometrists) under D.C. Code, sec. 2-512.

(49) Making and altering rules for the conduct of business of agency administering, and for the execution and enforcement of, the Act of May 7, 1906, under D.C. Code, sec. 2-608.

(50) Adopting rules and regulations respecting the eligibility of candidates for admission to the practice of podiatry and the scope of examinations, under D.C. Code, sec. 2-702, and adopting a seal thereunder.

(51) Making, altering, and amending rules and regulations to carry into effect the provisions of the Act of February 1, 1907, relating to veterinarians, and requiring the giving of bond and prescribing the form and penalty thereof, under D.C. Code, sec. 2-802.

(52) Determining, authorizing, and directing the subjects to be included in examinations for veterinarians under D.C. Code, sec. 2-803.

(53) Making reciprocal arrangements with authorities of the several states and territories of the United States concerning the licensing of veterinarians under D.C. Code, sec. 2-804.

(54) Making rules for the examination and registration of applicants for (architects') certificates under D.C. Code, sec. 2-1001.

(55) Fixing fees, relating to architects and applicants, under D.C. Code, sec. 2-1023.

(56) With respect to the functions transferred by paragraphs (54) and (55), above, requiring the attendance of persons and the production of books and papers, requiring persons to testify, issuing subpoenas, and referring matters to a judge, under D.C. Code, sec. 2-1029.

(57) Adopting rules and sanitary regulations to carry out the provisions of the Act of June 7, 1938 (relating to barbers) under D.C. Code, sec. 2-1103.

(58) Making and issuing regulations (relating to the posting of prices in barber shops and violations of such regulations) under D.C. Code, sec. 2-1114a.

(59) Making and amending rules and regulations to carry out the purposes of the Act of December 20, 1944, (relating to boxing contests and exhibitions), under D.C. Code, sec. 2-1212.

(60) Making rules and regulations to carry out the provisions of the Act of June 7, 1938 (relating to cosmetologists) under D.C. Code, sec. 2-1303.

(61) Fixing fees for licenses (relating to plumbers) under D.C. Code, sec. 2-1405.

(62) Providing rules and regulations (relating to examinations for steam and other operating engineers), and prescribing tests to which engines and steam boilers shall be subjected, under D.C. Code, sec. 2-1502.

(63) All authority and responsibilities of the Board of Commissioners of the District of Columbia under D.C. Code, secs. 2-1724, 2-1727, and 2-1728 (relating to the District of Columbia Stadium).

(64) Regulating the certification of engineers-in-training, and prescribing examinations for the purpose of testing the applicant's knowledge, under D.C. Code, sec. 2-1808(e).

(65) Prescribing a certificate for issuance to applicants who meet requirements for certification as engineers-in-training under D.C. Code, sec. 2-1808(j).

(66) Adopting an official seal under D.C. Code, sec. 2-1808(l).

(67) Adopting, amending, rescinding, and promulgating administrative rules and regulations to carry into effect the Act of September 19, 1950, under D.C. Code, sec. 2-1808(n).

(68) With respect to other functions transferred to the Council by the provisions of this reorganization plan, requiring the attendance of witnesses and the production of books and papers, requiring witnesses to testify, issuing subpoenas, and referring matters to a judge under D.C. Code, sec. 2-1808(o).

(69) Fixing the form and amount of bond required to be furnished under D.C. Code, sec. 2-1813.

(70) Prescribing additional information to be contained in applications for pawnbrokers' licenses under D.C. Code, sec. 2-2003(b)(4).

(71) Making rules and regulations for the enforcement of the Act of August 6, 1956, under D.C. Code, sec. 2-2007(a).

(72) Determining or fixing a maximum rate of interest for pawnbroker loans and redetermining and refixing any such maximum rate under D.C. Code, sec. 2-2009(a).

(73) Making rules and regulations to carry out the Act of August 6, 1956 (relating to pawnbrokers) under D.C. Code, sec. 2-2017.

(74) Prescribing by regulation the form of and the information to be contained in solicitor information cards, and prescribing the manner of reproduction and authentication of such cards, under D.C. Code, sec. 2-2102(a) (7).

(75) Prescribing by regulation the terms and conditions for exempting solicitations from certain provisions of the Act of July 10, 1957 under D.C. Code, sec. 2-2103(d).

(76) Prescribing the form or forms of application for certificate of registration, and requiring by regulation the information to be contained in each such application, under D.C. Code, sec. 2-2104(a).

(77) Promulgating regulations to carry out the Act of July 10, 1957 (relating to charitable solicitations) under D.C. Code, sec. 2-2110.

(78) Requiring the furnishing of bond as a condition to the issuance of license to engage in the home improvement business under D.C. Code, sec. 2-2301.

(79) Establishing classes and subclasses of persons licensed to engage in the home improvement business, and specifying the amount and conditions of the bond or other security to be deposited by each member of any such class or subclass, under D.C. Code, sec. 2-2302(a).

(80) By regulation, requiring applicants for licenses or licensees (i) to furnish and keep in force a bond or bonds or other security, and (ii) to procure and keep in force public liability insurance or property damage insurance, or both, under D.C. Code, secs. 2-2302(a) (1) and (2).

3. PUBLIC WELFARE

(81) Making rules and regulations relating to the admission of persons to institutions under D.C. Code, sec. 3-108.

(82) Establishing rules for receiving and temporarily caring for children under D.C. Code, sec. 3-116.

(83) Establishing rules and regulations to carry out the provisions of the Act of October 15, 1962 (relating to public assistance) under D.C. Code, sec. 3-202(b) (2).

(84) Approving regulations in accordance with which shall be determined the amount of public assistance which any person shall receive under D.C. Code, sec. 3-204(a).

(85) Prescribing the manner and form in which application for public assistance shall be made, under D.C. Code, sec. 3-205.

(86) Prescribing regulations governing the custody, use, and preservation of records, papers, files and communications relating to public assistance under D.C. Code, sec. 3-211(a).

(87) Approving rules and regulations relating to funeral expenses under D.C. Code, sec. 3-213.

(88) Prescribing rules and regulations in accordance with which hearings shall be conducted under D.C. Code, sec. 3-214.

4. POLICE AND FIRE

(89) Subdividing the Metropolitan Police District into police districts and precincts under D.C. Code, sec. 4-102.

(90) Determining and fixing limits of age for appointments to the police department under D.C. Code, sec. 4-107.

(91) Prescribing general regulations regarding special policemen under D.C. Code, sec. 4-115.

(92) Making rules and regulations under D.C. Code, sec. 4-117.

- (93) Making and modifying rules and regulations for the proper government, conduct, discipline, and good name of the Metropolitan Police force, and fixing penalties, under D.C. Code, sec. 4-121.
- (94) Making and amending rules of procedure before trial boards under D.C. Code, sec. 4-122.
- (95) Changing, altering, amending, or abolishing rules and regulations of the Metropolitan Police Force under the last proviso of D.C. Code, sec. 4-122.
- (96) Providing rules for uniform clothing of the police force under D.C. Code, sec. 4-130.
- (97) Prescribing the area constituting the "Washington, District of Columbia, metropolitan district" under D.C. Code, sec. 4-132a(b).
- (98) Causing the Metropolitan Police force to keep records under D.C. Code, sec. 4-134(5).
- (99) Determining traffic violations and other petty offenses with respect to which records are not required to be kept under D.C. Code, sec. 4-134a(a).
- (100) Making rules and regulations regarding the written return of arrests under D.C. Code, sec. 4-142.
- (101) Making rules and regulations in reference to the detention of witnesses under D.C. Code, sec. 4-144.
- (102) Providing by regulation for disposition of property under the proviso of D.C. Code, sec. 4-156(e).
- (103) Determining by regulation the disposition of property under D.C. Code, sec. 4-159(c).
- (104) Determining, by regulation, disposition of property under D.C. Code, sec. 4-160(a).
- (105) By regulation requiring that bonds be furnished and kept in force by persons licensed as private detectives under D.C. Code, sec. 4-171a.
- (106) Fixing amounts of bonds obtained to secure against loss resulting from any act of dishonesty or other act by any officer of the Metropolitan Police Force under D.C. Code, sec. 4-186.
- (107) Making, altering, or amending rules and regulations relating to officers and members of the fire department, and changing the rules and regulations of the fire department promulgated before June 20, 1906, under D.C. Code, sec. 4-402.
- (108) Determining and fixing limits of age for original appointments to the fire department under D.C. Code, sec. 4-403.
- (109) Prescribing rules and regulations for installing in suburbs extra apparatus and appliances belonging to the fire department under D.C. Code, sec. 4-411.
- (110) Entering into and renewing reciprocal agreements under D.C. Code, sec. 4-414(a).
- (111) Promulgating rules and regulations regarding the selection and reporting of the names of privates and sergeants possessed of outstanding efficiency under D.C. Code, sec. 4-802.
- (112) Promulgating regulations regarding additional compensation for working on holidays under D.C. Code, sec. 4-807.
- (113) Designating holidays with respect to officers and members of the Metropolitan Police force and the Fire Department under D.C. Code, sec. 4-808.
- (114) Promulgating regulations to carry out the intent and purposes of the Act of August 1, 1958, under D.C. Code, sec. 4-835.
- (115) Promulgating regulations (regarding determination whether injury or disease resulted from the performance of duty) under D.C. Code, sec. 4-909(b) (5 U.S.C. 6324(b)).

5. BUILDING RESTRICTIONS AND REGULATIONS

(116) Making regulations for the care and preservation of parkings (established under the Act of June 21, 1906) under D.C. Code, sec. 5-205.

(117) Determining numbers and material, type, and construction of fire escapes under D.C. Code, sec. 5-301.

(118) Adopting regulations to accomplish the purposes and carry into effect the provisions of the Act of March 19, 1906 (relating to fire escapes and safety) under D.C. Code, sec. 5-304.

(119) Promulgating regulations requiring the provision, installation, and maintenance of means of egress, guide signs, guide lights, exit lights, hall and stairway lights, standpipes, fire extinguishers, alarm gongs, striking stations, and other appliances under D.C. Code, sec. 5-317.

(120) Regulating the maximum height of buildings on blocks immediately adjacent to public buildings or to the side of any public building for which plans have been prepared and money appropriated at the time of the application for the permit to construct the building under D.C. Code, sec. 5-405.

(121) Preparing (in consultation with the National Capital Planning Commission) plats defining the areas within which applications for building permits shall be submitted to the Commission of Fine Arts under D.C. Code, sec. 5-411.

(122) Approving boundaries of project areas and redevelopment plans and modifications of redevelopment plans under D.C. Code, secs. 5-705 and 5-711.

(123) Approving the entering by the District of Columbia Redevelopment Land Agency into contracts and agreements, relating to financial assistance, under D.C. Code, sec. 5-717a(a).

(124) Approving the acceptance by the District of Columbia Redevelopment Land Agency of advances of funds for surveys and plans, and approving transfers of funds by that Agency to the National Capital Planning Commission, under D.C. Code, sec. 5-717a(b).

(125) Entering into agreements with the District of Columbia Redevelopment Land Agency respecting certain cash payments from funds of the District of Columbia under D.C. Code, sec. 5-717a(d).

(126) Approving releases, modifications, and departures from features and details of approved redevelopment plans under D.C. Code, sec. 5-718(a).

(127) Transferring all right, title, and interest in and to part or all of certain property to the District of Columbia Redevelopment Land Agency under D.C. Code, sec. 5-720.

(128) Determining whether such property is necessary to the development of the southwest section in accordance with an approved urban renewal plan, determining how much of the property is necessary to carry out such urban renewal plan, and transferring and donating to the Agency all right, title, and interest of the United States in and to the property under D.C. Code, sec. 5-721.

(129) Transferring to the District of Columbia Redevelopment Land Agency jurisdiction regarding transferred property under D.C. Code, sec. 5-722.

(130) Prescribing regulations for making relocation payments to individuals, families, business concerns, and non-profit organizations for their moving expenses and actual direct losses caused by their displacement from real property acquired for public works projects under D.C. Code, sec. 5-729.

(131) Making regulations to carry out the purposes of the Act of October 6, 1964 under D.C. Code, sec. 5-732.

(132) Adopting regulations to bring horizontal property regimes into compliance with the laws and regulations in effect in the District of Columbia under D.C. Code, sec. 5-928.

6. HEALTH AND SAFETY

(133) Altering, amending, or repealing ordinances of the former Board of Health which were legalized by the Act of April 24, 1880 under D.C. Code, sec. 6-114.

(134) Promulgating rules and regulations to prevent and control the spread of communicable diseases under D.C. Code, sec. 6-118.

(135) By regulation, denominating the diseases within the meaning of "communicable diseases" under D.C. Code, sec. 6-119.

(136) Prescribing penalties for violation of communicable disease regulations under D.C. Code, sec. 6-119h.

(137) Making rules and regulations governing the certification of the given name of a child under D.C. Code, sec. 6-301(a).

(138) Adopting rules and regulations governing the filing of reports of births and the issuance of delayed birth certificates under D.C. Code, sec. 6-301(b).

(139) Making regulations for the collection and disposition of garbage and annexing penalties to such regulations under D.C. Code, sec. 6-501.

(140) Making regulations to carry out the purposes of the Act of March 4, 1929 (relating to combustible refuse) under D.C. Code, sec. 6-507.

(141) Specifying fees for disposing of combustible material in incinerators built by the District of Columbia, and designating routes for hauling or transporting the material, under D.C. Code, sec. 6-511.

(142) Prescribing by regulation the manner of describing, on mattress tags, material used in mattresses under D.C. Code, sec. 6-603.

(143) Making regulations to regulate the design, construction, and maintenance of disposal systems, and the handling, storage, treatment, and disposal of wastes, under D.C. Code, sec. 6-703.

(144) Making and promulgating classifications and regulations for the installation and operation of combustion and other devices susceptible for use in such manner as to violate purposes of smoke prevention law, amending or rescinding such regulations, and promulgating amended or additional regulations under D.C. Code, sec. 6-802.

(145) Making rules and regulations to carry out authority to take measures for the protection of persons and property under D.C. Code, sec. 6-1009 (preamble).

(146) Making regulations to govern the establishment, maintenance, and operation of civil defense units and organizations and the discipline of the members thereof under D.C. Code, sec. 6-1009(a).

(147) Prescribing penalties for violations of regulations promulgated pursuant to the Act of December 26, 1941 under D.C. Code, sec. 6-1010.

(148) Promulgating regulations requiring that cancer, sarcoma, lymphoma (including Hodgkin's disease), leukemia, and all other malignant growths be reported under D.C. Code, sec. 6-1301.

(149) Prescribing a penalty or fine for the violation of any regulation promulgated under the Act of July 27, 1951 under D.C. Code, sec. 6-1304.

7. HIGHWAYS, STREETS, AND BRIDGES

(150) Making regulations for keeping in repair streets, avenues, alleys, sewers, and other works under D.C. Code, sec. 7-101.

(151) Changing the name of any street, road, avenue, or other highway when there is duplication of names under D.C. Code, sec. 7-106.

(152) Naming or renaming streets, avenues, alleys, highways, and reservations under D.C. Code, sec. 7-107.

(153) Determining the extent to which plans for the extension of a permanent system of highways may be out of conformity with the street plan of the city of Washington under D.C. Code, sec. 7-108.

(154) Naming streets, avenues, alleys, and reservations under D.C. Code, secs. 7-112 and 7-116.

(155) Abandoning or readjusting streets or proposed streets (in order to provide grounds for educational, religious, or similar institutions) under D.C. Code, sec. 7-113.

(156) Determining the extent to which plans for the extension of highways may be out of conformity with street plan, and naming streets, avenues, alleys, and reservations, under D.C. Code, sec. 7-116.

(157) Accepting the dedication of streets, prescribing regulations in regard to the height of parking and the projection of buildings beyond the building line, and making determinations respecting the District of Columbia having right-of-way through parking, under D.C. Code, sec. 7-117.

(158) Determining the extent to which new highway plans may be out of conformity with the street plan under D.C. Code, sec. 7-122.

(159) Opening, extending, or widening streets, avenues, roads, or highways under D.C. Code, sec. 7-201.

(160) Closing alleys or parts of alleys under D.C. Code, sec. 7-302.

(161) Accepting the dedication of alleys, and closing existing alleys, under D.C. Code, sec. 7-303.

(162) Closing alleys or parts of alleys under D.C. Code, sec. 7-304.

(163) Closing alleys under D.C. Code, sec. 7-305.

(164) Making orders declaring existing alleyways closed and opening new substitute alleyways, under D.C. Code, sec. 7-306.

(165) Making an order canceling existing subdivision of any square and obliterating alleys therein under D.C. Code, sec. 7-308.

(166) Closing alleys or parts of alleys under D.C. Code, sec. 7-309.

(167) Setting land aside for alley purposes under D.C. Code, sec. 7-310.

(168) Closing any street, road, highway, or alley, or any part of any thereof (including the making of the required finding thereon) under D.C. Code, sec. 7-401.

(169) Making regulations for the safety of the public using bridges and for the lighting and the police control of bridges under D.C. Code, sec. 7-501.

(170) Ordering the removal of abandoned street railway tracks, settling claims against D.C. Transit System, Inc., for the paving of abandoning track areas, and determining terms and conditions as to time of payment or payments under D.C. Code, sec. 7-604a.

(171) Regulating the location and depth of gas mains under D.C. Code, sec. 7-706.

(172) Jurisdiction and control over MacArthur Boulevard (formerly Conduit Road) and levying assessments for public improvements, under D.C. Code, sec. 7-1201 (40 U.S.C. 53a).

(173) Denominating portions of streets as business streets, and prescribing general regulations, under D.C. Code, sec. 7-1205.

(174) Granting a Railroad Company permission to lay, maintain, and use sidetracks and sidings under D.C. Code, sec. 7-1210.

(175) Approving the point or points at which additional stations or depots may be constructed, established, and maintained, and approving plans for connecting tracks and elevated structures, under D.C. Code, sec. 7-1212.

(176) Approving the construction of railroad tracks and appurtenant turnouts, branch tracks, and sidings under D.C. Code, sec. 7-1218; and approving plans for the construction of branch sidings under the Act of September 26, 1961 (D.C. Code, note at sec. 7-1218).

(177) Approving the location and construction of railroad tracks, turnouts, branch tracks, spurs, and sidings under D.C. Code, sec. 7-1219.

(178) Approving wage rates fixed and adjusted from time to time by a wage board, under D.C. Code, sec. 7-1236.

8. PARKS

(179) Setting aside space in the streets and avenues for park purposes, denominating portions of streets as business streets, and prescribing general regulations under D.C. Code, sec. 8-108.

(180) Jurisdiction and control of the street parking in streets and avenues under D.C. Code, sec. 8-110.

(181) Transferring jurisdiction over properties or parts thereof to Federal authorities, and accepting from Federal authorities jurisdiction over properties or parts thereof, under D.C. Code, sec. 8-115 (40 U.S.C. 122).

(182) Making rules and regulations for the management of a public convenience station, and fixing charges for the use of such station under D.C. Code, sec. 8-138.

(183) Making rules and regulations for the management of public convenience stations, and fixing charges for the use of the conveniences, under D.C. Code, sec. 8-140.

(184) Accepting land and dedications of land under D.C. Code, sec. 8-162.

(185) Making regulations relating to a beach and dressing houses under D.C. Code, sec. 8-168.

9. PUBLIC BUILDINGS AND GROUNDS

(186) Making rules and regulations for the government and control of wharves, piers, bulkheads, structures, adjacent waters, basins, slips, docks, and land under water under D.C. Code, sec. 9-101.

(187) Making rules and regulations for the government and proper care of property and annexing penalties to said rules and regulations, and making rules and regulations in regard to building and repairing wharves, the rental thereof, and the rate of wharfage, under D.C. Code, sec. 9-102.

(188) Fixing penalties of bonds of employees under D.C. Code, sec. 9-134(a).

(189) Prescribing by regulation the uniform and identification badge to be worn by individuals under D.C. Code, sec. 9-134(b).

(190) Making and amending regulations for the protection of life and property in or on institutional buildings or grounds under D.C. Code, sec. 9-135.

(191) Acquiring certain squares and reservations, including buildings and other structures thereon, as a site for a municipal center, and closing and vacating portions of streets and alleys, under D.C. Code, sec. 9-201.

(192) Making the finding that real estate is no longer required for a public purpose, under D.C. Code, sec. 9-301 (40 U.S.C. 72c).

(193) Exchanging District-owned land or part thereof under D.C. Code, sec. 9-401.

10. WEIGHTS, MEASURES, AND MARKETS

(194) Prescribing the manner of approving and sealing, stamping, or marking devices or appliances under D.C. Code, sec. 10-103.

(195) Establishing and allowing variation, tolerances, and exemptions, as to small packages, under D.C. Code, sec. 10-117.

(196) Fixing standard loads by which split wood may be sold under D.C. Code, sec. 10-118.

(197) Establishing tolerances and specifications for scales, weights, measures, weighing or measuring instruments or devices, and containers under D.C. Code, sec. 10-127.

(198) Prescribing regulations governing the granting of licenses for the location of public scales, and approving and fixing fees, under D.C. Code, sec. 10-128.

(199) Making regulations for the control, regulation, and supervision of markets under D.C. Code, sec. 10-130.

(200) Making regulations for the control, regulation, and operation of the municipal fish wharf and market under D.C. Code, sec. 10-135.

(201) Making and promulgating rules and regulations for the control and operation of the wholesale farmers' produce market, and establishing a scale of charges, under D.C. Code, sec. 10-137.

11. FEEBLE-MINDED PERSONS

(202) Adopting regulations relating to receiving feeble-minded persons into the District Training School under D.C. Code, sec. 21-1102.

(203) Prescribing general conditions for granting paroles to patients under D.C. Code, sec. 21-1120.

12. CRIMINAL OFFENSES

(204) Restricting, prohibiting, regulating, and controlling hunting and fishing and the taking, possession, and sale of wild animals under D.C. Code, sec. 22-1628.

(205) Prescribing regulations regarding the disposal of property under D.C. Code, sec. 22-1630(a) (last sentence).

(206) Making, altering, and amending harbor regulations under D.C. Code, sec. 22-1701.

(207) Establishing rules and regulations for the administration of the Act of August 12, 1937 (relating to the marking and labelling of packages of potatoes) under D.C. Code, sec. 22-3409.

(208) Making rules and regulations to carry out the Act of December 16, 1941 (relating to food which is unwholesome or unfit for use) under D.C. Code, sec. 22-3419.

13. EXECUTION FEES

(209) Fixing the fees of an executioner and his assistants for services under D.C. Code, sec. 23-702.

14. PRISONERS; INSTITUTIONS

(210) Rules and regulations permitting the discharge of parolees under D.C. Code, sec. 24-204(b).

(211) Prescribing regulations for employment of persons sentenced to imprisonment in the jail under D.C. Code, sec. 24-412.

(212) Prescribing regulations regarding the sale of surplus products under D.C. Code, sec. 24-418.

(213) Rules and regulations for the government of institutions under D.C. Code, sec. 24-442.

15. ALCOHOLIC BEVERAGES

(214) Prescribing other authority under D.C. Code, sec. 25-106 (last sentence).

(215) Prescribing, making, altering, and amending rules and regulations under D.C. Code, sec. 25-107.

(216) Promulgating regulations under D.C. Code, sec. 25-111(c).

(217) Requiring by regulation that no licensee holding a retailer's license, Class A, B, C, D, or E shall transport any alcoholic beverage into the District of Columbia, permitting such importation under a special permit or permits, prescribing the terms, conditions, and manner of issuance of such permit or permits, and suspending, amending, revoking, or abolishing any such regulations, permit, or system of permits under D.C. Code, sec. 25-112.

(218) Promulgating regulations to permit owners of warehouse receipts to withdraw bonded liquors under D.C. Code, sec. 25-115(c).

(219) Suspending or revoking in whole or in part the requirements of D.C. Code, sec. 25-123, under D.C. Code, sec. 25-123(c).

(220) Prescribing by regulation methods or devices or both for the assessment, evidencing of payment, and collection of taxes under D.C. Code, sec. 25-124(c) (3).

(221) Requiring that the immediate container of each beverage contain the license number of each licensee who sells or offers for sale such beverages under D.C. Code, sec. 25-124(g).

(222) Prescribing the manner of collection and payment of tax on beer under D.C. Code, sec. 25-138.

16. CHARTERS OF INCORPORATION; MONEY LENDING

(223) Granting or refusing a charter of incorporation under D.C. Code, sec. 26-305.

(224) Making rules and regulations for the conduct of business of making loans, and for the enforcement of the Act of February 4, 1913, under D.C. Code, sec. 26-611.

17. TISSUE BANKS; CREMATORIUM

(225) By regulations, authorizing tissue banks and others to remove, transport, and dispose of tissue from dead bodies of human beings without permit under D.C. Code, sec. 27-119a.

(226) Making rules for the proper maintenance and operation of a public crematorium under D.C. Code, sec. 27-130.

18. STANDARD TIME

(227) Advancing the standard time applicable to the District of Columbia under D.C. Code, secs. 28-2711 and 28-2804.

19. CORPORATIONS

(228) Approving newspapers in which persons may give notice of intention to present to Congress bills for incorporation or for alteration or extension of corporation charters under D.C. Code, sec. 29-102.

(229) Fixing fees relating to process under D.C. Code, sec. 29-933(e) (2).

(230) Making rules and regulations relating to service of process under D.C. Code, sec. 29-933(e) (5).

(231) Providing an official seal under D.C. Code, sec. 29-935(c).

(232) Making and modifying regulations to carry out the Act of June 8, 1954, and prescribing penalties for the violation of any such regulations, under D.C. Code, sec. 29-935(f).

(233) Determining fee which shall be charged for furnishing a certificate as to the status of a corporation or as to the existence or nonexistence of facts relating to corporations under D.C. Code, sec. 29-936(b) (21).

(234) Making regulations providing for fees for services under D.C. Code, sec. 29-1092(s).

(235) Making and modifying regulations to carry out the provisions of the Act of August 6, 1962, and prescribing penalties for the violation of any such regulation, under D.C. Code, sec. 29-1093(e).

THE PRESIDENT

20. EDUCATION

(236) Approving amounts fixed by the Board of Education to be paid for non-residents to cover the expense of tuition and costs of textbooks and school supplies under D.C. Code, sec. 31-307(b).

(237) Approving regulations made by the Board of Education to carry out the intent and purposes of the Act of September 8, 1960 under D.C. Code, sec. 31-308(a).

(238) Making rules and regulations for the purpose of carrying into full force and effect the provisions of the Act of January 15, 1920 under D.C. Code, sec. 31-717.

(239) Prescribing regulations regarding the deposit of additional sums by any teacher, and prescribing table of mortality, under D.C. Code, sec. 31-721.

(240) Making rules and regulations for the purpose of carrying the provisions of the Act of August 7, 1946 into full force and effect under D.C. Code, sec. 31-736.

(241) Making regulations concerning (i) the form of application by officers of any medical or dental college for registration and a permit to commence or continue business, (ii) the evidence to be adduced in support thereof, and (iii) the method of taking such evidence, giving notice of hearings upon applications, holding hearings, and making inquiries under D.C. Code, sec. 31-902.

(242) Closing streets and alleys under D.C. Code, sec. 31-1108.

(243) Promulgating rules and regulations governing the manner in which the District duties relating to surplus property shall be carried out, including the fixing of fees to be charged for services, under D.C. Code, sec. 31-1302.

(244) All functions vested in the Board of Commissioners of the District of Columbia by D.C. Code, sec. 31-1522(b).

21. INSTITUTIONS, AGENCIES, AND SERVICES

(245) Promulgating regulations to govern the establishment and maintenance of private hospitals and asylums, and regulating the issuance, suspension, and revocation of licenses, under D.C. Code, sec. 32-304.

(246) Making rules and regulations under D.C. Code, sec. 32-306.

(247) Establishing rates and regulations respecting the admission of pay patients under D.C. Code, sec. 32-308.

(248) Establishing rates and regulations respecting the admission of pay patients under D.C. Code, sec. 32-309.

(249) Establishing rates and regulations respecting the admission of patients under D.C. Code, sec. 32-310.

(250) Establishing rates and regulations respecting the admission of pay patients under D.C. Code, sec. 32-313.

(251) Prescribing rates for furnishing clinical services, drugs, pharmaceutical preparations, or x-ray service, and determining the necessity of using appropriations without regard to the rates prescribed, under D.C. Code, sec. 32-322.

(252) Establishing standards of indigency for admission of patients to municipal hospitals, and establishing rates at which, and regulations under which, emergency and semi-indigent patients may be admitted to wards of Gallinger Municipal Hospital on a full- or part-pay basis, under D.C. Code, sec. 32-326.

(253) Making rules and regulations for enforcing discipline, for imparting instruction or preserving health, and for the physical, intellectual, and moral training of the inmates of the institution for the custody, care, education, training, and treatment of feeble-minded persons under D.C. Code, sec. 32-604.

(254) Approving rules and regulations, and approving amendments of rules and regulations prescribing standards of placement, care, and services to be required of child-placing agencies under D.C. Code, sec. 32-783.

(255) Making, altering, amending, and changing by-laws, rules, and regulations for the government of the National Training School for Girls, its officers, teachers, employees, and inmates, the employment, discipline, instruction, education, removal, and absolute, temporary, or conditional release of girls committed to the school under D.C. Code, sec. 32-904.

(256) Prescribing regulations respecting the sale of surplus products under D.C. Code, sec. 32-1009.

(257) Establishing rates and regulations respecting the care and treatment of any patients under D.C. Code, sec. 32-1010.

22. FOOD AND DRUGS

(258) Preparing rules and regulations with regard to the proper method of collecting and examining drugs and articles of food, under D.C. Code, sec. 33-104.

(259) Making regulations to protect the milk, cream, and ice cream supply of the District of Columbia under D.C. Code, sec. 33-307.

(260) Prescribing regulations under which milk and cream shall be pasteurized under D.C. Code, sec. 33-315.

(261) By regulation, including places other than creameries or receiving stations under the provisions of section 17 of the Act of February 27, 1925 under D.C. Code, sec. 33-317 (second sentence).

(262) Making rules and regulations for the administration and enforcement of the Narcotic Drug Act of June 20, 1938 under D.C. Code, sec. 33-405.

(263) Making rules and regulations to carry out the purposes of the Act of July 3, 1943 under D.C. Code, sec. 33-502.

(264) After reasonable public notice and opportunity for a hearing, finding and declaring drugs or compounds, preparations, or mixtures thereof to be habit-forming, excessively stimulating, or to have a dangerously toxic, or hypnotic or somnifacient effect on the body of a human or animal under D.C. Code, sec. 33-701(1)(C).

(265) After reasonable public notice and opportunity for hearing, declaring by rule or regulation duly promulgated that a compound, mixture, or preparation of barbituric acid, its salts and derivatives to have or contain no habit-forming properties and not to have a dangerously toxic or hypnotic or somnifacient effect on the body of a human or animal under D.C. Code, sec. 33-703(1).

(266) After reasonable public notice and opportunity for hearing, finding and declaring by rule or regulation duly promulgated that a compound, mixture, or preparation of amphetamine, desoxyephedrine, phenylethylamine, or their salts or derivatives to contain in addition to such drug or its salts and derivatives some other drug or drugs causing it to possess other than an excessively stimulating effect upon the central nervous system and to have no habit-forming properties or dangerously toxic effect upon the body of a human or animal under D.C. Code, sec. 33-703(2).

(267) Promulgating regulations for the administration and enforcement of the Act of July 24, 1956 under D.C. Code, sec. 33-707.

23. INSURANCE

(268) Making rules and regulations to make the conduct of each company in the same line of insurance conform in doing business in the District under D.C. Code, sec. 35-102.

(269) Prescribing rules and regulations for the hearing of appeals (of health, accident, and life insurance companies) under D.C. Code, sec. 35-202.

(270) Requiring, under D.C. Code, sec. 35-407, that at least once in the month of March in each year a summary of the annual financial statement filed thereunder be published in a daily newspaper.

(271) Making and prescribing rules and regulations (subject to the approval of the court) under D.C. Code, sec. 35-419 (penultimate paragraph).

(272) Requiring information, in addition to that specified in the statute, to be included in applications filed for licensing as life insurance general agent, agent, or solicitor under D.C. Code, sec. 35-425.

(273) Requiring information, in addition to that specified in the statute, to be included in applications for licensing as a life insurance broker under D.C. Code, sec. 35-428.

(274) Prescribing rules and regulations governing inspectors of elections held by policy holders of domestic stock life insurance companies for the purpose of converting to a mutual company under D.C. Code, sec. 35-519.

(275) Issuing rules and regulations to carry out the purposes of section 41 of the Act of June 19, 1934 under D.C. Code, sec. 35-541(f).

(276) Making rules and regulations concerning the procedure for the filing or submission of policies under D.C. Code, sec. 35-712-3-(f); and making rules and regulations concerning the provisions in supplemental contracts and the submission and approval of such contracts under D.C. Code, sec. 35-712 (last proviso).

(277) Making rules and regulations necessary in making effective the provisions of the Fire and Casualty Act of October 9, 1940 under D.C. Code, sec. 35-1304.

(278) Approving agreements and bylaws established by the rating bureau for its governance, approving rules and regulations adopted by the rating bureau to carry out its functions, and approving amendments to such agreements, bylaws, rules, and regulations under D.C. Code, sec. 35-1404.

(279) Making and promulgating (i) regulations governing the enforcement of the provisions of the Act of May 20, 1948 (providing for regulation of casualty and other insurance rates), (ii) regulations necessary in making that Act effective, and (iii) rules for making compilations of statistical data available to companies and rating organizations under D.C. Code, sec. 35-1508.

24. LABOR

(280) Adopting and promulgating regulations defining terms under section 10 of the Act of February 24, 1914 (sec. 3, Public Law 89-684, approved October 15, 1966).

(281) Making and revising regulations, including definition of terms, under section 8 of title I of the Act of September 19, 1918 (Public Law 89-684, approved October 15, 1966).

(282) Prescribing by regulation records or information necessary or appropriate for the enforcement of the provisions of the Act of September 19, 1918, as amended by Public Law 89-684, approved October 15, 1966, or of the regulations or orders issued thereunder, under section 11 of that Act.

(283) (i) Determining and fixing standards of safety in employment, places of employment, in the use of devices and safeguards, and in the use of practices, means, methods, operations, and processes of employment, and (ii) promulgating general rules and regulations and fixing minimum safety requirements, under D.C. Code, sec. 36-433.

(284) Adopting and promulgating rules and regulations under D.C. Code, sec. 36-434.

(285) Promulgating regulations defining and delimiting the term "any person employed in a bona fide executive, administrative, or professional capacity" under D.C. Code, sec. 36-601(b).

25. MOTOR VEHICLES

(286) Providing by regulation for the issuance of (i) registration certificates and identification tags, (ii) duplicate registration certificates or duplicate identification tags and (iii) special use identification tags under D.C. Code, sec. 40-102(b); and promulgating thereunder the regulations referred to in paragraphs (1) and (4) thereof.

(287) Extending the effective period of registration of motor vehicles under D.C. Code, sec. 40-102(c).

(288) Prescribing regulations to carry out provisions of law respecting registration of, and identification tags for, motor vehicles and trailers, under D.C. Code, sec. 40-102(e).

(289) Prescribing rules and regulations respecting the revocation or suspension of dealers' registrations and dealers' identification tags, including return of such tags, under D.C. Code, sec. 40-102(f).

(290) Prescribing tags treated with special reflective materials and fixing the additional fee charged in connection therewith under D.C. Code, sec. 40-103(a).

(291) Determining the percentage of fees for registration of motor vehicles and trailers to be credited to the General Fund of the District of Columbia under D.C. Code, sec. 40-103(d).

(292) Prescribing regulations relating to the issuance of motor vehicle operators' permits and to extending the validity of certain motor vehicle operators' permits under D.C. Code, secs. 40-301(a) (1) and (6).

(293) Prescribing by regulation matter to be stated on each motor vehicle operator's permit under D.C. Code, sec. 40-301(b).

(294) Making rules and regulations for the administration of the Motor Vehicle Safety Responsibility Act of the District of Columbia under D.C. Code, sec. 40-419.

(295) Making, modifying, and repealing rules and regulations under D.C. Code, sec. 40-603(a).

(296) Making and modifying regulations in respect to brakes, horns, lights, mufflers, and other equipment, the inspection of the same; the registering, reregistering, titling, retitling, transferring of titles, and revocation of the certificate of title to motor vehicles and trailers, under D.C. Code, sec. 40-603(c).

(297) Making, modifying, and repealing rules and regulations in respect to the movement of traffic, speed, length, weight, height, width, routing, and parking of vehicles, the establishment and location of hack stands, and the establishment and location of parking areas for use of members of Congress and Government officials, under D.C. Code, sec. 40-603(e).

(298) Making regulations with respect to the control of traffic under D.C. Code, sec. 40-603(f).

(299) Prescribing penalties under D.C. Code, sec. 40-603(g).

(300) Designating and reserving parking spaces for the use of members of the Congress under D.C. Code, sec. 40-604 (40 U.S.C. 60a).

(301) Permitting parking of motor vehicles in the Municipal Center, selecting officers and employees whose vehicles may be parked there, and making regulations for the control of the parking of such vehicles, including authority to prescribe fees and charges for the privilege of parking of such vehicles, under D.C. Code, sec. 40-604a(a).

(302) Permitting the public to park motor vehicles in a portion or portions of the Municipal Center, setting aside the portion or portions of that Center for such purpose, making regulations for the control of parking in the portion or portions so set aside (including

the authority to restrict the privilege of parking therein to persons having business in the Municipal Center), making regulations to prohibit parking in all portions of the Municipal Center not set apart for such purposes, and prescribing fees and charges for the privilege of parking motor vehicles, under D.C. Code, sec. 40-604a(b).

(303) Prescribing penalties under D.C. Code, sec. 40-604a(c).

(304) Making rules and regulations for the control of the parking of vehicles, and prescribing fees for the privilege of parking vehicles under D.C. Code, sec. 40-616.

(305) Making regulations necessary in the furtherance of the purposes of D.C. Code, sec. 40-617 under the last sentence thereof.

(306) Establishing and revising uniform schedules of rates to be charged for use of space in each parking facility, providing rate differentials, prescribing and promulgating rules and regulations for the carrying out of the provisions of the District of Columbia Motor Vehicle Parking Facility Act of 1942, determining the time within which the cost of acquiring and improving the property shall be liquidated, and providing for the acquisition and improvement of other necessary parking facilities under D.C. Code, sec. 40-804(d).

(307) Making rules and regulations for the control of parking of vehicles, and prescribing fees for the parking of vehicles, under D.C. Code, sec. 40-804(e).

(308) Fixing the amount of collateral to be deposited under D.C. Code, sec. 40-810.

(309) Including fees within the definition of the term "Governmental charges" under D.C. Code, sec. 40-901(4).

(310) By regulation or order, determining, fixing, redetermining, and refixing, maximum finance charges under D.C. Code, sec. 40-902(d).

(311) Making regulations to carry out the purposes of section 2 of the Act of April 22, 1960 under D.C. Code, sec. 40-902(e)(1).

(312) Making additional regulations under D.C. Code, sec. 40-902(e)(2).

(313) Making classifications under D.C. Code, sec. 40-902(e)(3).

(314) By regulation, (i) prohibiting the inclusion of certain provisions in any retail installment contract, and (ii) providing that waivers or purported waivers shall be void and of no effect, under D.C. Code, sec. 40-902(f).

(315) Prescribing by regulation security required of licensed persons, establishing classes and subclasses of persons, specifying the amount and conditions of the bond to be deposited by each of the members of any such class or subclasses, and by regulation requiring applicants for licenses (i) to furnish and keep in force a bond or other security, (ii) to procure and keep in force public liability insurance and property damage insurance, or both, and (iii) to appoint an attorney for the service of process and notices under D.C. Code, sec. 40-903(a).

(316) Promulgating regulations to carry out the purposes of Act regulating retail installment sales of motor vehicles under D.C. Code, sec. 40-905.

26. PUBLIC UTILITIES

(317) Fixing regulations under which electric light companies may be authorized to construct, use and extend conduits, and prescribing regulations under which electric lighting companies may extend underground conduits and wires, under D.C. Code, sec. 43-1101.

(318) Prescribing conditions and regulations to permit the erection of poles and the stringing of overhead wires thereon under D.C. Code, sec. 43-1105.

(319) Making regulations concerning granting of permits for repair, enlargement, and extension of electric-lighting conduits under D.C. Code, sec. 43-1106.

(320) Making regulations concerning granting of permits for repair, enlargement, and extension of electric-lighting conduits under D.C. Code, sec. 43-1107.

(321) Prescribing regulations under D.C. Code, sec. 43-1406.

(322) Prescribing regulations under D.C. Code, sec. 43-1414.

(323) Making regulations for the proper distribution of water under D.C. Code, sec. 43-1503.

(324) Determining the frequency of levying and collecting water rates under D.C. Code, sec. 43-1504.

(325) Fixing the rates charged for water and water services under D.C. Code, sec. 43-1520c.

(326) Establishing charges for the provision of sanitary sewer service under D.C. Code, secs. 43-1605 and 43-1606.

(327) Promulgating regulations to effectuate purposes of Title II of the Act of May 18, 1954 under D.C. Code, sec. 43-1608.

(328) Imposing additional charge for unpaid sanitary sewer service charge under D.C. Code, sec. 43-1609.

(329) Making rules and regulations to carry out provisions of Public Works Act of 1954 under D.C. Code, sec. 43-1618.

(330) Prescribing regulations respecting the operation and maintenance of the Potomac Interceptor under D.C. Code, sec. 43-1621(a).

27. PASSENGER MOTOR VEHICLES FOR HIRE

(331) Approving form of, and terms and conditions of filing, evidence under D.C. Code, sec. 44-301.

(332) Making rules and regulations governing the writing of insurance, the making of bonds, and the business of insuring or bonding risks under D.C. Code, sec. 44-302.

28. REAL PROPERTY

(333) Prescribing by regulation extensions of time under D.C. Code, sec. 45-723(d)(1).

(334) Prescribing by regulation methods or devices, or both, for the evidencing of payment and the collection of taxes under D.C. Code, sec. 45-736.

(335) Prescribing rules and regulations to carry out the purposes of subchapter II of chapter 7 of title 45 of the D.C. Code, under D.C. Code, sec. 45-737.

(336) Adopting a seal and prescribing the design engraved thereon, and making, revising, or repealing regulations to carry out the provisions of chapter 14 of title 45 of the D.C. Code, under D.C. Code, sec. 45-1403.

(337) Requiring proof of the honesty, truthfulness, and integrity of the applicant under D.C. Code, sec. 45-1405.

29. SOCIAL SECURITY

(338) Prescribing regulations for estimating and determining the reasonable cash value of remuneration in any medium other than cash and for estimating and determining the reasonable amount of gratuities under D.C. Code, sec. 46-301(c).

(339) Prescribing by regulation the period of time as equivalent to a calendar quarter under D.C. Code, sec. 46-301(k).

(340) Prescribing the period of time to be used for the term "month" under D.C. Code, sec. 46-301(n).

(341) Prescribing by regulation the period of seven consecutive days to be used as a "week" under D.C. Code, sec. 46-301(o).

(342) Prescribing regulations specifying time within which employers shall make a return of, and pay contributions accrued with respect to, wages paid during preceding calendar quarter with respect to employment, under D.C. Code, sec. 46-304(b).

(343) Prescribing regulations respecting issuance of certificate of release of lien for taxes under D.C. Code, sec. 46-304(e).

(344) Prescribing the extent to which rulings, regulations, or decisions shall be applied without retroactive effect under D.C. Code, sec. 46-304(k).

(345) Prescribing regulations regarding reduction of benefits under D.C. Code, sec. 46-307(c).

(346) Prescribing regulations regarding the making of claims for benefits under D.C. Code, sec. 46-309(a).

(347) Prescribing regulations specifying the frequency and manner of registration and inquiries for work, and by regulation waiving or altering requirements for benefits, under D.C. Code, sec. 46-309(d).

(348) Prescribing regulations governing determinations as to what constitutes leaving work voluntarily without good cause under D.C. Code, sec. 46-310(a).

(349) Prescribing regulations under D.C. Code, sec. 46-310(c).

(350) Prescribing regulations under D.C. Code, sec. 46-310(e).

(351) Prescribing regulations under D.C. Code, sec. 46-311(a).

(352) Prescribing regulations under D.C. Code, sec. 46-311(c).

(353) Prescribing regulations under D.C. Code, sec. 46-311(e).

(354) Fixing rate of fees allowed witnesses under D.C. Code, sec. 46-311(g).

(355) Requiring bonds of employees under D.C. Code, sec. 46-313(a).

(356) Making regulations to carry out the provisions of chapter 3 of title 46 of the D.C. Code under D.C. Code, sec. 46-313(b).

(357) By regulations prescribing restrictions, subject to which information may be made available, under D.C. Code, sec. 46-313(f).

(358) Entering into reciprocal arrangements under D.C. Code, sec. 46-316(a).

(359) Prescribing work records to be kept, under D.C. Code, sec. 46-317(a).

30. TAXATION AND FISCAL AFFAIRS

(360) Fixing amounts of bonds under D.C. Code, secs. 47-113c and 47-120a.

(361) Requiring the giving of bond under D.C. Code, sec. 47-122.

(362) Requiring the giving of bond under D.C. Code, sec. 47-303.

(363) Ascertaining, determining, and fixing annually rate of taxation under D.C. Code, sec. 47-501.

(364) Determining whether any money raised in any fiscal year in excess of the needs for that year shall be available in the succeeding year for the purpose of meeting expenses or for enabling the fixing of a lower rate of taxation for the year following, or both, under D.C. Code, sec. 47-503.

(365) Reporting annually to the Congress the use being made of property specifically exempted from taxation, and any changes in such use, with recommendations, under D.C. Code, sec. 47-801a(e).

(366) Making and promulgating rules and regulations to carry out the intent and purposes of the Act of December 24, 1942 under D.C. Code, sec. 47-801f.

(367) Fixing date of sale of real property on which taxes are levied and in arrears under D.C. Code, sec. 47-1001.

(368) Requiring by regulation the times and manner of reporting income and the information to be reported under D.C. Code, sec. 47-1577a(b) (17) (last paragraph) (Public Law 89-591).

(369) Promulgating rules and regulations permitting as a deduction from gross income allowances for depletion of natural resources under D.C. Code, sec. 47-1557b(a) (7).

(370) Including in regulations tax table for elective use in connection with paying the tax under D.C. Code, sec. 47-1567b(b).

(371) Prescribing regulation or regulations for determining under formula or formulas provided therein the portion of net income subject to tax under the District of Columbia Income and Franchise Tax Act of 1947 under D.C. Code, sec. 47-1580a.

(372) Prescribing and promulgating all regulations referred to in D.C. Code, sec. 47-1586g.

(373) Prescribing and publishing rules and regulations for the enforcement of the District of Columbia Income and Franchise Tax Act of 1947 under D.C. Code, sec. 47-1595.

(374) Making rules and regulations to carry out the provisions of the District of Columbia Revenue Act of 1956 under D.C. Code, sec. 47-1595a.

(375) Making rules and regulations for enforcement of law imposing inheritance and estate taxes and providing for granting extensions of time under D.C. Code, sec. 47-1618.

(376) Prescribing regulations relating to issuing certificate releasing property from lien under D.C. Code, sec. 47-1623.

(377) Entering into a compact and issuing rules and regulations for the implementation of such compact under section 103 of Public Law 89-11, approved April 14, 1965 (79 Stat. 60).

(378) Entering into an agreement, issuing rules and regulations for the implementation of such agreement, making exemptions from the coverage of the agreement, making changes in methods of reporting, and giving notice of withdrawal from the agreement, under sections 202, 203, and 205 of Public Law 89-11, approved April 14, 1965 (79 Stat. 65, 66).

(379) Promulgating regulations requiring information to be contained in applications under D.C. Code, sec. 47-1903(a) (5).

(380) Making regulations for the administration of the Act of April 23, 1924 (imposing tax on motor-vehicle fuels), and affixing thereto fines and penalties, under D.C. Code, sec. 47-1916.

(381) Determining penal sum of bond to be deposited by applicants for licenses under D.C. Code, sec. 47-2102.

(382) Adopting seal under D.C. Code, sec. 47-2301.

(383) Prescribing regulations for the public decency under D.C. Code, sec. 47-2303.

(384) Classifying buildings, and requiring licenses, under D.C. Code, sec. 47-2328.

(385) Directing as to the identification tags to be borne by licensed vehicles under D.C. Code, sec. 47-2331(f).

(386) Making and modifying regulations governing the conduct of licensed vendors under D.C. Code, sec. 47-2336.

(387) Making regulations for the examination of applicants for licenses under D.C. Code, sec. 47-2338.

(388) Classifying dealers in secondhand personal property under D.C. Code, sec. 47-2339.

(389) Making and promulgating regulations under D.C. Code, sec. 47-2340.

(390) Making regulations for the government and conduct of the business of licensed private detectives under D.C. Code, sec. 47-2341(d).

(391) Requiring a license of businesses or callings other than those specified in the Act and modifying any provision of the Act, under D.C. Code, sec. 47-2344.

(392) Prescribing additional subjects in which applicants for license as undertaker shall be examined under D.C. Code, sec. 47-2344a(b).

(393) Promulgating and altering rules and regulations under D.C. Code, sec. 47-2344a(d)(6).

(394) Making regulations under D.C. Code, sec. 47-2345(a).

(395) Providing by regulation that any inspection shall be made either prior or subsequent to the issuance of a license under D.C. Code, sec. 47-2345(b).

(396) Requiring that a class or subclasses of licensees give bond, and fixing the amount of such bond, under D.C. Code, sec. 47-2345(c).

(397) Making rules and regulations to carry out the provisions of the District of Columbia Revenue Act of 1937, and prescribing and publishing rules and regulations for the enforcement of the Revenue Act of 1939, under D.C. Code, sec. 47-2502.

(398) Prescribing amounts to be added to sales prices and collected from purchasers under D.C. Code, sec. 47-2604(a).

(399) Prescribing regulations governing refunds to vendors of amounts repaid to purchasers under D.C. Code, sec. 47-2617(a).

(400) Making, adopting, and amending regulations under D.C. Code, sec. 47-2620.

(401) Prescribing methods for determining the gross proceeds from sales made or services rendered and for the allocation of such sales and services into taxable and nontaxable sales under D.C. Code, sec. 47-2621(c).

(402) Requiring vendors to keep detailed records, and to furnish information, under D.C. Code, sec. 47-2621(d).

(403) Requiring vendors to file bond, determining the sureties necessary, and the duration of the bond under D.C. Code, sec. 47-2708.

(404) Requiring purchasers to include in monthly returns (relating to compensating-use tax) information necessary for the computation and collection of the tax under D.C. Code, sec. 47-2711(a).

(405) Requiring returns of purchasers to be made for periods and upon dates other than those specified in the Act, and specifying such periods and dates, under D.C. Code, sec. 47-2711(b).

(406) By regulation, including wrapper within the definition of "original package" under D.C. Code, sec. 47-2801(g).

(407) By regulation, permitting tax stamps to be affixed other than to original packages, and approving regulations prescribing the manner of cancellation of stamps, under D.C. Code, sec. 47-2802(c).

(408) Prescribing stamps denoting payment of tax, under D.C. Code, sec. 47-2802(d).

(409) By regulation permitting licensees to pay tax by imprinting impressions upon original packages by the use of metering devices under D.C. Code, sec. 47-2802(h).

(410) By regulation, prescribing terms and conditions for allowing discount from the face value of tax stamps under D.C. Code, sec. 47-2802(i).

(411) Approving regulations permitting cigarettes to be sold in number less than the number contained in the original package, and fixing fee for retailer's license, under D.C. Code, sec. 47-2805(A).

(412) By regulation, requiring that a separate license be obtained for each vending machine or permitting a blanket license for one or more machines, prescribing that evidence of licensing of machines be attached to each machine by means of markers, stickers, or otherwise, and fixing the annual fee for licenses, under D.C. Code, sec. 47-2805 (B).

(413) By regulation, authorizing the issuance of a license for a place outside the District of Columbia and authorizing the terms and conditions therefor, and fixing the annual fee for license, under D.C. Code, sec. 47-2805 (C) (3).

(414) Fixing by regulation periods for which licenses shall remain in effect, under D.C. Code, sec. 47-2806.

(415) Making rules and regulations to carry out the provisions of chapter 28 of title 47 of the D.C. Code, under D.C. Code, sec. 47-2808.

(416) Prescribing regulations respecting refunds or allowances as credit on purchase of new tax stamps under D.C. Code, sec. 47-2811 (a).

(417) Promulgating regulations to carry out the purposes of the Act of September 1, 1959 under D.C. Code, sec. 47-3009.

31. MISCELLANEOUS

(418) Promulgating rules and regulations with respect to the solicitation and voting of proxies, consents, and authorizations under section 2(a) of the Act of April 18, 1966 (Public Law 89-402; 80 Stat. 123).

(419) By rules and regulations, exempting a transaction or transactions, under section 3(b) (last sentence) of the Act of April 18, 1966 (Public Law 89-402; 80 Stat. 124).

(420) By rules and regulations, defining and prescribing terms and conditions under section 3(d) (last sentence) of the Act of April 18, 1966 (Public Law 89-402; 80 Stat. 124).

(421) Adopting, prescribing, and making the rules and regulations referred to in sections 3(e), 3(f), and 3(h) of the Act of April 18, 1966 (Public Law 89-402; 80 Stat. 124; 125).

(422) Making regulations to secure the preservation of public order and protection of life, health, and property, making special regulations respecting the standing, movement, and operation of vehicles, and fixing fees for special licenses, under the first section of the Act of July 19, 1966 (Public Law 89-514; 80 Stat. 320).

(423) Adopting rules and regulations to carry out the purposes of the District of Columbia Certified Public Accountancy Act of 1966 (Public Law 89-578, approved September 16, 1966), under section 5 of that Act (80 Stat. 787).

(424) Making rules and regulations to carry out the District of Columbia Revenue Act of 1966 (Public Law 89-610, approved September 30, 1966) under section 1005 of that Act (80 Stat. 859).

(425) Appointing two directors of the Washington Metropolitan Area Transit Authority (80 Stat. 1326). Those directors shall be appointed from among a group of individuals consisting of the following: (1) The members of the District of Columbia Council, (2) the Commissioner of the District of Columbia, and (3) the Assistant to the Commissioner of the District of Columbia (provided for in section 302 of this reorganization plan).

(426) Promulgating rules and regulations for the administration of the work release program under Section 5 of the District of Columbia Work Release Act (Public Law 89-803; 80 Stat. 1519).

(427) Fixing stipends of student employees under 5 U.S.C. 5352.

(428) Fixing value of accommodations to be deducted from stipends under 5 U.S.C. 5353.

(429) Prescribing and issuing, or providing for the formulation and issuance of, regulations under 5 U.S.C. 5527(b).

(430) Prescribing regulations for the destruction of animals or live poultry affected with contagious, infectious, or communicable disease, and for the proper disposition of their hides and carcasses, and prescribing regulations for disinfection and other regulations, under section 8 of the Act of May 29, 1884, c.60, 23 Stat. 33, as amended (21 U.S.C. 130).

(431) Agreeing to the closing and vacating of alleys and portions of streets under section 8(b) of the Public Buildings Act of 1959, P.L. 86-249, 73 Stat. 481, as amended (40 U.S.C. 607(b)).

(432) The functions under Title VI of the Act of October 14, 1940, c.862, as amended (42 U.S.C. 1581-1590) which are now vested in the Board of Commissioners of the District of Columbia pursuant to the provisions of section 610 of that Act, as amended (42 U.S.C. 1590).

SEC. 403. *Budget.* Functions with respect to requests for regular, supplemental, or deficiency appropriations for the District of Columbia (made in pursuance of section 214 of the Budget and Accounting Act, 1921, as amended (31 U.S.C. 22) or in pursuance of any other provision of law) are hereby transferred so as to accord with the following:

(a) The Commissioner of the District of Columbia shall prepare such requests and submit them to the District of Columbia Council.

(b) If the Council approves the requests so submitted, without revision, it shall return them to the Commissioner and the Commissioner shall submit them to the Bureau of the Budget.

(c) If the Council revises the requests so submitted to the Council, it shall return them, with the revisions, to the Commissioner. If the Commissioner concurs in the revisions he shall submit the revised requests to the Bureau of the Budget.

(d) If the Commissioner does not concur in any one or more of the revisions proposed by the Council he shall return the requests, together with the Council's revisions, to the Council and append a statement of the reasons for not concurring. If the Council, by a three-fourths vote of its members present and voting insists upon any one or more of its original revisions, it shall return the requests and the revisions upon which it insists to the Commissioner within five days and so inform him, and he shall submit the requests, incorporating the revisions upon which the Council insists, to the Bureau of the Budget. If such a three-fourths vote does not prevail or the Council does not act on the requests, the Council shall return the requests to the Commissioner and he shall submit them (without the revisions) to the Bureau of the Budget.

(e) If the Council does not approve or revise the requests within thirty days next following their receipt, the requests shall be deemed to be approved by the Council.

(f) The authority of the Commissioner under section 305 of this reorganization plan (to delegate functions) shall not extend to his functions under this section of concurring or not concurring in revisions of requests proposed by the Council.

SEC. 404. *Zoning Commission.* Functions of the members of the Board of Commissioners of the District of Columbia with respect to serving as members of the Zoning Commission (D.C. Code, sec. 5-412) are hereby transferred as follows:

(a) Those of the President of the Board of Commissioners are transferred to the Chairman of the District of Columbia Council.

(b) Those of the Engineer Commissioner are transferred to the Commissioner of the District of Columbia.

(c) Those of the other member of the Board of Commissioners are transferred to the Vice Chairman of the Council.

SEC. 405. *Officers of the Corporation.* The functions of the Commissioners of the District of Columbia with respect to being officers of the Corporation under D.C. Code, sec. 1-103 are hereby transferred to

the members of the District of Columbia Council and to the Commissioner of the District of Columbia in such manner as to accord with the transfers of functions to the Council and the Commissioner, respectively, as effected by the provisions of the foregoing sections of Part IV of this reorganization plan.

SEC. 406. *Approval or disapproval by Commissioner.* (a) Each and every action taken by the Council in pursuance of authority transferred to it by the provisions of this reorganization plan in respect of rules or regulations (exclusive of rules and regulations respecting the internal organization or functioning of the Council or the appointment or direction of personnel employed by the Council) or in respect of penalties or taxes shall be promptly presented to the Commissioner of the District of Columbia (provided for in Part III of this reorganization plan) for his approval or disapproval.

(b) If the Commissioner approves an action of the Council presented to him under subsection (a) of this section, that action shall become effective immediately or at such later time as may be specified in the action of the Council.

(c) If the Commissioner neither approves nor disapproves an action of the Council before the expiration of the first period of ten calendar days following the date on which the action is presented to him by the Council, the action of the Council shall become effective without the approval of the Commissioner upon the expiration of the ten-day period or at such later time as may be specified in the action of the Council.

(d) Where the Commissioner disapproves an action of the Council before the expiration of the first period of ten calendar days following the date on which the action is presented to him by the Council, he shall return the action to the Council before such expiration together with a statement of the reasons for his disapproval. No action so returned shall become effective, except that such an action shall become effective if the Council re-adopts the action by a three-fourths vote of the Council members present and voting within thirty days next following the return of the action to the Council. Any action which becomes effective under this subsection shall be effective upon the re-adoption thereof by the Council or upon such later date as may be specified in the action of the Council.

(e) The authority of the Commissioner under section 305 of this reorganization plan (to delegate functions) shall not extend to his functions under the foregoing subsections of section 406.

PART V. MISCELLANEOUS PROVISIONS

SEC. 501. *Status of certain agencies.* (a) Functions now vested in any agency listed in subsection (b) of this section, or in any officer or body of or under such agency, shall remain so vested; but all functions of the Board of Commissioners of the District of Columbia, and all functions of the President of that Board or of any other member of the Board, relating to the listed agency or its functions or to an officer or body thereof or to the functions of such officer or body shall be deemed to be transferred by Part IV of this reorganization plan.

(b) The following agencies of the Corporation are the agencies referred to in subsection (a) of this section:

- (1) Board of Education (including the public school system)
- (2) Board of Library Trustees (including the public libraries)
- (3) Recreation Board
- (4) Public Service Commission
- (5) Zoning Commission
- (6) Zoning Advisory Council
- (7) Board of Zoning Adjustment
- (8) Office of the Recorder of Deeds
- (9) Armory Board

SEC. 502. *Incidental transfers.* (a) The personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the offices of the Board of Commissioners of the District of Columbia or in connection with the offices of the commissioners composing that Board shall be transferred as follows at such time or times as the Director of the Bureau of the Budget shall direct:

(1) So much thereof as the Director of the Bureau of the Budget shall determine to relate primarily to functions transferred to the District of Columbia Council by the provisions of this reorganization plan shall be transferred to that Council.

(2) All other thereof shall be transferred to the Commissioner of the District of Columbia.

(b) Such further measures and dispositions as the Director of the Bureau of the Budget shall deem to be necessary in order to effectuate the transfers referred to in subsection (a) of this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

(c) Unless and until other provision is made in pursuance of section 304 of this reorganization plan or by law, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds which are now under the jurisdiction of the Board of Commissioners of the District of Columbia and are not affected by the provisions of subsection (a) of this section shall continue to be attached to or available for the several agencies of the Corporation.

SEC. 503. *Abolitions.* (a) Without prejudice to the continuation of the Corporation, there is hereby abolished the Board of Commissioners of the District of Columbia.

(b) The abolition effected by subsection (a) of this section includes the abolition of the office held by an officer of the Corps of Engineers of the United States Army as the Engineer Commissioner of the District of Columbia (10 U.S.C. 3534(a); D.C. Code, sec. 1-201) and the two other offices of Commissioner of the District of Columbia, but nothing in this reorganization plan shall preclude the detail by the President of not more than three officers assigned to the Corps of Engineers to assist the Commissioner of the District of Columbia in discharging his duties (10 U.S.C. 3534(b); D.C. Code, sec. 1-212).

(c) The joint board authorized and created by section 6(e) of the Act of March 3, 1925, 43 Stat. 1121, as amended (D.C. Code, sec. 40-603(e)), together with its functions, is hereby abolished.

(d) The Commissioner of the District of Columbia shall make such provisions as he may deem necessary with respect to winding up the affairs of (1) the Board of Commissioners of the District of Columbia, and (2) the joint board on traffic.

SEC. 504. *Effective dates.* (a) Except as otherwise provided in subsection (b) of this section, the provisions of this reorganization plan shall take effect on the date determined under section 906(a) of title 5 of the United States Code.

(b) Part IV and sections 501, 502, and 503 of this reorganization plan shall take effect when for the first time there are in office under this reorganization plan both (1) the Commissioner provided for in Part III hereof, and (2) not less than six members of the Council provided for in Part II hereof or on such later date as may be specified by the President of the United States.

[F.R. Doc. 67-9507; Filed, Aug. 11, 1967; 8:45 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

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

[Valencia Orange Reg. 215]

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

Limitation of Handling

§ 908.515 Valencia Orange Regulation 215.

(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 com-

mittee, 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 August 10, 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 August 13, 1967, through August 19, 1967, are hereby fixed as follows:

- (i) District 1: 140,000 cartons;
- (ii) District 2: 560,000 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: August 11, 1967.

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

[P.R. Doc. 67-9582; Filed, Aug. 11, 1967; 11:32 a.m.]

[Lemon Reg. 280]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.580 Lemon Regulation 280.

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

(2) It is hereby further found that it is impracticable and contrary to the pub-

lic 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 August 8, 1967.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period August 13, 1967, through August 19, 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: August 10, 1967.

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

[P.R. Doc. 67-9515; Filed, Aug. 11, 1967; 8:47 a.m.]

[Pear Reg. 6]

PART 927—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Regulation by Grades, Quality, and Sizes

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 927, as amended (7 CFR Part 927), regulating the handling of the Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and 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 Control Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 14, 1967. A reasonable determination as to the composition of the available supplies of such pears, and therefore the extent of grade and size regulation warranted, must await the development of the crop; recommendation as to the need for, and the extent of, regulation of shipments of such pears were made by said committee on July 19, 1967, after consideration of all information then available relative to the supply and demand conditions for such pears, at which time such recommendations and supporting information were submitted to the Department on July 24, 1967, and notice thereof given to handlers and growers; shipments of the current crop of such pears are expected to begin on or about the effective time hereof, and this regulation should be applicable to all shipments of such pears in order to effectuate the declared policy of the act; and compliance with this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 927.306 Pear Regulation 6.

(a) *Order.* (1) During the period August 14, 1967, through June 30, 1968, no handler shall ship any pears which do not meet the following requirements for the variety specified:

(i) Beurre D'Anjou pears shall be of a size not smaller than the 195 size and shall grade at least U.S. No. 2, except that such pears may fail to meet such grade only because of serious damage but not very serious damage caused by frost injury, healed hail marks, russetting, or being seriously misshapen: *Provided*, That pears of such variety which bear unhealed broken skin punctures not exceeding three-sixteenth ($\frac{3}{16}$) of an inch in diameter or depth, as the case may be, may be shipped if such pears otherwise grade at least U.S. No. 1 and are not smaller than the 150 size;

(ii) Beurre D'Anjou pears shipped from the State of Oregon or the State of Washington prior to October 15, 1967, shall have an appropriate certification by the Federal-State Inspection Service, issued prior to shipment, showing that the core temperature of such pears has been lowered to at least 35° F.;

(iii) Beurre Bosc pears shall be of a size not smaller than the 195 size and shall grade at least U.S. No. 2, except that such pears may fail to meet such grade only because of serious damage but not very serious damage caused by frost injury, healed hail marks, russetting, or being seriously misshapen;

(iv) Doyenne du Comice pears shall be of a size not smaller than the 180 size and shall grade at least U.S. No. 2, except that such pears may fail to meet such grade only because of serious damage but not very serious damage caused by frost injury, healed hail marks, russetting, or being seriously misshapen; and

(v) Winter Nelis pears shall grade at least U.S. No. 2 and be of a size not smaller than the 225 size: *Provided*, That Winter Nelis pears which fail to meet the requirements specified in the U.S. No. 2 grade only because of serious damage but not very serious damage caused by frost injury, healed hail marks, russetting, or being seriously misshapen may be shipped if they are of a size not smaller than the 150 size.

(2) Each handler may ship on any one conveyance up to, but not to exceed, 200 standard western pear boxes of pears, or an equivalent quantity of pears in other containers computed by weight to the nearest 5 pounds, without regard to the inspection requirements of § 927.60(b), under the following conditions:

(i) Each handler desiring to make shipment of pears pursuant to this subparagraph shall first apply to the committee on forms furnished by the committee for permission to make such shipments. The application form shall provide a certification by the shipper that all shipments made thereunder during the marketing season shall meet the marketing order requirement, that he agrees such shipments shall be subject to spot check inspection, and that he agrees to report such shipments at time of shipment to the committee on forms

furnished by the committee, showing the car or truck number and destination; and

(ii) On the basis of such individual reports, the committee shall request spot check inspection of such shipments.

(3) When used herein, "U.S. No. 1," "U.S. No. 2," "frost injury," "healed hail marks," "russetting," and "seriously misshapen" shall have the same meaning as when used in the U.S. Standards for Winter Pears such as Anjou, Bosc, Winter Nelis, Comice, and other Similar Varieties (§§ 51.1300-51.1323 of the title); "150 size," "180 size," "195 size," and "225 size" shall mean that the pears are of a size which, as indicated by the size number, will pack, in accordance with the sizing and packing specifications of a standard pack, as specified in said U.S. Standards, 150, 180, 195, or 225 pears, respectively, in a standard western pear box (inside dimensions 18 inches long by 11½ inches wide by 8½ inches deep); "very serious damage" shall mean any injury or defect which very seriously affects the appearance or the edible or shipping quality of the pear; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

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

Dated: August 8, 1967.

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

[F.R. Doc. 67-9484; Filed, Aug. 11, 1967; 8:45 a.m.]

PART 945—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Expenses and Rate of Assessment

Notice of rule making regarding proposed expenses and rate of assessment, to be effective under Marketing Agreement No. 98 and Order No. 945, both as amended (7 CFR Part 945), regulating the handling of Irish potatoes grown in designated counties in Idaho and Malheur County, Oreg., was published in the FEDERAL REGISTER July 18, 1967 (32 F.R. 10516). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to submit written data, views, or arguments pertaining thereto not later than 15 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were recommended by the Idaho-Eastern Oregon Potato Committee, established pursuant to said amended marketing agreement and order, it is hereby found and determined that:

§ 945.220 Expenses and rate of assessment.

(a) *Expenses.* The reasonable expenses that are likely to be incurred during the fiscal period beginning June 1, 1967, and ending May 31, 1968, by the Idaho-Eastern Oregon Potato Committee, for its maintenance and functioning, and for such other purposes as the Secretary determines to be appropriate, will amount to \$32,000.

(b) *Rate of assessment.* The rate of assessment to be paid by each handler in accordance with the amended marketing agreement and this part, shall be two-tenths of 1 cent (\$0.002) per hundredweight, or equivalent quantity, of potatoes handled by him as the first handler thereof during the fiscal period.

(c) *Reserve.* Unexpended income in excess of expenses for the fiscal period ending May 31, 1968, may be carried over as a reserve.

(d) *Definition of terms.* Terms used in this section have the same meaning as when used in the said amended marketing agreement and this part.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the relevant provisions of this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable potatoes from the beginning of such period, and (2) the current fiscal period began on June 1, 1967, and the rate of assessment herein fixed will automatically apply to all assessable potatoes beginning with such date.

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

Dated: August 8, 1967.

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

[F.R. Doc. 67-9485; Filed, Aug. 11, 1967; 8:45 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 3]

PART 122—BUSINESS LOANS

The Small Business Administration has initiated a Simplified Blanket Loan Guaranty Plan, which will supplement its regular plan of guaranteeing individual loans made by banks. Under the new Plan the Small Business Administration guarantees loans made by a lending institution under a single Guaranty Agreement. The Agreement obligates the Small Business Administration to purchase not more than 90 percent of the outstanding balance of each loan, plus accrued interest, in the event the borrower has defaulted for not less than 60 days.

The section relating to Early Maturities Participation loans has been deleted; however, SBA regulations relating to such loans, during the period that they were approved, remain in full force and effect.

The Small Business Administration Business Loan Regulation, Revision 2, as amended (13 CFR Part 122; 28 F.R. 6823 and 28 F.R. 7469) is hereby revised to read as follows:

Sec.	
122.1	Statutory provisions.
	FINANCIAL ASSISTANCE
122.2	General.
122.3	Eligibility.
122.4	Interest rates.
	TYPES OF BUSINESS LOANS AND GUARANTEED LOANS
122.5	Introduction.
122.6	Deferred participation loans.
122.7	Immediate participation loans.
122.8	Direct loans.
122.9	Group corporations.
122.10	Guaranteed loans.
122.11	Simplified bank loans.
122.12	Simplified early maturities participations.
122.13	Purposes of loans.
122.14	Extension of loans.
122.15	Step-by-step application procedure for financial assistance.
122.16	Credit requirements.
	TERMS AND CONDITIONS OF LOANS
122.17	Maturities.
122.18	Charges, commissions, and fees.
122.19	Loan closing.
	LOAN ADMINISTRATION
122.20	Loan administration.
122.21	Collection policy.
122.22	Sale and conversion of loans.
	LIQUIDATION OF LOANS AND SECURITY
122.23	Liquidation policy.
122.24	Foreclosure of collateral.
122.25	Sale of acquired collateral.

AUTHORITY: The provisions of this Part 122 issued under P.L. 85-536, sec. 7, 72 Stat. 384 (1958) as amended; 15 U.S.C. sec. 636.

§ 122.1 Statutory provisions.

SEC. 7. (a) The Administration is empowered to make loans to enable small business concerns to finance plant construction, conversion, or expansion, including the acquisition of land; or to finance the acquisition of equipment, facilities, machinery, supplies, or materials; or to supply such concerns with working capital to be used in the manufacture of articles, equipment, supplies, or materials for war, defense, or civilian production or as may be necessary to insure a well-balanced national economy; and such loans may be made or effected either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis. The foregoing powers shall be subject, however, to the following restrictions and limitations:

(1) No financial assistance shall be extended pursuant to this subsection unless the financial assistance applied for is not otherwise available on reasonable terms.

(2) No immediate participation may be purchased unless it is shown that a deferred participation is not available; and no loan may be made unless it is shown that a participation is not available.

(3) In agreements to participate in loans on a deferred basis under this subsection, such participation by the Administration shall not be in excess of 90 per centum of the

balance of the loan outstanding at the time of disbursement.

(4) Except as provided in paragraph (5) (A), no loan under this subsection shall be made if the total amount outstanding and committed (by participation or otherwise) to the borrower from the revolving fund established by this Act would exceed \$350,000; (B) the rate of interest for the Administration's share of any such loan shall be no more than 5½ per centum per annum; and (C) no such loan, including renewals or extensions thereof, may be made for a period or periods exceeding 10 years except that a loan made for the purpose of constructing facilities may have a maturity of 10 years plus such additional period as is estimated may be required to complete such construction.

(5) In the case of any loan made under this subsection to a corporation formed and capitalized by a group of small business concerns with resources provided by them for the purpose of obtaining for the use of such concerns raw materials, equipment, inventories, supplies or the benefits of research and development, or for establishing facilities for such purpose, (A) the limitation of \$350,000 prescribed in paragraph (4) shall not apply, but the limit of such loan shall be \$250,000 multiplied by the number of separate small businesses which formed and capitalized such corporation; (B) the rate of interest for the Administration's share of such loan shall be no less than 3 nor more than 5 per centum per annum; and (C) such loan, including renewals and extensions thereof, may not be made for a period or periods exceeding 10 years except that if such loan is made for the purpose of constructing facilities it may have a maturity of 20 years plus such additional time as is required to complete such construction.

(6) The Administrator is authorized to consult with representatives of small business concerns with a view to encouraging the formation by such concerns of the corporation referred to in paragraph (5). No act or omission to act, if requested by the Administrator pursuant to this paragraph, and if found and approved by the Administration as contributing to the needs of small business, shall be construed to be within the prohibitions of the antitrust laws or the Federal Trade Commission Act of the United States. A copy of the statement of any such finding and approval intended to be within the coverage of this section, and any modification or withdrawal thereof, shall be furnished to the Attorney General and the Chairman of the Federal Trade Commission when made, and it shall be published in the FEDERAL REGISTER. The Authority granted in this paragraph shall be exercised only (A) by the Administrator, (B) upon the condition that the Administrator consult with the Attorney General and with the Chairman of the Federal Trade Commission, and (C) upon the condition that the Administrator obtain the approval of the Attorney General before exercising such authority. Upon withdrawal of any request or finding hereunder or upon withdrawal by the Attorney General of his approval granted under the preceding sentence, the provisions of this paragraph shall not apply to any subsequent act or omission to act by reason of such finding or request.

(7) All loans made under this subsection shall be of such sound value or so secured as reasonably to assure repayment.

(c) (1) The Administration may further extend the maturity of or renew any loan made pursuant to this section, or any loan transferred to the Administration pursuant to Reorganization Plan Numbered 2 of 1954, or Reorganization Plan Numbered 1 of 1957, for additional periods not to exceed 10 years

beyond the period stated therein, if such extension or renewal will aid in the orderly liquidation of such loan.

FINANCIAL ASSISTANCE

§ 122.2 General.

(a) It is the intent of Congress that Government assistance should be extended only after all other possible avenues for solving a small firm's financial problems have been explored. Frequently firms do not need financial assistance but are in need most of counseling on financial management problems. In such cases SBA provides assistance through its Financial Counseling Program.

(b) In response to requests for financial assistance, consideration is given to (1) possible assistance available from local and State development corporations; (2) possible means of obtaining credit on reasonable terms from banks, other private financing sources, or from utilization of the personal credit or resources of the applicant's owners or management; (3) adequacy of accounting methods and other aspects of financial management; (4) means of increasing equity capital; (5) eligibility for V loan financing of defense contracts; (6) feasibility of obtaining advance or partial payments on contracts.

(c) All loans shall be of such sound value, or so secured as reasonably to assure repayment. Security may include, but shall not be limited to, mortgage on real or personal property, monies due on contracts, assignment of warehouse receipts, guarantees, and under certain circumstances assignment of receivables or pledge of inventories.

(d) It is the policy of the U.S. Government and of the Small Business Administration to encourage by affirmative action the elimination of discrimination because of race, creed, color, or national origin in employment opportunities created by construction contracts involving Federal financial assistance.

(1) "Construction contract" means any contract or subcontract for the alteration, rehabilitation, construction, conversion, extension, or repairing of buildings, highways, or other improvements to real property.

(2) Applicants for financial assistance are required to execute the Small Business Administration's "Applicant's Agreement of Compliance," SBA Form 601 and, as therein provided, shall cooperate with the Small Business Administration in fostering nondiscrimination in employment opportunities.

(3) All complaints alleging discrimination in construction contracts performed by or with financial assistance shall be investigated by the Small Business Administration. Complaints alleging discrimination must be filed with the Small Business Administration within 90 days of the alleged discrimination. The Small Business Administration may hold informal hearings and make findings regarding the allegation of discrimination in accord with the rules of the President's Committee on Equal Opportunity.

In the event that the Small Business Administration finds discrimination to have occurred, it may cancel loans approved but not disbursed to an applicant, it may refuse to make further disbursements on account of the loan, it may accelerate the maturity of the Note between Borrower and SBA, or it may take any action of a lesser nature. Failure of the Small Business Administration to invoke or assert any of the aforesaid sanctions, or any other sanctions, shall not be construed to be a waiver of SBA's right to assert any of such sanctions.

(e) It is also the policy, as set forth in Parts 112 and 113 of this chapter, to require nondiscrimination in employment and services to the public by SBA borrowers.

(f) (1) Financial assistance as used in this part shall include direct loans made by SBA, immediate participation loans, and guaranteed loans.

(2) Financial institution as used in this part shall include, but not be limited to, banks and other concerns whose regular course of business entails the making of commercial and industrial loans.

§ 122.3 Eligibility.

In order to be eligible, a business must qualify under the Loan Policy Regulation, Part 120 of this chapter, and the small business size standards requirements, Part 121 of this chapter.

§ 122.4 Interest rates.

Interest rates are set forth in Part 120 of this chapter.

TYPES OF BUSINESS LOANS AND GUARANTEED LOANS

§ 122.5 Introduction.

SBA's exposure of financial assistance to a borrower, including all affiliates, may not exceed \$350,000 outstanding at any one time. In assistance to Group Corporations, SBA's exposure may not exceed \$250,000 for each small business concern which formed and capitalized the Group Corporation.

§ 122.6 Deferred participation loans.

(a) From and after July 1, 1963, no applications for a deferred participation loan will be accepted by this Administration. The existing provisions concerning deferred participation loans are retained in the regulations in this part so as to govern deferred participation loans made prior to July 1, 1963.

(b) Deferred participation loans are those in which a bank or other financial institution advances the capital needed, and SBA agrees to purchase, upon demand by the lending institution, an agreed portion of the unpaid balance then outstanding. SBA's participation in a deferred participation loan shall not exceed 90 percent of the principal balance of the loan outstanding at the time SBA disburses its funds.

(c) In deferred participation loans a participation charge shall be payable by the bank or other lending institution to SBA for such agreement. The participation charges shall be on a sliding scale, depending upon the percentage of the

loan which SBA is obligated to purchase. Such participation charges, which shall not be charged to borrower by the participating institution, shall be as follows:

(1) For an amount not in excess of 50 percent of the loan, one-half of 1 percent per annum on the portion of the loan which SBA is obligated to purchase;

(2) For an amount in excess of 50 percent of the loan but not in excess of 75 percent of the loan, three-fourths of 1 percent per annum on the portion of the loan which SBA is obligated to purchase; and

(3) For an amount in excess of 75 percent of the loan but not in excess of 90 percent of the loan, 1 percent per annum on the portion of the loan which SBA is obligated to purchase.

(d) In deferred participation loans the interest rate on the bank's share applies to the entire loan until SBA purchases its share of such loan.

§ 122.7 Immediate participation loans.

Immediate participation loans are those where either SBA or a financial institution agrees to purchase from the other, immediately upon disbursement, an agreed percentage of each disbursement. SBA's participation shall not exceed 90 percent of the amount of the loan. An immediate participation loan may not be made if a guaranteed loan is available.

§ 122.8 Direct loans.

Direct loans are those made by SBA to a borrower when no participation or guaranteed loan is available.

§ 122.9 Group corporations.

(a) *Limitation of financial assistance.* In the case of a corporation formed and capitalized by a group of small-business concerns with resources provided by them to obtain for their own use raw materials, equipment, inventories, supplies or benefits of research and development or to establish facilities for such purposes, (1) the limitation on SBA's share of such assistance is \$250,000 multiplied by the number of separate small businesses participating in the Group Corporation; and (2) such assistance, including renewals and extensions thereof, may not be made for a period or periods exceeding ten years except that, if the assistance is made for the purpose of constructing facilities, it may have a maturity of 20 years plus such additional time as is required to complete the construction.

(b) *Use of proceeds.* Under the provisions of paragraph (a) of this section, the raw materials, equipment, inventories or supplies, or the benefits of research and development must be primarily for the use of the concerns organizing the Group Corporation.

(c) *Eligibility.* The applicant corporation shall be owned by a group of small business concerns, including corporations, partnerships, individuals or any combination of the foregoing, each of which shall itself qualify as a small business concern which would be eligible for a small business loan. Each such concern shall share a need in common

with the other small business concerns forming said corporation, the satisfaction of which need is the purpose for which the Group Corporation is being organized. Such Group Corporation shall file its application in the same manner as other eligible business concerns.

(d) *Antitrust exemption.* In the event that such a corporation desires exemption from the prohibitions of the antitrust laws or the Federal Trade Commission laws, it may obtain such exemption by using the procedures prescribed in paragraph (e) of this section.

(e) *Procedures for obtaining antitrust exemptions.* (1) A Group Corporation desiring an antitrust exemption, pursuant to section 7(a) (6) of the Small Business Act, as amended, will include a specific request for such exemption in its application.

(2) On reviewing an application containing an antitrust exemption request, the Administrator of SBA will consult with the Attorney General and the Chairman of the Federal Trade Commission with respect to the exemption. Upon receipt of the written approval of the Attorney General, the Administrator may make a finding that the formation of the Group Corporation will contribute to the needs of small business, and may approve the exemption.

(3) Upon the making of any such finding and approval, a copy of the finding and approval by the Administrator shall be furnished to the Attorney General and Chairman of the Federal Trade Commission and shall be published in the FEDERAL REGISTER. No action by such Group Corporation which has been approved by the Administrator, and which act is in furtherance of the purpose approved by the findings published in the FEDERAL REGISTER, shall be construed to be within the prohibitions of the antitrust laws or Federal Trade Commission Act of the United States.

(4) Even if not requested by the applicant, SBA may request antitrust clearance if it determines that such clearance is appropriate prior to approval of the loan to the Group Corporation.

(f) *Withdrawal of exemption.* In the event that the Group Corporation withdraws its request for the exemption, or the Administrator withdraws his finding that the Group Corporation contributes to the needs of small business or upon the withdrawal of the approval granted by the Attorney General, the antitrust exemption shall not apply to any subsequent act or omission to act by reason of such finding or request.

§ 122.10 Guaranteed loans.

(a) *Individually guaranteed loans.* (1) Individually guaranteed loans are loans made by financial institutions to small business concerns subject to a Guaranty Agreement between SBA and the lending institution which is applicable only to a specific loan to an identified small business concern. Under such a guaranty agreement SBA is obligated to purchase not more than 90 percent of the outstanding loan to the identifiable borrower, together with accrued interest, in the event the borrower has defaulted in

payment for not less than 90 days after the due date.

(2) SBA shall automatically and simultaneously purchase its guaranteed share of the loan in the event of the commencement by or against borrower of any bankruptcy proceeding, receivership, dissolution or of a creditor's rights proceeding pursuant to the provisions of the Guaranty Agreement.

(3) SBA makes a charge to the financial institution as set forth in Part 120 of this chapter. Such guaranty charges shall not be charged by the financial institution to its borrower.

(4) During the time that SBA may be obligated to purchase pursuant to a Guaranty Agreement, the financial institution may exercise a liquidity privilege in the form of temporary advances from SBA not exceeding the guaranteed portion of the loan. No temporary advances may be made for less than 15 days. The total maturities of all such advances may not exceed 90 days during any 12-month period. The repayment date of any such advance may not extend beyond the maturity of the small business concern's obligation to the financial institution. Advances may be made by SBA to the financial institution only while the loan to the small business concern is not delinquent as to principal and interest.

(5) Notwithstanding any other provisions of the regulations in this part or any agreement entered into by SBA, SBA shall have the right to purchase its guaranteed percentage of the loan if SBA shall determine that such purchase is in the best interest of the Government. If SBA shall exercise such right, the financial institution shall immediately assign, transfer, and deliver to SBA the note and all instruments obtained by the financial institution in connection with its loan.

(6) SBA shall be released from obligation to purchase its share of the guaranteed loan, unless the financial institution has substantially complied with all of the provisions of these regulations and the Guaranty Agreement, or upon the happening of any one or more of the following events:

(i) Failure of the financial institution to close and disburse the loan substantially in accord with the terms and requirements of the authorization approving the loan or the servicing of the loan in a negligent manner, either of which may result in a substantial loss on the loan; or

(ii) Payment in full of the amount due on the note; or

(iii) Receipt by SBA of written notice from the financial institution of the termination of this Agreement.

(b) *Simplified blanket guaranty loans.*

(1) Simplified blanket guaranteed loans are loans made by financial institutions under a Guaranty Agreement between SBA and the lending institution which is applicable to future loans to small business concerns as authorized by SBA. Under such a Guaranty Agreement, SBA is obligated to purchase not more than 90 percent of the outstanding balance of each loan thereunder together

with accrued interest in the event the borrower has defaulted for not less than 60 days. Any eligible loan which the lending institution would make only with the guaranty of SBA may be authorized by SBA under said Guaranty Agreement. Notification to SBA within 30 days of any default is a condition precedent to the lending institution's demand for purchase by SBA. Default means nonpayment of principal or interest on the due date, or the breach by the borrower of any loan covenant which the lending institution determines to be an adverse change in the borrower's ability to repay the loan.

(2) SBA makes a charge to the financial institution as set forth in Part 120 of this chapter. Such guaranty charges shall not be charged by the financial institution to its borrower.

(3) There is no liquidity privilege hereunder which the financial institution may exercise in the form of temporary advances from SBA.

(4) Ordinarily SBA will not purchase its guaranteed percentage of any loan until after such purchase has been requested or demanded by the lending institution. However, when any loan guaranteed hereunder shall be in default in payment of principal or interest for more than 90 days after the due date, SBA has the option to purchase its guaranteed percentage, or the loan in its entirety, whenever SBA determines in its discretion that such purchase is in the best interest of the Government. The lending institution shall receive written notice of such election to purchase by SBA, and the effective date of such purchase shall be the 10th day after receipt of such notice; as of such date the note and all related loan instruments shall be assigned, transferred and delivered to SBA.

§ 122.11 Simplified bank loans.

This loan plan is designed to provide greater expediency in the processing of SBA immediate participation loan applications and applications for guaranteed loans. It is a procedure whereby SBA may make a speedy evaluation of a loan and purchase or guarantee its share of the loan as soon as the loan is ready for disbursement. It is especially designed to accommodate the stronger credit risks, not the weaker ones.

(a) The financial institution shall initially agree to disburse and service the loan.

(b) An immediate participation loan may be made only where a guaranteed loan is not available.

(c) The financial institution's minimum share of the immediate participation or guaranteed loan must be the greater of (1) 25 percent of the total amount of the loan, or (2) an amount equal to the financial institution's loan(s) to be refinanced.

(d) Where refinancing is proposed, SBA may require the financial institution's share of the loan to exceed the total amount of existing debts owed to such institution. The financial institution must certify, in writing, that such

existing debt is in good standing (payments and other obligations handled substantially as agreed) and is satisfactory in all respects.

(e) Immediately after disbursement of an immediate participation loan the financial institution shall submit the closing documents and a memorandum of disbursement to SBA for review.

§ 122.12 Simplified early maturities participations.

This loan plan is designed primarily to encourage a larger percentage of participation by private financial institutions in immediate participation loans. It is designed for preferred credit risks.

(a) The participating institution must initially agree to service the loan.

(b) The participating institution's minimum share must be not less than the greater of: (1) 50 percent of the total amount of the loan, or (2) an amount not less than the participating institution's loan(s) to be repaid with a part of the new loan. The participant must certify, in writing, that such refinanced debt is in good standing (payments and other obligations handled substantially as agreed) and is satisfactory in all respects.

(c) All such loans shall be amortized on a monthly level principal payment basis plus interest. Only level principal payments made on or within 90 days of due date shall be fully applied toward reduction of the participating institution's share of the total loan. Upon expiration of 90 days after default of any payment of principal or interest due on the loan, and until such default is fully cured by payments as hereinafter stated, the proportionate interests of SBA and the participating institution shall be frozen or fixed in amounts equal to their respective percentages of interest as of the date of the last principal payment received prior to the default. Whenever the proportionate interests of SBA and the participating institution are fixed or frozen, any payment of principal or any amount realized from the sale of collateral or from any other source whatsoever shall be applied on the loan and shall be shared ratably by the participating institution and SBA in proportion to their fixed or frozen interests in the unpaid principal balance of the loan outstanding. After the proportionate interests of the participating institution and SBA are frozen or fixed for the first time, the participating institution shall have a single opportunity to resume early maturities reduction of its participation interest when borrower (1) has cured in full all past delinquent principal and interest payments, and (2) has paid the next successive three monthly installments of principal and interest within 15 days of each respective due date. Thereafter, when any installment of principal or interest is not paid within 90 days of due date, the proportionate interests of SBA and the participating institution shall be frozen or fixed permanently.

(d) The period of time during what the participating institution's share will be repaid shall be based on the same

proportion of loan maturity that the institution's participation bears to the total amount of the loan; e.g., a financial institution would be repaid over a period of 3 years if it participates 50 percent in a 6-year loan; or repaid in 6 years by participating 60 percent in a 10-year loan.

(e) No agreement under this loan plan shall establish any preference in favor of the participating institution in any collateral or security for the loan. At any time during the term of the loan while the participating institution continues to have an interest, regardless of whether the participation has been declared frozen or fixed, the proceeds from the liquidation or sale of any collateral or security supporting the loan, payments by guarantors, or any other principal payments due to be applied in inverse order of maturity, shall be paid over to, or credited to, the participating institution and SBA according to their respective percentages of interest or exposure in the loan based upon the outstanding balance of the loan as of the date such principal payment is received.

(f) Upon the repayment of the aggregate amount of amortized payments due the participating institution, it shall transfer to SBA, without any charge or expense therefor, the note and all collateral instruments, and SBA shall assume servicing of the loan and sole custody and control of all collateral, provided that at the option of the participating institution it may purchase or enter into a new participation in the loan in a percentage of participation not less than its original percentage of participation in the loan and it shall continue to service the loan. The new participation shall then be liquidated in the same manner as the original participation. The participating institution shall have additional options throughout the term of the loan periodically to enter into new participations in the loan at a percentage of participation not less than its original percentage of participation or may at any time purchase or acquire the full outstanding loan.

§ 122.13 Purposes of loans.

SBA extends financial assistance to small manufacturers, wholesalers, retailers, service establishments and other firms when financing is not otherwise available on reasonable terms. Financial assistance is extended by SBA to: (a) Finance construction, conversion, or expansion; (b) finance the purchase of equipment, facilities, machinery, supplies or materials; or (c) supply working capital.

§ 122.14 Extension of loans.

Actions taken by SBA pursuant to the authority of section 7(c) of the Small Business Act, as amended, are limited to such periods of time as appear necessary to avoid forced liquidation of loans. Extensions are granted under this section only when it appears that no other course of liquidation will result in a greater and earlier recovery of the indebtedness.

§ 122.15 Step-by-step application procedure for financial assistance.

(a) Before applying to SBA, an applicant should make every effort to obtain the financial assistance from private sources.

(b) If unable to obtain the entire loan from a bank or other source, the applicant should ascertain whether a financial institution will make the loan if SBA agrees to purchase an immediate participation or if SBA agrees to guarantee a portion of the bank loan in accord with the Guaranteed Loan Program as set forth in the SBA regulations.

(c) SBA will consider an application for a direct loan where an immediate participation loan or a guaranteed loan is not available, and will consider an immediate participation loan only where a guaranty loan is not available.

(d) An applicant desiring to obtain a loan from SBA should apply to SBA's office serving the territory in which the applicant's business is located. However, if he desired to obtain counseling or assistance in filing an application from a regional office which is geographically closer to his business, he may do so. Addresses of SBA offices are listed in Part 101 of this chapter.

(e) When an applicant first communicates with SBA's office it should be able to furnish a history of its business, the amount of the loan desired, how it will be secured, the purpose of the loan and the nature of its business. It should also be able to present current operating and financial statements and, if available, the statements for at least the previous three years.

(f) Applicant should furnish the names of financial institutions to which it has applied for financial assistance, the reason it was unable to obtain the financing applied for, and whether the financial institution, if unable to make the loan by itself, would make the loan in participation with SBA either under a guaranty or an immediate participation agreement; such information should have written confirmation from the lending institution and be submitted with the application.

(g) SBA's office will furnish appropriate application forms and any necessary preparation information.

(h) After filing application with either a financial institution or SBA, and subsequent to processing, the applicant will then be notified of the decision either to grant or deny the requested financial assistance.

§ 122.16 Credit requirements.

An applicant must meet certain practical credit requirements established by SBA. Principal requirements are as follows:

(a) An applicant must be of good character as determined by SBA.

(b) There must be evidence that he has ability to operate his business successfully.

(c) He must have enough capital in the business so that, with assistance through SBA, it will be possible for him to operate on a sound financial basis.

(d) As required by the Small Business Act, as amended, the proposed loan, whether direct, immediate participation, or guaranteed, must be "of such sound value or so secured as reasonably to assure repayment."

(1) **Loan appraisals.** Regional Directors are responsible for the proper evaluation of collateral offered to secure proposed financial assistance and of collateral pledged in connection with the administration and liquidation of financial assistance. Such evaluation will be based upon appraisals made by SBA staff appraisers/engineers, or other appraisal satisfactory to the Regional Director.

(e) The past earnings record and future prospects of the firm must indicate ability to repay the loan out of income from the business. In the event that an engineering survey or feasibility study of a company's operation, earnings, management, competitive position, and related factors is desired in connection with a loan application, the nature and extent of such a survey shall be determined by a review of the case. A technical evaluation by SBA appraisers/engineers will contain a report on the following kinds of subjects. The list is not all inclusive, merely indicative:

- (1) Principal company products.
- (2) Productive capacity.
- (3) Break-even point.
- (4) Sales.
- (5) Competitive factors.
- (6) Suitability of present plant and equipment.
- (7) New machinery needed.

(f) Security may include: Mortgage on land, buildings and equipment; assignment of warehouse receipts for marketable merchandise stored in satisfactory warehouse; mortgage on chattels; or assignment of current receivables (accounts, notes or trade acceptances). The applicant may offer as additional collateral any other assets of sound value. A pledge of inventories generally will not be regarded as satisfactory collateral unless stored in a bonded or otherwise acceptable warehouse, when such inventories are the only or primary collateral for the loan.

(g) While the questions of security and collateral are important in determining whether financial assistance will be extended, they do not alone constitute the factors upon which the approval or rejection of an application is determined. SBA attaches great importance to management; the inherent soundness of the business enterprise; its earnings record and prospects; its long-range possibilities of successful operation; and whether the granting of financial assistance will increase employment or have other favorable effects upon the economic life of the community.

TERMS AND CONDITIONS OF LOANS

§ 122.17 Maturities.

The maturity of each loan (except as specifically stated for special programs) is limited to 10 years but shall be restricted to the minimum consistent with sound business practice. Loans are generally repayable monthly with payments

to include both principal and interest. Special repayment plans may be arranged to meet those situations where income is seasonal.

§ 122.18 Charges, commissions, and fees.

(a) Payment of bonus, or brokerage fees or commissions for the purpose of, or in connection with, obtaining financial assistance through SBA is prohibited. The applicant, subject to SBA approval, may pay actual reasonable costs incurred in connection with the application, including such items as compensation, for services rendered by attorneys, appraisers, and accountants, but in no event may an applicant make any payment in the nature of such a brokerage fee or commission.

(b) The applicant is required to certify the names of all attorneys, accountants and other representatives engaged by him in connection with the financial assistance. All compensation or other charges must be approved by SBA before payment is made, or if payment has been made, a refund of any excessive portion of the charge must be made to the applicant. See Parts 103 and 104 of this chapter for further regulations with respect to representatives and their compensation.

§ 122.19 Loan closing.

If SBA approves a loan application, a formal loan authorization is issued by SBA. This authorization is not a contract to lend or a loan agreement. Instead, it states the conditions which the borrower must meet before financial assistance will be extended. When the borrower is prepared to meet these conditions, SBA or the financial institution will arrange a date, time and place for closing the loan.

LOAN ADMINISTRATION

§ 122.20 Loan administration.

(a) Immediate participation loans which are closed by the bank will be serviced by the bank, and immediate participation loans or direct loans closed by SBA will be administered by SBA. However, SBA reserves the right to transfer the servicing of an immediate participation loan from the financial institution to SBA.

(b) Guaranteed loans will be serviced by the financial institution which made the loan. The financial institution shall hold the note, instruments of hypothecation, and all other agreements, documents, and instruments obtained by it in connection with its loan to the small business concern. The financial institution shall receive all payments of principal and interest on the loan until such time as SBA may purchase its guaranteed share of the loan.

(c) The financial institution shall not, without the prior written consent of the SBA except to the extent permitted by a written authorization (1) make or consent to any alterations in the terms of the note or related loan instruments; (2) make or consent to any release, substitution, or exchange of collateral, except

for simplified blanket guaranty loans, as stated on the SBA Form 750; (3) accelerate the maturity of the note; (4) sell, assign, or transfer the note or related loan instruments; (5) sue upon the note or related loan instruments; or (6) waive or agree to waive any claim against borrower or any guarantor, standby creditor, or other obligor in connection with the loan; (7) directly or indirectly charge or receive any bonus, fee, commission, or expense in any form in connection with the making of the loan, except charges or expenses incurred, or for actual services rendered; (8) in accordance with authority contained in any security instrument held by the financial institution evidencing a prior lien on property taken as security for the loan, increase the amount due on such lien.

(d) If SBA shall purchase its share of a guaranteed loan, the financial institution will immediately assign and deliver to SBA all loan instruments obtained by it pertaining to the loan. The loan shall then be serviced by SBA.

§ 122.21 Collection policy.

It is the policy of SBA to insist upon prompt payment of due installments and upon compliance with all terms and conditions of the note, mortgage and loan agreements. Any request for relief should be directed to the participating institution or SBA field office, whichever is servicing the loan. No deviation in the terms and conditions of the note or other instruments will be condoned without the written approval of the participating financial institution, if a financial institution has participated in the loan. However, in order to aid and assist borrowers in the discharge of their financial obligations, it is the policy of SBA to advise and counsel with borrowers in the management, production, and financial aspects of their business, with a view of encouraging the development of a healthy, growing concern.

§ 122.22 Sale and conversion of loans.

(a) Directors of the regional offices are authorized to effect the sale of any direct loan upon payment in the amount of the borrower's indebtedness. The consent of the borrower is not required. Loans made pursuant to the Small Business Act, as amended, and those loans which were transferred to SBA in accordance with Reorganization Plans No. 2 of 1954 and No. 1 of 1957 will not be sold for less than the amount of the borrower's obligation.

(b) Direct loans may be converted to guaranteed loans or to immediate participation loans.

(c) An immediate participation loan may be converted to a guaranteed loan or a loan wholly owned by the participating institution without the borrower's approval upon payment of the unpaid amount of SBA's participation in such loan, together with the accrued interest due thereon and any advances that may have been made by SBA.

(d) Any Guaranty Agreement may be terminated upon receipt of a written request from the financial institution, provided the guaranty charges have been paid to the date of termination.

LIQUIDATION OF LOANS AND SECURITY

§ 122.23 Liquidation policy.

(a) It is the policy of SBA to aid, counsel, assist and protect small business concerns to which loans have been made. Ordinarily, the liquidation of the property securing a loan will not be resorted to if there appears to be any reasonable probability that the loan may be repaid by the borrower or a guarantor other than SBA within a reasonable period.

(b) Liquidation of the security may be authorized or approved when any one of the following conditions exists:

(1) A borrower is in default in the payment of one or more installments due under a note or has defaulted in the performance of conditions contained in the note, loan agreement, other instrument, or a security instrument, and the failure to cure such default or defaults or to make acceptable arrangements to cure the same is due to (i) lack of diligence; (ii) lack of managerial ability which the borrower has failed or refused to correct; (iii) other circumstances within the borrower's control; or (iv) the inability of the borrower to remedy the default;

(2) Foreclosure or other proceedings have been instituted which may jeopardize the interests of the Government;

(3) A borrower has filed a voluntary petition or an involuntary petition has been filed against the borrower pursuant to any of the provisions of the Bankruptcy Act, as amended;

(4) A receiver has been appointed or other judicial action taken for the purpose of liquidating the borrower's assets;

(5) The borrower has made an assignment for the benefit of creditors which may result in the liquidation of his assets;

(6) The borrower is in default and has discontinued or abandoned the business and has not submitted an acceptable plan of payment;

(7) The failure of the borrower to disclose in his loan application any fact deemed by SBA to be material or the making of any false statement or material misrepresentation by, on behalf of, or for the benefit of, the borrower in the loan application, in any of the loan instruments or in any affidavit or other document submitted in connection with such application.

§ 122.24 Foreclosure of collateral.

(a) Real and personal property, including contracts and claims, hypothecated as security for the payment of a loan which is in default may be sold in accordance with the provisions of the note or the security instrument whereby such property was hypothecated.

(b) Payments or recoveries under or upon a loan from the borrower or from any other source as well as all reasonable expenses (including advances for the care, preservation, and maintenance of collateral securing the loan) incurred by SBA or the financial institution shall be shared ratably by SBA and the financial institution in accordance with their respective interests in the loan.

(c) Any and all security or guaranty of any nature (excluding SBA's guaranty), including but not limited to set-off and counterclaim, which the financial institution holds or may receive further to secure the financial institution with respect to a loan, or which SBA may require in connection with a loan, shall secure the interests of both the SBA and the financial institution.

(d) Guarantors of financial assistance, other than SBA, shall have no rights of contribution against SBA on a guaranteed loan. SBA shall not be deemed to be a coguarantor with any other guarantors.

§ 122.25 Sale of acquired collateral.

(a) Property acquired by SBA or the servicing financial institution in the liquidation of loans will be offered for sale by the SBA or by the financial institution which is servicing the loan. All sales, unless otherwise authorized, will be effected through competitive bids at either an auction sale or a sealed bid sale. In those instances where property which has been acquired cannot be sold advantageously at a sealed bid or auction sale, the SBA or the financial institution may negotiate with prospective purchasers for the sale of the property.

(b) The right, title and interest of SBA in property sold will, unless otherwise authorized, be conveyed by an appropriate bill of sale or deed, without representation or warranty.

(c) SBA does not look with favor upon renting or leasing acquired property nor the granting of options to purchase, inasmuch as it is desirous of selling such property and thereby liquidating its investment in same as soon after acquisition as possible. In those instances where the property cannot be sold advantageously as it appears to be in the interests of the Government to lease the property, proposals for a lease will be considered. Any such proposals must provide for termination by SBA upon the giving of reasonable notice so that the sale of the property may not be unduly delayed.

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

Dated: August 7, 1967.

ROBERT C. MOOT,
Administrator.

[F.R. Doc. 67-9496; Filed, Aug. 11, 1967;
8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 8172; Amdt. 39-465]

PART 39—AIRWORTHINESS DIRECTIVES

Graviner Automatic Fire Extinguishers

Amendment 39-454 (32 F.R. 11154), superseding Amendment 39-422 (AD

67-17-4), requires inspections of the Graviner automatic fire extinguisher containers and replacement of defective containers. One of the purposes of Amendment 39-454 was to require inspection of containers which were not included in Amendment 39-422. It was not intended that the initial inspection required by paragraph (a) be repeated if it had already been accomplished in compliance with Amendment 39-422 since it was determined that the initial inspection required by Amendment 39-422 was equivalent to the initial inspection required by Amendment 39-454. However, the airworthiness directive as published requires all Graviner fire extinguisher containers to be inspected within the next 25 hours' time in service, unless already accomplished within the last 100 hours' time in service, from the effective date of Amendment 39-454. Therefore, the airworthiness directive is being amended to require the initial inspection to be accomplished within the next 25 hours' time in service after the effective date of the AD, unless already accomplished within the last 500 hours' time in service for fire extinguisher containers with a stamp date October 1965 or before, or within the last 1,500 hours' time in service for fire extinguisher containers with a stamp date later than October 1965.

Since this amendment provides a correction, relieves a restriction, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-454 (32 F.R. 11154), is amended by amending paragraph (a) to read:

(a) Within the next 25 hours' time in service after the effective date of this AD, unless already accomplished within the last 500 hours' time in service for fire extinguisher containers with a stamp date October 1965 or before, or unless already accomplished within the last 1,500 hours' time in service for fire extinguisher containers with a stamp date later than October 1965, visually inspect Graviner automatic fire extinguisher containers for cracks or leaks and weight in accordance with Graviner Alert Service Bulletin No. 26-A30, Issue No. 2, dated April 21, 1967, or later ARB-approved issue, or FAA-approved equivalent.

This amendment becomes effective August 12, 1967.

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

Issued in Washington, D.C., on August 10, 1967.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 67-9519; Filed, Aug. 11, 1967;
8:47 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 33-4877] *

PART 231—INTERPRETATIVE RELEASES RELATING TO SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

Real Estate Syndications

Recent newspaper advertisements by various persons, corporations, partnerships, trusts, and unincorporated organizations have offered for sale interests in real estate syndications, generally in the form of limited partnership interests or interests in joint or profit sharing ventures, which were not registered with the Securities and Exchange Commission or the appropriate State or other regulatory bodies. Such offers and subsequent sales have been especially prevalent in the District of Columbia, Maryland, and Virginia. These transactions have raised important questions under the registration requirements and antifraud provisions of the Federal Securities laws and the laws of these States and of the District of Columbia. Accordingly, this release, prepared by the Securities and Exchange Commission and the authorities in these jurisdictions, outlines the requirements of the relevant statutory requirements for the guidance of the industry and the bar. The information provided herein as to each jurisdiction has been supplied by authority of the Securities and Exchange Commission, the District of Columbia and the States of Maryland and Virginia, as the case may be.

Federal Securities Laws. Under the Federal Securities Laws, an offering of limited partnership interests and interests in joint or profit sharing real estate ventures generally constitutes an offering of a "profit sharing agreement" or an "investment contract" which is a "security" within the meaning of section 2(1) of the Securities Act of 1933. The Supreme Court has said that an "investment contract" is a contract, transaction or scheme whereby a person invests money in a common enterprise and is led to expect profits from the efforts of the promotor or a third party.¹ In other words, the investor provides the capital and shares in the risk and the profits; the promotor or third party manages, operates and controls the enterprise, usually without active participation on the part of the investor. Any such investment contract is also deemed to be a security under the laws of Mary-

land, Virginia, and the District of Columbia, as is explained hereafter.

The investor's interest in the enterprise may be evidenced by formal certificates or by part ownership of the assets used in the enterprise. In determining what is an investment contract, substance and economic reality prevail over the form of the transaction involved. Interests in novel and uncommon ventures fit the broad definition of an "investment contract." Therefore, if the promoters of a real estate syndication offer investors the opportunity to share in the profits of real estate syndications or similar ventures, particularly when there is no active participation in the management and operation of the scheme on the part of the investors, the promoters are, in effect, offering a "security."²

When these securities are offered publicly by the use of the mails or any means or instruments of transportation or communication in interstate commerce, they are required to be registered with the Commission under section 5 of the Securities Act of 1933, unless an exemption from the registration requirements is available. Generally, any offering of these securities through newspapers, magazines or other advertising media would be a public offering which is subject to registration.

One exemption from registration is provided by section 4(2) of the Securities Act of 1933, which exempts "transactions by an issuer not involving any public offering" (commonly referred to as the "private offering exemption"). It should be emphasized that in any claim of exemption from registration under the section, the number of offerees is not the most relevant factor, but rather the persons to whom the securities are sold. The leading case in this area is *S.E.C. v. Ralston Purina Co.*, 346 U.S. 119 (1953). The Court noted there that the exemption must be interpreted in the light of the statutory purpose to "protect investors by promoting full disclosure of information thought necessary to informed investment decisions" and held that "the applicability of section 4(1) should turn on whether the particular class of persons affected need the protection of the Act."³ The Court stated that the number of offerees is not conclusive as to the availability of the exemption from registration since the statute could apply to an offering "whether to few or many." Therefore, the number of persons to whom the offering is extended is relevant only to the question whether their

association with and knowledge of the issuer is such that they do not need the protection of the Act. Further, a determination whether an offering is public or private would also include a consideration of the question whether it is a part of a larger offering made or to be made. For additional information as to the "private offering exemption", see Commission Release No. 4552 (1962) under the Securities Act of 1933 (27 F.R. 11316).

Offerings are sometimes made without registration in reliance upon the exemption from registration contained in section 3(a)(11) of the Securities Act, commonly called the "intrastate exemption." This exemption is available only if all the securities are both offered and sold exclusively to residents of the state or territory in which the issuer is both incorporated and doing business. The exemption is lost if only one offeree or purchaser is a resident outside such state or territory. Section 2(7) of the Securities Act makes this exemption unavailable for an offering in the District of Columbia. For further information regarding the "intra-state exemption", see Commission Release No. 4434 (1961) under the Securities Act of 1933 (26 F.R. 11896).

Whether or not registration is required, the antifraud and civil liability provisions of the Securities Act of 1933 and the Securities Exchange Act of 1934 are applicable to the offer or sale of such securities (i.e., profit sharing agreements, investment contracts, and similar kinds of instruments evidencing such interests) when the mails or the means or instrumentalities of interstate commerce are used. Moreover, persons offering such securities for sale may also be "brokers" or "dealers" within the meaning of the Securities Exchange Act of 1934 and subject to registration and regulation under the pertinent provisions of that Act. Accordingly, any person proposing to issue, offer or sell such securities should carefully consider these provisions and take steps to conform to all applicable requirements. Anyone having questions with respect to these matters may consult with members of the Commission's staff at the Commission's offices at 500 North Capitol Street, Washington, D.C. 20549.

District of Columbia. In addition to the application of the Federal Securities Laws, an offer or sale in the District of Columbia of interests in real estate syndications (such as general or limited partnership interests, shares in a trust or corporation, participations in joint ventures and interests in tenancies in common) usually involves the offer and sale of "securities" in the form of investment contracts or profit sharing agreements within the meaning of section 2(1) of the District of Columbia Securities Act.⁴

While the marketing of such syndications usually involves the offer and sale of securities, the District of Columbia Securities Act, unlike the Maryland and

¹ Issued as joint release with Maryland Division of Securities (Securities Act Release No. 1), Virginia Division of Securities (Securities Act Release No. 1), and Public Service Commission of the District of Columbia (D.C. Securities Act Release No. 9).

² *S.E.C. v. W. J. Howey Co.*, 328 U.S. 293, 298, 299 (1946).

³ See generally *S.E.C. v. W. J. Howey Co.*, supra; *S.E.C. v. C. M. Joiner Leasing Corp.*, 320 U.S. 344 (1943); *Los Angeles Trust Deed and Mortgage Exchange v. S.E.C.*, 285 F. 2d 162 (9th Cir. 1960); *Blackwell v. Bentsen*, 203 F. 2d 690 (5th Cir. 1953), cert. denied 347 U.S. 925 (1954); *National Resources Corporation*, 8 S.E.C. 635, 637 (1941). It would appear that nominal or purely formal participation by investors in the operation of the enterprise would not affect the application of the statutory provisions here discussed.

⁴ Second clause of the former sec. 4(1) is now sec. 4(2) as amended Aug. 20, 1964.

⁴ Title 2, D.C. Code (1961 Edition) secs. 2401, et seq.

Virginia Securities Act, and the Securities Act of 1933, does not require the registration of securities offerings.⁴ However, to engage in the business of buying and selling securities in the District of Columbia, a person must obtain a license to do business as a broker-dealer.⁵ Generally speaking, a broker-dealer license must be obtained by any person who is engaged in the business of effecting transactions in securities in the District of Columbia for the account of others, or for his own account, whether he is located in the District or not. In general terms, a license as a broker need not be obtained unless a person is engaged, on some regular basis, in the business of effecting transactions in securities. The District of Columbia Act excludes from the definition of broker-dealer an "agent," "issuer," "bank," "savings institution," "trust company," and certain persons with no place of business in the District. An "agent" is defined as any person who represents a "broker-dealer" or "issuer" in effecting or attempting to effect purchases or sales of securities in or from the District of Columbia. Such an agent is required to be licensed in the District of Columbia. Partners, officers, directors, or employees of a business organization who engage in the offer and sale of the organization's securities are normally subject to licensing as "agents." Moreover, these same persons subsequently might be required to obtain licenses as broker-dealers in lieu of licenses as "agents" if they offer and sell interests in a number of syndications over a period of time.

All transactions in securities in the District must be effected in compliance with section 3 (the antifraud provision) of the District of Columbia Act in addition to the antifraud provisions of the Federal securities laws, as discussed above.

For further information with respect to the applicability of the District of Columbia Securities Act to real estate syndications, write or call the Public Service Commission of the District of Columbia, Room 204, Cafritz Building, 1625 I Street NW., Washington, D.C. 20006, telephone 629-3625.

Maryland. The State of Maryland takes a position much the same as the Securities and Exchange Commission, the District of Columbia and the State of Virginia, that interests in real estate syndications are "investment contracts," and the offer and sale of such interests generally constitutes the offer and sale of "securities" within the meaning of section 25(1) of the Maryland Securities Act.

The Maryland Securities Act (sec. 19) provides that it is unlawful for any person to offer or sell any security in Maryland unless it is registered under the

Maryland Act, or the security or transaction is exempt from registration under that Act. Furthermore, all transactions in securities in Maryland must be effected in compliance with section 13 (Fraudulent and Other Prohibited Practices) of the Maryland Act as well as the antifraud provisions of the Federal securities laws as discussed above, even though they are considered to be exempt transactions or transactions in exempt securities.

Section 15 of the Maryland Act makes it unlawful for any person to transact securities business in that State as a "broker-dealer" or "agent", unless he is registered as such under the Maryland Act. A person selling interests in real estate syndications may often be a "broker-dealer" or an "agent" within the meaning of section 25 of the Maryland Act. Criminal penalties and civil liabilities for violations of provisions of the Maryland Act are set forth in sections 33 and 34 respectively.

For further information with respect to these matters, write or call the Division of Securities, State of Maryland, 1 Charles Center, Baltimore, Md. 21201, telephone 301-837-9000, extension 8660.

Virginia. In Virginia, interests in real estate syndications are also considered to be "investment contracts," which are "securities" within the meaning of § 13.1-501(j) of the Virginia Securities Act. Section 13.1-507 of that Act provides that it is unlawful for any person to offer or sell any security in Virginia, unless the security or the transaction is exempt from registration under that Act, or unless the security has been registered.

Section 13.1-514(b) (8) of the Virginia Securities Act has been amended to clarify the exemption from registration for issuers having not more than 30 security holders. The reason for the exemption is to permit small groups of friends and acquaintances in Virginia to engage in business together without being burdened with the registration requirements of the Virginia Act. However, promoters have sometimes sought to take advantage of the exemption to solicit the general public. The section, as amended, allows an issuer to sell, without registration, to as many as 30 persons, but the exemption does not apply if sales were effected by general solicitation. It has been the practice of some promoters of real estate investment trusts to go to the public in offering their shares, with the idea that if they can raise their money without making more than 30 sales they will be within the exemption.

The 1966 amendment of the Virginia Securities Act makes it clear that this practice is not permissible and that whenever securities are offered to the general public by advertisement or solicitation, the securities must be registered under the Virginia Securities Act and offered only through licensed brokers or salesmen. Such an offering is a public offering regardless of the number of sales, and regardless of whether the issuer is a corporation, a trust, a partnership, or an individual.

Securities exempted from the securities registration and the broker-dealer reg-

istration requirements of the law are, of course, not exempt from the antifraud provisions of the Virginia Act or the Federal securities laws.

For further information with respect to the applicability of the Virginia Securities Act to real estate syndications, write or call the State Corporation Commission, Securities Division, Post Office Box 1197, Richmond, Va., telephone area code 703-644-4111, extension 2337.

By the Commission, August 8, 1967.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-9494; Filed, Aug. 11, 1967;
8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER M—MISCELLANEOUS

PART 248—INTRODUCTION OF NEW CLOTHING AND TEXTILE ITEMS INTO DEPARTMENT OF DEFENSE SUPPLY SYSTEM

The Assistant Secretary of Defense (Installations and Logistics) has approved the following:

Sec.

248.1 Purpose and applicability.

248.2 Problem areas.

248.3 Policy and coordinating procedures.

AUTHORITY: The provisions of this Part 248 issued under Title X, United States Code, sec. 2202; Title V, United States Code, sec. 552.

§ 248.1 Purpose and applicability.

This part establishes uniform procedures for coordinating proposals made by a military service to introduce new items of clothing and textiles, consistent with the provisions of DoD Instruction 4100.32, "Controlling the Entry of Items into the Military Supply Systems," January 17, 1961, into the Defense Supply Agency supply system.

§ 248.2 Problem areas.

The areas shown below have been pinpointed as those which will require close coordination between the military services and the Defense Supply Agency:

(a) **Estimating costs.** The introduction of new clothing and textile items into the Defense Supply Agency supply system presents numerous problems in determining the relation of the necessity and urgency for a new item to the more tangible costs of introducing a new item into the supply system. In determining costs, major consideration should be given to the effect that the new item(s) will have on existing stocks of items being replaced.

(b) **Stock excesses.** Without appropriate coordination, unnecessary stock excesses can occur when new clothing and textile items are introduced into the supply systems in replacement of existing items, causing (1) sized items to become unbalanced because of unexpected

¹ Filed as part of the original document. Copies available at the Publications Counter, OASD(A), Room 3B200 Pentagon, or OX 52167.

⁴ As previously stated, even sales entirely within the District of Columbia are subject to the registration requirements of the Securities Act of 1933, unless an exemption (other than the "intrastate exemption") is available.

⁵ In addition to obtaining a license from the Public Service Commission of the District of Columbia, usually the person must also register as a broker-dealer with the Securities and Exchange Commission.

changes in requirements, and (2) programmed requirements for existing stocks to be reduced.

(c) *Budgeting.* Development of monetary requirements for new items, and justification for inclusion in the Defense Stock Fund Budget (DoD Directive 7420.1, "Regulations Governing Stock Funds," January 26, 1967¹) of request for funds to finance procurement sufficiently in advance of the military service required date. Any proposed introduction of new or substitute items which may require a change from existing funding in the military service appropriation responsible for reimbursing the Defense Supply Agency upon issue should be coordinated through the normal budget channels of the military service and the Assistant Secretary of Defense (Comptroller).

§ 248.3 Policy and coordinating procedures.

The introduction of a new item into the Department of Defense supply systems as a result of a proposed military service action will be planned so as to insure optimum economic use of existing stocks of items affected by the introduction of the new item. Exceptions to this phasing of new items may be made only upon certification of each case by proper authority of the using military service to safeguard life, health, morale or military capability as prescribed in DoD Directive 4140.1, "Inventory Management Policies," October 12, 1956.¹ Such certification will be made in consideration of total costs to both the using service(s) and the Defense Supply Agency. However, actions essential to the safeguarding of life or health will not be determined on the basis of cost considerations. In carrying out this policy, the following coordinating steps will be followed:

(a) *Military services.* (1) When considering the introduction of a new clothing and textile item which replaces existing items, the using military service will obtain from DSA up-to-date information regarding stocks on hand and on order, anticipated issues, and other pertinent data as agreed between the military services and DSA.

(2) Proposals for introduction of new clothing and textile items will be coordinated with the Defense Supply Agency prior to final decision. Proposals will include, in addition to other pertinent data, plans for using existing DSA stocks on hand and on order (when appropriate). Where the schedule for introduction of a new item does not provide for optimum economic utilization of stocks of other affected items, the military service will furnish the DSA a copy of its certification, under the provisions of DoD Directive 7420.1, "Regulations Governing Stock Funds," January 26, 1967,¹ as to the necessity for introduction of the new item in such manner.

(b) *Defense Supply Agency.* In coordinating the introduction of new clothing and textile items with the military services and at the time current stock status information is furnished, DSA will (1) evaluate proposals to determine the effect that the scheduled introduction of the new item will have on existing DSA stocks, and (2) concur in the military service proposal, or recommend the use of existing stocks to minimize disposal action and furnish, as appropriate, alternative dates for introduction of new items, length of time required to obtain funds for procurement, and other pertinent information for each new item proposed.

(c) *Assistant Secretary of Defense (Installations and Logistics).* When necessary to resolve differences, the ASD (I&L) will review the item proposals of the military services and the recommendations of the DSA prior to final decision.

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

JULY 24, 1967.

[F.R. Doc. 67-9479; Filed, Aug. 11, 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

Flint Hills National Wildlife Refuge, Kans., etc.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

Public hunting of teal ducks on the Flint Hills National Wildlife Refuge, Kans., is permitted from September 9 through September 17, 1967, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 2,906 acres, is delineated on maps available at refuge headquarters, Burlington, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of teal ducks during this ex-

perimental season subject to the following special conditions:

(1) Vehicle access shall be restricted to designated parking areas and to existing roads.

(2) Dogs—Not to exceed two per hunter may be used only to retrieve wounded or dead teal ducks.

(3) Blinds—Temporary blinds constructed above ground from natural vegetation are permitted. Digging of holes or pits to serve as blinds is prohibited.

The provisions of this special regulation supplement 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 September 17, 1967.

KIRWIN NATIONAL WILDLIFE REFUGE

Public hunting of teal ducks on the Kirwin National Wildlife Refuge, Kans., is permitted from September 9 through September 17, 1967, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,500 acres, is delineated on maps available at refuge headquarters, 5 miles west of Kirwin, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with applicable State and Federal regulations covering the hunting of teal ducks during this experimental season subject to the following special condition:

(1) Blinds—Temporary blinds constructed above ground from natural vegetation are permitted. Digging of holes or pits to serve as blinds is prohibited.

The provisions of this special regulation supplement 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 September 17, 1967.

OKLAHOMA

TISHOMINGO NATIONAL WILDLIFE REFUGE

Public hunting of teal ducks on the Tishomingo National Wildlife Refuge, Okla., is permitted from September 16 through September 24, 1967, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,170 acres, is delineated on maps available at refuge headquarters, Tishomingo, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with applicable State and Federal regulations covering the hunting of teal ducks during this experimental season.

The provisions of this special regulation supplement 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 September 24, 1967.

¹ Filed as part of the original document. Copies available at the Publications Counter, OASD(A), Room 3B200 Pentagon, or OX 52167.

WYOMING

PATHFINDER NATIONAL WILDLIFE REFUGE

Public hunting of teal ducks on the Pathfinder National Wildlife Refuge, Wyo., is permitted from September 9 through September 17, 1967, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,760 acres, is delineated on maps available at refuge headquarters, Laramie, Wyo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of teal ducks during this experimental season subject to the following special condition:

(1) Blinds—The construction of permanent blinds or pits is not permitted. Portable blinds may be used but not left on the refuge.

The provisions of this special regulation supplement 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 September 17, 1967.

LEWIS R. GARLICK,
Acting Regional Director,
Albuquerque, N. Mex.

AUGUST 7, 1967.

[F.R. Doc. 67-9480; Filed, Aug. 11, 1967;
8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 16574]

PART 73—RADIO BROADCAST SERVICES

Procedures in Event of Personal Attack or Where Station Editorializes as to Political Candidates; Correction

In the matter of amendment of Part 73 of the rules to provide procedures in the event of a personal attack or where a station editorializes as to political candidates; Docket No. 16574.

In the Memorandum Opinion and Order in the above-entitled matter, FCC 67-923, released on August 7, 1967, and published in the issue of August 10, 1967 (32 F.R. 11531), the first sentence of footnote 1. to paragraph 3. is corrected to read as follows: "For similar reasons, we have not exempted news documentaries."

Released: August 9, 1967.

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

[F.R. Doc. 67-9498; Filed, Aug. 11, 1967;
8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1099]

[Docket No. AO 183-A19]

MILK IN PADUCAH, KY., MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to 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 the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Paducah, Ky., marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the seventh day after publication of this decision in the *FEDERAL REGISTER*. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Paducah, Ky., on February 17, 1967, pursuant to notice thereof which was issued February 1, 1967 (32 F.R. 2448), and February 8, 1967 (32 F.R. 2820).

The material issues on the record of the hearing relate to:

1. The price for Class I milk.
 2. Seasonal production incentive plan.
- This recommended decision deals with issue No. 1, Class I prices. The procedure on issue No. 2 has been completed.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. **Class I price.** The Class I price for the Paducah marketing area should be the St. Louis order Class I price plus 25 cents per hundredweight.

The amendment as formulated herein would result in a 10 cents per hundredweight increase in the Class I price only in the Kentucky portion of the marketing

area. This differs from the proposal of the producers association which would maintain the existing difference between the Missouri and Kentucky areas (10 cents higher in Missouri) by increasing the price 10 cents in both parts of the marketing area.

The producers association supported its proposal on the basis that it has become difficult to maintain an adequate supply for the fluid market outlets it serves, because of the steady attrition to its membership. The problem is acute in the Paducah market, it was pointed out, because of the small percentage of reserve milk. The supply problem is also intensified by competition from other markets. The association stated that the higher prices paid by the Memphis market to dairy farmers within the Paducah procurement area has caused a severe problem in retaining producers regularly associated with the Paducah market.

Further, in support of its proposal, the association cited the recent 10-cent increase in the Southern Illinois order price (in areas nearest Paducah) effective January 1, 1967. This increase, the association stated, would permit a similar increase in Paducah and maintain the previous relationship between the markets.

Milk supply. The essential purpose in establishing a Class I price level under the order is to assure an adequate supply from sources upon which the market can rely. The milk supply for the Paducah marketing area is essentially local in that it is produced mostly within the marketing area. Virtually all of the producers are members of the Paducah Graded Milk Producers Association. The association has standing arrangements with all handlers in the market to provide full milk supply throughout the year.

The producer milk supply during the past three years has varied from about 8 to 10 million pounds monthly. Most of the variation has been due to seasonal changes in production and expansion of the marketing area. On an all-season basis, the supply of milk has been barely sufficient to meet requirements of fluid outlets. During the fall and winter months of recent years the proportion of reserve milk has narrowed to less than 10 percent in several months. This situation has presented a difficult problem to the cooperative association as the sole procurement agency for the market, particularly in managing milk supplies so as to adequately meet the needs of each of the regulated handlers. Occasionally there has been need to bring in other source milk. Class I utilization in recent years has continued relatively high on an annual basis, averaging 85.6 percent, 88.4 percent, and 85.6 percent, in 1964, 1965, and 1966, respectively.

The supply area for the Paducah market adjoins supply areas of the St. Louis, Louisville-Lexington-Evansville, Nashville, and Memphis markets. Thus the Paducah market must compete with larger markets for milk supplies. The most important competition for milk supply is from the Memphis market. The Memphis procurement area extends well into the Paducah marketing area, as far north as Ballard County, Ky. This situation has resulted in some loss of producers to the Memphis market during the 1965-1966 2-year period.

The milk supply relationship with the Southern Illinois market involves members of the Paducah Graded Milk Producers Association which supply one of the handlers under the Southern Illinois order. These dairy farmers are located within the Kentucky portion of the Paducah marketing area. They are members of the association which are shifted between the markets according to the needs of handlers for fluid milk supplies.

The membership of the association which provides virtually the entire milk supply of the market has declined approximately 15 percent in a period of 2 years. This has been due both to producers leaving the dairy business and leaving the market for other markets, principally Memphis. The total level of milk production on the market has so far been maintained only due to greater production by each producer, but in view of the slight reserve supply, further decline in dairy farmers would tend to endanger adequacy of supplies.

Price comparisons. Price relationships between the Paducah market and other markets were considered by producers to have an important bearing on the Paducah Class I price level. The price relationship to the St. Louis market has been fixed by virtue of the 15-cent differential over St. Louis used to establish the Class I price at Paducah. Similarly, the relationship to the Southern Illinois order prices has been fixed, since prices under that order have been based on the St. Louis price. The Class I price in the southern zone of the Southern Illinois order is equal to the St. Louis price.

Since the St. Louis and Southern Illinois prices are lower than the Paducah price, these other markets do not present a problem of competition for supplies. Instead there is the question of sales competition. Sales competition with the St. Louis market is confined to areas in Missouri, at locations approximately 140 to 150 miles south of St. Louis. Within this general area there is a St. Louis order plant at Cape Girardeau, where a Class I price 15 cents per hundredweight higher than at St. Louis applies. Slightly more than 30 miles south of Cape Girardeau

there is a Paducah order plant at Sikeston, Mo., where the Paducah order price is 25 cents over the St. Louis city price. The entire pricing system under the two orders therefore represents scaling up of price level as the distance from St. Louis increases, paralleling the cost to St. Louis or Cape Girardeau handlers in moving milk southward. The present price at Sikeston, as related to St. Louis order prices, appears reasonable and not excessive with regard to the locations of the regulated plants.

While the Southern Illinois market is relatively close, geographically, this has not resulted in significant intermarket sales competition among handlers.

The price relationship between Paducah and Memphis is wider than the differences from other surrounding markets. At the nearest Memphis order plant, at Martin, Tenn., the 1966 Memphis Class I prices adjusted for location averaged 42 cents per hundredweight higher than the Paducah order prices at the Fulton, Ky., plant. The distance between the plants is approximately 12 miles. With this difference in prices, procurement activities of Memphis handlers or of a cooperative association have at times resulted in some loss of producers.

Part of this price difference compared to Memphis was due to the action of the Memphis supply-demand adjuster. Currently, the Class I price difference which would be produced by differentials over the basic formula price, excluding supply-demand adjustments, would be 23.5 cents higher at Martin than at Fulton.

The 10-cent price increase herein recommended for the Kentucky location would result in reasonable price relationships with surrounding markets, considering the aspects of inter-market competition already described. The price increase would continue the historical relation with the Southern Illinois market. The price, in relation to St. Louis, would be reasonable in view of the less ample supply in Paducah than in St. Louis and the 173 miles distance between these cities. The change in relationship to Memphis would reduce the amount of normal price difference at points where the two markets have common procurement areas.

It is concluded that for the purpose of maintaining an adequate supply, a price increase of 10 cents per hundred-

weight is justified for the Kentucky portion of the marketing area. It is in this area that the greatest problem exists in maintaining milk supply. Because of the relatively small percentage of reserve milk on the market, the supply should be maintained at the existing level.

No change should be made at this time, however, in the price level applicable in Missouri counties of the marketing area. The milk supply serving the only plant in this part of the market is primarily from producers located within this part of the marketing area. Competition for milk supply has not been severe, and the supply for the plant located there is not threatened by price relationships with other markets. In fact, the overall balancing of supplies within the entire marketing area results in regular movements of bulk loads of milk from the Missouri portion into Kentucky and no movements in the other direction. It is concluded therefore that the Class I price throughout the entire Paducah marketing area should be established at 25 cents over the St. Louis order price.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Paducah, Ky., marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. In § 1099.51, paragraph (a) is revised to read as follows:

§ 1099.51 Class prices.

(a) *Class I milk price.* The price per hundredweight of Class I milk for the month shall be the Class I price pursuant to Part 1062 of this chapter (St. Louis, Mo.) plus 25 cents; and

§ 1099.86 [Amended]

2. In § 1099.86, paragraph (b) is deleted.

Signed at Washington, D.C., on August 8, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-9486; Filed, Aug. 11, 1967; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 7, 1967.

The Department of Agriculture has filed an application, Serial No. I-1637, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for use as the Phi Kappa Recreation Area by the Challis National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 2237, Boise, Idaho 83701.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

BOISE MERIDIAN

CHALLIS NATIONAL FOREST

Phi Kappa Recreation Area

T. 6 N., R. 19 E., unsurveyed

Sec. 9, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 16, NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$.

More particularly described as beginning at corner No. 1, a red stained and treated post, 3 inches in diameter, 4 $\frac{1}{2}$ feet above ground, located N. 49°04' W., approximately 484 feet from the confluence of Summit Creek and Phi Kappa Creek.

From corner No. 1, by metes and bounds, S. 73°34' W., 1,132.10 feet, to corner No. 2; S. 28°14' W., 552.82 feet, to corner No. 3; S. 55°49' W., 396.54 feet, to corner No. 4; S. 58°56' W., 2,323.33 feet, to corner No. 5; S. 33°29' E., 162.79 feet, to corner No. 6; N. 87°06' E., 1,414.90 feet, to corner No. 7; N. 6°42' E., 1,139.92 feet, to corner No. 8; N. 29°01' E., 472.54 feet, to corner No. 9; N. 04°01' E., 241.75 feet, to corner No. 10; N. 73°06' E., 428.07 feet, to corner No. 11; N. 32°16' E., 918.21 feet, to corner No. 1, the place of beginning.

The area described aggregates 59.32 acres in Custer County, Idaho.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 67-9481; Filed, Aug. 11, 1967;
8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ASSISTANT TO THE SECRETARY FOR CIVIL RIGHTS

Delegation of Authority

Notice is hereby given that the Secretary of Agriculture on July 24, 1967, pursuant to 7 CFR 15.2(c), delegated to the Assistant to the Secretary for Civil Rights, William M. Seabron, the authorities under 7 CFR Part 15 to:

1. Issue orders to give a notice of hearing or opportunity to request a hearing;
2. Arrange for the designation of a hearing examiner to preside over the proceedings; and
3. Determine whether the hearing examiner so designated will make an initial decision or certify the record to the Secretary of Agriculture with his recommended findings and proposed decision.

Nothing herein shall preclude the Secretary of Agriculture from exercising the authority so delegated.

Done at Washington, D.C., this 8th day of August 1967.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 67-9487; Filed, Aug. 11, 1967;
8:45 a.m.]

NEBRASKA AND NORTH CAROLINA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Nebraska and North Carolina natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NEBRASKA

Lancaster.

NORTH CAROLINA

Hoke.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 8th day of August 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-9488; Filed, Aug. 11, 1967;
8:46 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 152-B; Amdt. 1]

BUSINESS AND DEFENSE SERVICES ADMINISTRATION

Field Activities

This material amends the material appearing at 30 F.R. 3393 of March 13, 1965.

The designation "Organization and Function Supplement to Department Order 152" is changed to "Department Order 152-B."

Department Order 152-B of February 16, 1965, is hereby amended as follows:

1. A new section 8 is added to read:

Sec. 8. *Field activities.* .01 The field activities of the Business and Defense Services Administration are carried out by the Field Offices of the Office of Field Services, Department of Commerce, which are located in principal cities of the United States and Puerto Rico. Each Field Office provides information and advice on production, consumption, sales, raw materials sources, trends, and prospects on U.S. industries; marketing and distribution problems; and industrial mobilization matters including priorities for materials and products under the Defense Materials System.

.02 Field Offices of the Office of Field Services, Department of Commerce, are listed in Appendix A to Department Order 168-B, "Office of Field Services".

2. Existing sections 8 and 9 are renumbered as sections 9 and 10, respectively.

Effective date: July 28, 1967.

DAVID R. BALEWIN,
Assistant Secretary
for Administration.

[F.R. Doc. 67-9477; Filed, Aug. 11, 1967;
8:45 a.m.]

[Dept. Order 168-B; Amdt. 1]

OFFICE OF FIELD SERVICES**Organization and Functions**

This material amends the material appearing at 29 F.R. 5411 of April 22, 1964, and supersedes the material appearing at 29 F.R. 12141 of August 26, 1964.

The designation "Organization and Function Supplement to Department Order 168" is changed to "Department Order 168-B."

Department Order 168-B of April 2, 1964, is hereby amended as follows:

Sec. 5. Functions of Offices in the Field. A new paragraph .02 is added to read:

.02 Field Offices are listed in Appendix A to this order.

DAVID R. BALDWIN,
Assistant Secretary
for Administration.

APPENDIX A**OFFICE OF FIELD SERVICES—FIELD OFFICES**

JULY 28, 1967.

Albuquerque, N.M.	Jacksonville, Fla.
Anchorage, Alaska.	Kansas City, Mo.
Atlanta, Ga.	Los Angeles, Calif.
Baltimore, Md.	Memphis, Tenn.
Birmingham, Ala.	Miami, Fla.
Boston, Mass.	Milwaukee, Wis.
Buffalo, N.Y.	Minneapolis, Minn.
Charleston, S.C.	New Orleans, La.
Charleston, W. Va.	New York, N.Y.
Cheyenne, Wyo.	Philadelphia, Pa.
Chicago, Ill.	Phoenix, Ariz.
Cincinnati, Ohio.	Pittsburgh, Pa.
Cleveland, Ohio.	Portland, Ore.
Dallas, Tex.	Reno, Nev.
Denver, Colo.	Richmond, Va.
Des Moines, Iowa.	St. Louis, Mo.
Detroit, Mich.	Salt Lake City, Utah.
Greensboro, N.C.	San Francisco, Calif.
Hartford, Conn.	Santurce, P.R.
Honolulu, Hawaii.	Savannah, Ga.
Houston, Tex.	Seattle, Wash.

See local telephone directory under "U.S. Government—Commerce, Department of—Field Services" for address and telephone number.

[F.R. Doc. 67-9478; Filed, Aug. 11, 1967; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 17617, 17618]

ATHENS BROADCASTING CO., INC., AND 3 J'S BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Athens Broadcasting Co., Inc., Athens, Tenn., Docket No. 17617, File No. BPH-5668; Requests: 98.3 mc, No. 252; 2.2 kw; 345 feet; John P. Frew and Julia N. Frew doing business as 3 J's Broadcasting Co., Athens, Tenn., Docket No. 17618, File No. BPH-5768; Requests: 98.3 mc, No. 252; 3 kw; 257 feet; for construction permits.

1. The Commission, by the Chief, Broadcast Bureau, under delegated au-

thority considered the above captioned and described applications for construction permits.

2. These applications are mutually exclusive in that operation by the applicants as proposed would cause mutually destructive interference.

3. Since no determination has yet been reached on whether the antenna proposed by 3 J's Broadcasting Co. would constitute a menace to air navigation, an issue regarding this matter is required.

4. 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 subject applications would serve the public interest, convenience, and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding 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 3 J's Broadcasting Co. would constitute a menace to air navigation.

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

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

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

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 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 27, 1967.

Released: August 9, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,
BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9499; Filed, Aug. 11, 1967; 8:47 a.m.]

[Docket Nos. 17624, 17625]

FRED KAYSBIER AND SIERRA BLANCA BROADCASTING CO. (KRRR)

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Fred Kaysbier, Alamogordo, N. Mex., Docket No. 17624, File No. BP-16965; Requests: 1360 kc, 5 kw, DAY; Edward D. Hyman trading as Sierra Blanca Broadcasting Co. (KRRR), Ruidoso, N. Mex., Docket No. 17625, File No. BP-17487; Has: 1340 kc, 250 w, 1 kw-LS, U, Requests: 1360 kc, 5 kw, DAY; for construction permits.

1. The Commission, by Chief of the Broadcast Bureau under delegated authority, considered the above-captioned and described applications for construction permits.

2. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since simultaneous operation of the proposals would result in mutually destructive interference, the applications are mutually exclusive and must be designated for hearing in a consolidated proceeding on the issues specified 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 the areas and populations which would receive primary service from the proposal of Fred Kaysbier and the availability of other primary service to such areas and populations.

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

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

4. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would better serve the public interest.

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

It is further ordered, That in the event of a grant of either of the above applications, the construction permit shall contain the following condition:

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

It is further ordered, That in the event of a grant of the application of Fred Kaysbier, the construction permit shall contain the following condition:

Before program tests are authorized, an approved type frequency monitor shall be installed.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to section 1.221(e) 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 25, 1967.

Released: August 8, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9500; Filed, Aug. 11, 1967;
8:47 a.m.]

[Docket Nos. 16290, 16291; FCC 67M-1352]

WMGS, INC. (WMGS), AND OHIO
RADIO, INC.

Order Continuing Hearing

In re applications of WMGS, Inc. (WMGS), Bowling Green, Ohio, Docket No. 16290, File No. BR-3097; Ohio Radio, Inc., Bowling Green, Ohio, Docket No. 16291, File No. BP-16423; for construction permit.

The Hearing Examiner is in receipt of the "Joint Petition for Approval of Agreement" filed August 4, 1967, which was signed on behalf of both applicants herein. This pleading seeks inter alia the dismissal of the application of Ohio Radio, Inc., herein. In view of the foregoing, it is deemed appropriate that the evidentiary hearing now scheduled for August 11, 1967, should be continued without date.

Accordingly, it is ordered, That the evidentiary hearing now scheduled for August 11, 1967, be and the same is hereby continued without date.

Issued: August 7, 1967.

Released: August 8, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9501; Filed, Aug. 11, 1967;
8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

NORTH AMERICAN RESEARCH &
DEVELOPMENT CORP.

Order Suspending Trading

AUGUST 8, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of North American Research & Development Corp., 1935 South Main Street, Salt Lake City, Utah, and all other securities of North American Research & Development Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 9, 1967, through August 18, 1967, both dates inclusive.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-9495; Filed, Aug. 11, 1967;
8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 633]

PENNSYLVANIA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of August 1967, because of the effects of certain disasters, damage resulted to residences and business property located in Northampton County, in the State of Pennsylvania;

Whereas, the Small Business Administration has investigated and received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) (1) of the Small Business Act, as amended, may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on August 3, 1967.

OFFICE

Small Business Administration Regional
Office, 1015 Chestnut Street, Philadelphia,
Pa. 19107.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 29, 1968.

Dated: August 4, 1967.

ROBERT C. MOOT,
Administrator.

[F.R. Doc. 67-9482; Filed, Aug. 11, 1967;
8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI68-42 etc.]

ASHLAND OIL & REFINING CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund¹

AUGUST 3, 1967.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A below.

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

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the

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

contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended sup-

plements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington,

D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 11, 1967.

By the Commission.

[SEAL]

GORDON M. GRANT,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI68-42	Ashland Oil & Refining Co. Post Office Box 18693.	110	10	Colorado Interstate Gas Co. (Keyes and Northwest Eva Fields, Texas and Cimmaron Counties, Okla.) (Panhandle area).	\$24	7-13-67	1-8-13-67	8-14-67	\$17.0	\$17.015	RI64-372.
		123	6	Colorado Interstate Gas Co. (Keyes Field, Texas and Cimmaron Counties, Okla.) (Panhandle area).	10	7-10-67	1-8-10-67	8-11-67	\$17.0	\$17.015	RI64-372.
RI68-43	Sun Oil Co., Post Office Box 2880, Dallas, Tex. 75221.	168	3	Northern Natural Gas Co. (Northeast Dower Field, Beaver County, Okla.) (Panhandle area).	12	7-6-67	1-8-6-67	8-7-67	\$17.0	\$17.015	
		144	2	Northern Natural Gas Co. (Como Field, Beaver County, Okla.) (Panhandle area).	16	7-6-67	1-8-6-67	8-7-67	\$17.0	\$17.015	
		191	2	Panhandle Eastern Pipe Line Co. (Northwest Eva Field, Texas County, Okla.) (Panhandle area).	6	7-6-67	1-8-6-67	8-7-67	\$16.0	\$16.015	

¹ The stated effective date is the effective date proposed by Respondent.

² Subject to upward and downward B.T.U. adjustment.

³ Includes 0.015 cent tax reimbursement for 0.02 cent increase in Oklahoma excise tax which became effective on July 1, 1967.

⁴ Pressure base is 14.65 p.s.i.a.

⁵ Subject to downward B.T.U. adjustment.

⁶ Settlement rate pursuant to Sun Oil Co.'s companywide settlement in Docket Nos. G-8288, et al. Filing moratorium imposed by settlement expires on Aug. 1, 1967. However, Sun reserved the right to file for any contractually authorized increase in tax reimbursement.

All of these proposed rate increases reflect tax reimbursement for the recently enacted increase in the Oklahoma Excise tax from 0.02 cent to 0.04 cent per Mcf, effective on July 1, 1967. The proposed rate increases exceed the area increased rate ceiling of 11.0 cents for the area, announced in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, Section 2.56). However, since the proposed rate filings relate only to tax reimbursement increases, we conclude that such increases should be suspended for one day from the proposed effective dates.

[F.R. Doc. 87-9421; Filed, Aug. 11, 1967; 8:45 a.m.]

[Docket Nos. RI68-56, RI68-57]

PLACID OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates¹

AUGUST 3, 1967.

The Respondents named herein have filed proposed increased rates and

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

charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A below.

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

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 11, 1967.

By the Commission.

GORDON M. GRANT,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate scheduled No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf ²		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI68-86	Placid Oil Co. (Operator) et al., 2500 First National Bank Bldg., Dallas, Tex. 75202. Attn: Paul W. Hicks, Esq.	24	7	Tennessee Gas Pipeline Co., a Division of Tenneco, Inc. (Lake Washington Field, Plaquemines Parish, La.) (south Louisiana).	\$7,800	7-10-67	8-10-67	1-10-68	*** 23.6	*** 23.7	
RI68-87	Placid Oil Co., 2500 First National Bank Bldg., Dallas, Tex. 75202. Attn: Paul W. Hicks, Esq.	27	5	Tennessee Gas Pipeline Co., a Division of Tenneco, Inc. (Caddo Island Field, Terrebonne Parish, La.) (south Louisiana).	375	7-10-67	8-10-67	1-10-68	*** 23.6	*** 23.7	
		28	5	Tennessee Gas Pipeline Co., a Division of Tenneco, Inc. (Dulac area, Terrebonne Parish, La.) (south Louisiana).	4,698	7-10-67	8-10-67	1-10-68	*** 23.6	*** 23.7	

¹ The pressure base is 15.925 p.s.f.a.

² The stated effective date is the first day after expiration of the statutory notice.

³ Inclusive of 2.3 cents tax reimbursement.

⁴ Rate subject to downward B.T.N. adjustment.

⁵ Contractually provided for initial rate. Sales have been made at that rate initially pursuant to unconditioned temporary certificate and later in accordance with the stay provisions of Opinion No. 436-A.

⁶ "Fractured" rate increase. Placid is contractually due 26.1 cents per Mcf (23.8 cents base rate plus 2.3 cents tax reimbursement).

In Opinion No. 436, the Commission granted a permanent certificate to Placid, in Docket Nos. G-18076, G-18502 and CI61-511, conditioned to a total initial price of 20.0 cents. The rate reduction requirement of Opinion No. 436 was stayed by Opinion No. 436-A, and Placid has continued to collect its initial contract rates of 23.6 cents, subject to the refund provisions of the stay. The 10th Circuit affirmed the Commission's in-line base price determination, but remanded the case for further consideration of the tax reimbursement allowance, among other things.

Placid requests waiver of the 30-day statutory notice to permit a retroactive effective date of July 1, 1967, for its proposed rate increases. In support Placid states that since the increases are being filed for the purpose of moving from section 7(c) to section 4(e) of the Natural Gas Act, and since the amounts are de minimis, there is no reason to require the 30-day notice or to suspend the proposed increased rates. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Placid's rate filings and such request is denied.

All of the proposed rates exceed the applicable area price level for increased rates as set forth in the Commission's Statement of General Policy No. 61-1 as amended (18 CFR, Chapter I, Part 2, § 2.56).

[F.R. Doc. 67-9422; Filed, Aug. 11, 1967; 8:45 a.m.]

[Docket Nos. G-4804 etc.]

ALMA M. SCHRADER ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates¹

AUGUST 3, 1967.

Take notice that each of the Applicants listed herein has filed an applica-

¹ This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

tion or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 25, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or

petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however*, That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-4804 D 7-3-67 E 7-30-67 ²	Alma M. Schrader, agent for L. D. Nutter et al. (successor to L. D. Nutter, agent), 861 Terrace Ave., Weston, W. Va. 25432.	Equitable Gas Co., Salt Lick District, Braxton County, W. Va.	20.0	15.325
G-10006 C 7-20-67	Amerado Petroleum Corp., Post Office Box 2040, Tulsa, Okla. 74102.	El Paso Natural Gas Co., Otero Area, Rio Arriba County, N. Mex.	13.2295	15.025
G-13108 C 7-19-67	Aztec Oil & Gas Co., 2000 First National Bank Bldg., Dallas, Tex. 75202.	Southern Union Gathering Co., Basin Dakota Pool, San Juan County, N. Mex.	13.0	15.025
G-13113 E 7-17-67	Etchison & Gross Associates (successor to Graham-Michaelis Drilling Co.), Box 188, Borger, Tex. 79007.	Phillips Petroleum Co., Hugoton Field, Sherman County, Tex.	8.5534	14.65
G-15424 D 7-19-67	Sun Oil Co. (Southwest Division), 1606 Walnut St., Philadelphia, Pa. 19103 (partial abandonment).	West Lake Natural Gasoline Co., South Lake Trammel and Nena Leals Fields, Nolan County, Tex.	(?)	-----

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

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
C160-175 C 7-24-67	Pubco Petroleum Corp. (Operator) et al. Post Office Box 869, Albuquerque, N. Mex. 87104	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	13.0	15.025
C161-501 C 7-10-67	Highland Petroleum Co. (Operator) et al. (Formerly Hill & Meeker (Operator) et al.), Box 623, Odessa, Tex. 79501	El Paso Natural Gas Co., Pecos Valley (4000 DeWitt), Pecos County, Tex.	\$15.6488	14.65
C162-402 C 12-20-67	Barron Kidd, c/o Emery T. Corbett, agent, 2600 Mercantile Bank Bldg., Dallas, Tex. 75201	Consolidated Gas Supply Corp., Elk District, Barbour County, W. Va.	25.0	15.325
C162-1144 E 7-7-67	Gibson Oil Co., Inc. (successor to Hako Oil & Gas Co., c/o James Allen, agent, Post Office Box 237, Magnolia, Ohio 44135)	Consolidated Gas Supply Corp., Grand District, Elkhart County, W. Va.	25.0	15.325
C162-234 C 7-24-67	Model Oil Corp. (Operator) et al. Post Office Box 244, Houston, Tex. 77001	Arkansas Louisiana Gas Co., Red Oak Area, Le Flore County, Okla.	15.0	14.65
C164-1391 E 7-31-67	American Petroleum Co. of Texas (operator) et al. Post Office Box 2139, Dallas, Tex. 75221	Phillips Petroleum Co., Trans-Hudson Field, Sherman County, Tex.	\$10.9924	14.65
C165-042 C 7-24-67	Pan American Petroleum Corp., Post Office Box 92, Tulsa, Okla. 74102	Northern Natural Gas Co., Northwest Tanager Field, Woodward County, Okla.	\$18.35	14.65
C167-478 C 7-24-67	Model Oil Corp.	Panhandle Eastern Pipe Line Co., Southeast Arnett Field, Ellis County, Okla.	\$19.89	14.65
C167-1416 A 4-4-67	Mrs. Anna Berdine, Burton, W. Va. 26502	The Manufacturers Light & Heat Co., Battelle District, Monticello County, W. Va.	18.215	13.325
C168-36 B 6-26-67	George W. Miller, agent for Maurice Rogers Gas Co., Box No. 2, Glenville, W. Va. 25920	Equitable Gas Co., Glenville District, Wm. County, W. Va.	Depleted	14.65
C168-38 B 7-19-67	Gulf Oil Corp., Post Office Box 1599, Tulsa, Okla. 74102	Phillips Petroleum Co., Carson Field, Gray County, Tex.	Depleted	14.65
C168-63 F 7-19-67	Joanna Chapman Trust Estate et al. (successor to Livingston Oil Co.), 700 First National Bank Bldg., Tulsa, Okla. 74101	Okla. Natural Gas Co., Gathering Corp., Ringwood Field, Major County, Okla.	\$12.0	14.65
C168-64 A 7-19-67	Quaker State Oil Refining Corp., Box 317, Bradford, Pa. 16801	United Fuel Gas Co., Jefferson District, Lincoln County, W. Va.	23.0	15.325
C168-66 B 7-20-67	Texas Oil & Gas Corp. et al., 2329 Fidelity Union Tower, Dallas, Tex. 75201	Le Sueur Galvanizing Co., South W. Va. State Field, Lincoln County, Tex.	Depleted	14.65
C168-67 A 7-21-67	Charles W. Oliphant (Operator) et al., 1906 National Bank of Tulsa Bldg., Tulsa, Okla. 74103	Wunderlich Development Co., acreage in Kay County, Okla.	6.2	14.65
C168-68 (G-4006) F 7-17-67	Charles Oliphant Services, Inc. (Operator) et al. (successor to Superior Oil Co.), Chapman Bldg., Medicine Lodge, Kans. 66401	Quiles Service Gas Co., Rogers (Douglas Sand) Gas Field, Barber County, Kans.	\$13.0	14.65
C168-69 A 7-21-67	Charles W. Oliphant (Operator) et al., 1906 National Bank of Tulsa Bldg., Tulsa, Okla. 74103	Wunderlich Development Co., acreage in Kay County, Okla.	6.2	14.65
C168-70 F 7-2-67	Bonono-Monahan-Greer Drilling Corp. (Operator) et al. (successor to T. Jack Foster), First National Bldg., Oklahoma City, Okla. 73102	El Paso Natural Gas Co., San Juan Field, San Juan County, N. Mex.	10.0	15.025
C168-71 A 7-20-67	Fairman Drilling Co., Box 288, De Rosa, Pa. 15801	Consolidated Gas Supply Corp., Young Township, Jefferson County, Pa.	\$27.5 \$25.0	15.325 15.325
C168-72 A 7-20-67	Bear Run Oil & Gas Co. et al., c/o Thomas H. Larkin, Jr., President, Schramm Bldg., Chambersburg, W. Va. 25801	Consolidated Gas Supply Corp., Spring Creek District, Wirt County, W. Va.	25.0	15.325
C168-73 A 7-20-67	Fairman Drilling Co.	Consolidated Gas Supply Corp., Banks Township, Indiana County, Pa.	27.5	15.325
C168-74 A 7-20-67	Columbian Fuel Corp., 401 Dewey Ave., Bartlesville, Okla. 74003	United Fuel Gas Co., Rocky Fork Area, Kanawha County, W. Va.	28.0	15.325
C168-75 A 7-20-67	Boyd & Shriver, et al., 6-8 Bond Bldg., South Seventh St., Indiana, Pa. 15701	Consolidated Gas Supply Corp., Ceres Township, Indiana County, Pa.	35.0	15.325
C168-76 A 7-20-67	Crane Creek Gas Co., c/o J. E. Allen, Post Office Box 109, Charleston, W. Va. 25321	Consolidated Gas Supply Corp., Society River District, Mingo County, W. Va.	25.0	15.325

See footnotes at end of table.

: Deletes the A. W. Carter Lease.

: On July 20, 1967, Alma M. Schrader filed a petition to amend the certificate in said docket to be substituted as agent for L. D. Nutter, et al., in lieu of L. D. Nutter, agent.

: Applicant wishes to process gas in its own processing plant.

: Amendment to certificate filed to reflect the change in operator.

: Rate in effect subject to refund in Docket No. B168-384.

: Rate in effect subject to refund in Docket No. B168-384.

: Includes 2.50 cents upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.

: Includes 2.50 cents upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.

: National Funds Corp. purchases in Docket No. B168-228.

: Rate in effect subject to refund in Docket No. B168-228.

: Rate in effect subject to refund in Docket No. B168-228.

: For gas produced from above the Oriskany Sand.

: For gas produced from above the Oriskany Sand.

: Includes 0.34 cent upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.

: Subject to upward and downward B.t.u. adjustment.

[F.R. Doc. 67-9423; Filed, Aug. 11, 1967; 8:45 a.m.]

[Docket Nos. B168-44 etc.]

SHELL OIL CO. ET AL.

Order Accepting Contract Amendment, Providing for Hearings on and Suspension of Proposed Changes in Rates

August 4, 1967.

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

: Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI65-44	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	222	3	Colorado Interstate Gas Co. (Laverne Field, Harper County, Okla.) (Panhandle area).	\$445	7-11-67	1-9-1-67	2-1-68	\$17.808	\$18.921	RI65-222.
		279	4	do.	441	7-11-67	1-9-1-67	2-1-68	\$18.761	\$19.854	
		282	5	Cities Service Gas Co. (Hobart Ranch Field, Hemphill County, Tex.) (RR. Dist. No. 10).	14,852	7-13-67	1-9-23-67	2-23-68	\$17.0 \$17.595	\$18.63	RI65-444.
RI65-45	Skelly Oil Co., Post Office Box 1650, Tulsa, Okla. 74102.	175	3	Panhandle Eastern Pipe Line Co. (Panhandle Field, Hutchinson and Moore Counties, Tex.) (RR. Dist. No. 10).	24,910	7-11-67	1-8-11-67	1-11-68	\$11.0	\$12.0	
RI65-46	Cabot Corp. (SW) (Operator) et al., Post Office Box 1101, Pampa, Tex. 79065.	66	2	Panhandle Eastern Pipe Line Co. (West Panhandle Gas and West Panhandle (Red Cave) Fields, Hutchinson County, Tex.) (RR. Dist. No. 10).	5,720	7-10-67	1-8-10-67	1-10-68	\$11.0	\$12.0	
RI65-47	Harper Oil Co. (Operator) et al., 904 Hightower Bldg., Oklahoma City, Okla. 73102.	8	12	Colorado Interstate Gas Co. (Laverne Field, Harper County, Okla.) (Panhandle area).	3,687	7-13-67	1-9-1-67	2-1-68	\$19.36	\$20.57	RI63-73.
		21	6	Colorado Interstate Gas Co. (Laverne Field, Harper County, Okla.) (Panhandle area).	98	7-13-67	1-9-1-67	2-1-68	\$19.6	\$20.825	RI63-86.
RI65-48	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017. Attn: C. E. Smith, manager, Natural Gas and Gas Liquids Dept.	124	6	Transwestern Pipeline Co. (Worham Field, Reeves County, Tex.) (RR. Dist. No. 8) (Permian Basin).	13,000	7-14-67	1-9-1-67	2-1-68	\$17.0	\$18.0	RI64-109.
RI65-49	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. Attn: Mr. C. E. Smith.	20	11	Kansas-Nebraska Natural Gas Co., Inc. (Carmick area, Beaver and Texas Counties, Okla.) (Panhandle area).	600	7-14-67	1-9-1-67	2-1-68	\$17.8	\$18.0	RI67-27.
RI65-49	Yucca Petroleum Co. Post Office Box 2585, Amarillo, Tex. 79105.	8	1	Transwestern Pipe Line Co. (Brillhart Field, Hansford County, Tex.) (RR. Dist. No. 10).	11,000	7-13-67	1-8-13-67	1-13-68	\$17.0	\$18.5	
RI65-50	Cleary Petroleum, Inc. (Operator), et al., 310 Kermac Bldg., Oklahoma City, Okla. 73102.	22	1	Panhandle Eastern Pipe Line Co. (Northeast Freedom area, Woods County, Okla.) (Oklahoma other area).	13,752	7-17-67	1-8-17-67	1-17-68	\$16.0	\$17.0	
RI65-51	Marathon Oil Co., 839 South Main St., Findlay, Ohio 44840.	41	2	Northern Natural Gas Co. (Rosston area, Beaver County, Okla.) (Oklahoma Panhandle area).		7-17-67	1-8-17-67	(Accepted)			
		41	3	do.	419	7-17-67	1-8-17-67	1-17-68	\$17.8	\$19.31	RI66-33.
RI65-52	J. Ray McDermott & Co., Inc., Houston Club Bldg., Houston, Tex. 77002.	15	2	Tennessee Gas Pipeline Co., a Division of Tenneco, Inc. (Block 68 Field, West Cameron area, Louisiana) (south Louisiana).	97,461	7-17-67	1-8-17-67	1-17-68	\$21.5	\$23.55	
RI65-53	C. J. Pinner (Operator) et al., 1517 Bank of the Southwest Bldg., Houston, Tex. 77002.	1	2	South Texas Natural Gas Gathering Co. (Jay Simmons Field, Starr County, Tex.) (RR. Dist. No. 2).	420	7-5-67	1-8-5-67	1-5-68	\$14.0	\$15.0	
RI65-54	Marathon Oil Co. et al., 539 South Main St., Findlay, Ohio 44840. Attn: Jack Farber, Esq.	73	3	Transcontinental Gas Pipe Line Corp. (Cooke Field, La Salle County, Tex.) (RR. Dist. No. 1).	105	7-13-67	1-8-15-67	1-15-68	\$14.69573	\$15.70925	RI67-118.
RI65-55	Phillips Petroleum Co., Bartlesville, Okla. 74003. Attn: Mr. Dan L. Mayer.	42	7	Texas Gas Pipe Line Corp. (Stowell Field, Jefferson and Chambers Counties, Tex.) (RR. Dist. No. 3).	2,423	7-12-67	1-8-12-67	1-12-68	\$11.1056	\$11.144	

¹ Effective date is the date proposed by Respondent.

² Includes base rate of 16.0 cents plus 1.808 cents upward B.T.U. adjustment before increase and base rate of 17.0 cents plus 1.921 cents upward B.T.U. adjustment after increase. Base rates are subject to upward and downward B.T.U. adjustment.

³ Pressure base is 14.65 p.s.i.a.

⁴ Periodic rate increase.

⁵ Includes base rate of 17.0 cents plus 1.751 cents upward B.T.U. adjustment before increase and base rate of 18.0 cents plus 1.854 cents upward B.T.U. adjustment after increase. Base rates are subject to upward and downward B.T.U. adjustment.

⁶ Subject to a deduction not to exceed 0.5 cent if buyer desulphurizes gas.

⁷ The stated effective date is the first day after expiration of the statutory notice. Includes base rate of 16.0 cents plus 3.36 cents upward B.T.U. adjustment before increase and base rate of 17.0 cents plus 3.57 cents upward B.T.U. adjustment after increase. Base rate subject to upward and downward B.T.U. adjustment.

⁸ Includes base rate of 16.0 cents plus 3.6 cents upward B.T.U. adjustment before increase and base rate of 17.0 cents plus 3.825 cents upward B.T.U. adjustment after increase. Base rate is subject to an upward and downward B.T.U. adjustment.

⁹ Subject to downward B.T.U. adjustment.

¹⁰ Initial certificated rate for acreage added by Supplement No. 4.

¹¹ Includes 0.65 cent tax reimbursement.

¹² Rate for originally dedicated acreage. Includes 0.395 cent tax reimbursement. Respondent requests that the proposed increased rate be made effective immediately or, alternatively, upon expiration of statutory notice.

¹³ Subject to upward and downward B.T.U. adjustment.

¹⁴ Filing from conditioned certificate rate to initial contract rate.

¹⁵ Includes base price of 16.0 cents plus 1.87 cents upward B.T.U. adjustment before increase and base rate of 17.0 cents plus 2.31 cents upward B.T.U. adjustment after increase.

¹⁶ Pressure base is 15.025 p.s.i.a.

¹⁷ Initial rate as conditioned by temporary certificate in Docket No. C160-659.

¹⁸ "Fractured" rate increase.

¹⁹ The applicable area ceiling rate is 14.41 cents per Mcf as established in quality statement accepted by letter dated Feb. 1, 1967.

Cabot Corp. (SW) (Operator) et al. (Cabot), J. Ray McDermott & Co., Inc. (McDermott), and C. J. Pinner (Operator) et al. (Pinner), request effective dates for which adequate notice has not been given. In addition, McDermott requests waiver of the 30-day notice requirement stating that a periodic rate increase was contractually due November 1, 1966. No other reasons were given in support of these requests. Good cause has not been shown for authorizing the requested effective dates, or for waiving the 30-day notice period, and such requests are therefore denied.

Concurrently with the filing of its rate increase under its FPC Gas Rate Schedule No. 41, Marathon Oil Co. (Marathon) submitted a contract amendment dated June 6, 1967, designated as Supplement No. 2 to Marathon's FPC Gas Rate Schedule No. 41, which provides for its proposed rate increase under the rate schedule involved. We believe that it would be in the public interest to accept for filing Marathon's proposed contract amendment to become effective on August 17, 1967, the date of expiration of the statutory notice, but not the proposed rate contained therein which is suspended as herein ordered.

Except for the stay of the moratorium in Opinion No. 468, Union Oil Co. of California's rate filing under its FPC Gas Rate Schedule No. 124 would be rejectable because the proposed rate is in excess of the applicable area ceiling determined in Opinion No. 468. If the moratorium is ultimately upheld upon judicial review, Union's rate increase will be rejected ab initio.

All of the proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56).

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

The Commission finds:

(1) Good cause has been shown for accepting for filing Marathon's proposed contract amendment dated June 6, 1967, designated as Supplement No. 2 to Marathon's FPC Gas Rate Schedule No. 41, and for permitting such supplement to become effective on August 17, 1967, the date of expiration of the statutory notice.

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

The Commission orders:

(A) Marathon's contract amendment dated June 6, 1967, designated as Supplement No. 2 to Marathon's FPC Gas Rate Schedule No. 41, is accepted for filing and permitted to become effective on Au-

gust 17, 1967, the date of expiration of the statutory notice.

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

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

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

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 11, 1967.

By the Commission.

[SEAL]

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-9424; Filed, Aug. 11, 1967;
8:45 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING ASSISTANT REGIONAL AD- MINISTRATOR FOR HOUSING AS- SISTANCE, REGION VI (SAN FRAN- CISCO)

Designation

The officers appointed to the following listed positions in Region VI (San Francisco) are hereby designated to serve as Acting Assistant Regional Administrator for Housing Assistance, Region VI (San Francisco), during the absence of the Assistant Regional Administrator for Housing Assistance, with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Housing Assistance, provided that no officer is authorized to serve as Acting Assistant Regional Administrator for Housing Assistance unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Assistant Regional Administrator for Housing Assistance.
2. Director, Housing Management Division.

3. Director, Housing Financial Management Division.

This designation supersedes the designation effective January 25, 1967 (32 F.R. 4319, Mar. 21, 1967).

(Delegation effective May 4, 1962, 27 F.R. 4319, May 4, 1962; Dept. Interim Order II, 31 F.R. 815, Jan. 21, 1966)

Effective as of July 14, 1967.

ROBERT B. PITTS,

Regional Administrator, Region VI.

[F.R. Doc. 67-9489; Filed, Aug. 11, 1967;
8:46 a.m.]

TARIFF COMMISSION

[APTA-W-17]

CERTAIN WORKERS OF BORG- WARNER CORP., DETROIT, MICH.

Workers' Petition for Determination of Eligibility To Apply for Adjustment Assistance; Notice of Investigation

Upon receipt on August 2, 1967, of a request therefor from the Automotive Agreement Adjustment Assistance Board, the Tariff Commission instituted an investigation pursuant to section 302(e), Automotive Products Trade Act of 1965, with respect to a petition filed with the Board by the International Union, United Automobile Workers, and its Local 314, on behalf of a group of workers at the Long Manufacturing Division, Borg-Warner Corp., Detroit, Mich., which manufactures among other products oil coolers used in automobile radiators, automotive radiators, and clutches. The petition alleges that dislocation of a group of workers has occurred, that dislocation of additional workers is threatened, and that the operation of the United States-Canadian Automotive Agreement has been the primary factor in causing such dislocation and the threat of further dislocations. The Commission is conducting the investigation to provide a factual record on the basis of which the Board may make the determinations required by section 302 of the Act.

No hearing has been scheduled. A hearing will be held on request of any party showing a proper interest in the subject matter of the investigation, provided the request is filed with the Secretary of the Tariff Commission within 10 days after this notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the office of the Secretary, United States Tariff Commission, 8th and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 at the Customhouse.

Issued: August 9, 1967.

By order of the Commission.

[SEAL]

DONN N. BENT,
Secretary.

[F.R. Doc. 67-9502; Filed, Aug. 11, 1967;
8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[No. 34816]

POINTS IN CENTRAL STATES Increased Minimum Charges

Present: Laurence K. Walrath, Commissioner, to whom the matter which is the subject of this order has been referred for action thereon.

It appearing, that by order dated February 13, 1967, the Commission, Division 2, acting as an appellate division, instituted an investigation into and concerning the lawfulness of the rates, charges, and regulations contained in the schedules described in said order;

It further appearing, that by order dated April 27, 1967, the Commission notified and directed the respondents to submit certain information and supporting data in the preparation of their case;

It further appearing, that upon further consideration of all the factors surrounding this type of proceeding, it has been determined that an amended order should be entered and become effective in lieu of our order herein dated April 27, 1967, and that the order dated July 25, 1967, extending the date for respondents to file their verified material and assigning a new hearing date should be vacated; and good cause therefor;

It is ordered, That the orders herein dated April 27, and July 25, 1967, be, and they are hereby, vacated and set aside, and in lieu thereof, the instant order shall become effective.

It further appearing, that the order of April 27, 1967, fixed the date of May 29, 1967, on or before which anyone desiring to become a party of record to receive copies of the respondents' verified material; that such date having expired and a service list having been served, there appears to be no reason for extending said date since any interested person desiring to participate in the proceeding may make his appearance at the hearing;

And it further appearing, that in order that consideration be given to all factors which may bear upon a proper determination of the issues, including the question whether the resulting rates would be just and reasonable, it is deemed appropriate in the public interest that the information specified below be included in the record to be developed in this proceeding:

It is further ordered, That respondents be, and they are hereby, notified and required to submit information and supporting data which shall include, among other things, actual expense and revenue data (including anticipated expense and revenue data to show the effect of the proposed increase or decrease) and operating ratios specifically related to the traffic and carriers involved, overall operating ratios, detailed data to establish the representative nature of the carriers used, and in addition, all pertinent evidence and supporting data for the

individual representative carriers as they relate to their overall operations, and specifically to the traffic and territories involved.

It is further ordered, That the traffic studies to be submitted shall represent the most current annual reporting period possible, and that they shall be based upon actual operations conducted during identical periods of time for each carrier; that the traffic studies shall be shown to be representative of the traffic covered by the rate proposal; and that the traffic study be costed out and operating ratios determined by the individual weight brackets included within the rate proposal. If the two carrier groups described below under the development of costs are used the traffic study shall be similarly separated. The revenues and costs for both groups shall also be totaled and operating ratios developed.

It is further ordered, That respondents shall produce evidence showing the total revenue earned for the services performed under the bureau's tariffs here under investigation for the most recent annual reporting period.

It is further ordered, That the cost study shall be based upon the most current annual reporting period adjusted to date. The costs may be developed for those carriers subject to the requirements for allocation of expenses between line haul and pickup and delivery in 49 CFR Part 182, Instructions 27 and 9002, whose total amount of revenue derived under the bureau's tariffs collectively is 75 percent or more of the total revenue derived by all carriers participating in those tariffs. If those Instruction 27 carriers' revenue is less than 75 percent of the total, then all of the instruction 27 carriers should be used. These study carriers shall be selected from the participating carriers in descending order beginning with the carrier deriving the greatest dollar amount of revenue from those tariffs. Unit costs are to be developed separately for (1) those carriers who earn 50 percent or more of their revenues under the tariffs involved and (2) those carriers who earn less than 50 percent. If factors similar to those published in appendix A to Highway Form B for the above two groups of carriers are not available, the published factors for the applicable territory based on the latest study are acceptable in the development of the unit costs.

It is further ordered, That both the cost study and the traffic study be adequately supported by working papers to permit a complete check of the procedures followed and the results obtained.

It is further ordered, That respondents shall produce evidence of the sum of money, in addition to operating expenses, needed to attract debt and equity capital which they require to insure financial stability and the capacity to render service. This evidence should include, without limiting the evidence that may be presented, particularized reference to the respondents' reasonable interest, dividend, and surplus requirement; and experienced, projected, and needed rate

of return on depreciated investment in transportation.

It is further ordered, That all Class I and II motor carrier respondents shall submit detailed data regarding carrier-affiliate financial and operating relationships and transactions including, with respect to any and all individuals, partnerships, and corporations affiliated with respondents, when such transactions individually or in the aggregate amount to \$2,500 or more during the year 1966, the following information:

1. Name of each affiliate from which respondent, during the year 1966, acquired, leased or purchased lands, buildings, equipment, materials, supplies, parts, tires, tubes, gasoline, oil, or other property or services used by respondent in its operations as a motor common carrier.

2. Kinds of property or service which each affiliate supplies to respondent.

3. Basis of charges for property or services supplied by affiliate to respondent including the base and rate for rental charges.

4. Total charges by each affiliate to respondent during the year 1966 for:

- Lease of vehicles.
- Lease of terminals.
- Lease of other property.
- Pickup and delivery of shipments.
- Repair and servicing of vehicles.
- Management, accounting, financial, legal, purchasing, or traffic solicitation services.
- Property sold by affiliate to respondent.

5. If the affiliate derives revenue from the sale or lease of property or from services through transactions with persons other than respondent, indicate the percentage of the revenue of such business to the total revenue of the affiliate in the year 1966.

6. A copy of the income statement for each affiliate for the year 1966 and the latest period of 1967 for which an income statement is available.

7. A statement listing the amount of wages, salaries, bonuses, and other compensation paid by the affiliate in 1966 to any individual who is also a respondent or an officer, director, or substantial stockholder of a respondent; or the wife or close relative of a respondent or officer, director, or substantial stockholder of a respondent.

8. The term "affiliate" as used in this order means:

a. Any individual who is also a respondent; an officer, director, or substantial stockholder of a respondent; or the wife or close relative either of a respondent, or of an officer, director, or substantial stockholder of a respondent.

b. Any partnership in which one of the partners is a respondent; an officer, director, or substantial stockholder of a respondent; or the wife or close relative either of a respondent; or of an officer, director, or substantial stockholder of a respondent.

c. Any corporation whose stock is wholly or partly owned by a respondent; by an officer, director, or substantial stockholder of a respondent; or by the

wife or close relative either of a respondent or of an officer, director, or substantial stockholder of a respondent.

d. Any corporation which exercises control over the operations or finances of respondent.

It is further ordered. That the detailed information called for by this order shall be in writing and shall be verified by a person or persons having knowledge thereof; that such verified material shall be served on all parties of record on or before August 30, 1967, and at the same time, respondents shall file an executed original and two copies with this Commission, together with certificates of service in accordance with § 1.22(a) of the general rules of practice. The information with respect to carrier affiliates may be served on the parties in summary form, if so desired.

It is further ordered. That all underlying data used in preparation of respondents' detailed and verified material shall be made available in the office of the party serving such verified matter during usual office hours for inspection by any party of record desiring to do so; and that the underlying data shall be made available also at the hearing, but only if and to the extent specifically requested in writing and required by any party for the purpose of cross-examination.

It is further ordered. That this proceeding be, and it is hereby, referred to Hearing Examiner Earl S. Dowell for hearing commencing September 25, 1967, at 9:30 a.m., d.s.t. (or 9:30 a.m., U.S. standard time, if that time is observed), in Room 1614, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill., and for recommendation of an appropriate order thereon, accompanied by the reasons therefor.

It is further ordered. That a copy of this order be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

And it is further ordered. That, to avoid future unnecessary service upon those respondents who, although participating carriers in the tariff schedules which are the subject of investigation herein, are not actively interested in the outcome of such investigation, subsequent service on respondents herein of notices and orders of the Commission will be limited to those respondents who:

- (1) Have been identified by name in the order or orders of investigation herein;
- (2) Specifically make written request to the Secretary of the Commission to be included on the service list; or
- (3) Have appeared at a hearing.

Dated at Washington, D.C., this 7th day of August 1967.

By the Commission, Commissioner Walrath.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-9490; Filed, Aug. 11, 1967; 8:46 a.m.]

[Investigation and Suspension Docket Nos. M-21099, M-21099 (Sub-No. 1)]

NEW ENGLAND TERRITORY Increased Minimum Charges

Present: Laurence K. Walrath, Commissioner, to whom the matters which are the subject of this order have been referred for action thereon.

It appearing, that by orders dated December 16, 1966, the Commission, Division 2, acting as an appellate division, by I. & S. No. M-21099, and Board of Suspension by I. & S. No. M-21099 (Sub-No. 1), entered into investigations concerning the lawfulness of the charges and regulations stated in tariff schedules designated therein, and suspended the operation of said schedules;

It further appearing, that by order dated March 14, 1967, Division 2, acting as an appellate division, vacated and set aside the said orders of December 16, 1966, as of April 13, 1967, insofar as they suspended the operation of the schedules designated therein, but continued the investigation in I. & S. No. M-21099 and I. & S. No. M-21099 (Sub-No. 1);

It further appearing, that by order dated May 3, 1967, the Commission notified and directed the respondents to submit certain information and supporting data in the preparation of their case;

It further appearing, that upon further consideration of all the factors surrounding this type of proceeding, it has been determined that an amended order should be entered and become effective in lieu of our order herein dated May 3, 1967, and that the order dated July 19, 1967, extending the date for respondents to file their verified material and assigning a new hearing date should be vacated; and good cause therefor:

It is ordered. That the orders herein dated May 3, and July 19, 1967, be, and they are hereby, vacated and set aside, and in lieu thereof, the instant order shall become effective.

It further appearing, that the order of May 3, 1967, fixed the date of May 29, 1967, on or before which anyone desiring to become a party of record to receive copies of the respondents' verified material; that such date having expired and a service list having been served, there appears to be no reason for extending said date since any interested person desiring to participate in the proceedings may make his appearance at the hearing;

And it further appearing, that in order that consideration be given to all factors which may bear upon a proper determination of the issues, including the question whether the resulting rates would be just and reasonable, it is deemed appropriate in the public interest that the information specified below be included in the record to be developed in these proceedings:

It is further ordered. That respondents be, and they are hereby, notified and required to submit information and supporting data which shall include, among other things, actual expense and revenue data (including anticipated expense and revenue data to show the effect of the proposed increase or decrease) and op-

erating ratios specifically related to the traffic and carriers involved, overall operating ratios, detailed data to establish the representative nature of the carriers used, and in addition, all pertinent evidence and supporting data for the individual representative carriers as they relate to their overall operations, and specifically to the traffic and territories involved.

It is further ordered. That the traffic studies to be submitted shall represent the most current annual reporting period possible, and that they shall be based upon actual operations conducted during identical periods of time for each carrier; that the traffic studies shall be shown to be representative of the traffic covered by the rate proposal; and that the traffic study be costed out and operating ratios determined by the individual weight brackets included within the rate proposal. If the two carrier groups described below under the development of costs are used the traffic study shall be similarly separated. The revenues and costs for both groups shall also be totaled and operating ratios developed.

It is further ordered. That respondents shall produce evidence showing the total revenue earned for the services performed under the bureau's tariffs here under investigation for the most recent annual reporting period.

It is further ordered. That the cost study shall be based upon the most current annual reporting period adjusted to date. The costs may be developed for those carriers subject to the requirements for allocation of expenses between line haul and pickup and delivery in 49 CFR Part 182, Instructions 27 and 9002, whose total amount of revenue derived under the bureau's tariffs collectively is 75 percent or more of the total revenue derived by all carriers participating in those tariffs. If those Instruction 27 carriers' revenue is less than 75 percent of the total, then all of the Instruction 27 carriers should be used. These study carriers shall be selected from the participating carriers in descending order beginning with the carrier deriving the greatest dollar amount of revenue from those tariffs. Unit costs are to be developed separately for (1) those carriers who earn 50 percent or more of their revenues under the tariffs involved and (2) those carriers who earn less than 50 percent. If factors similar to those published in appendix A to Highway Form B for the above two groups of carriers are not available, the published factors for the applicable territory based on the latest study are acceptable in the development of the unit costs.

It is further ordered. That both the cost study and the traffic study be adequately supported by working papers to permit a complete check of the procedures followed and the results obtained.

It is further ordered. That respondents shall produce evidence of the sum of money, in addition to operating expenses, needed to attract debt and equity capital which they require to insure financial stability and the capacity to render service. This evidence should include, without limiting the evidence that may be

presented, particularized reference to the respondents' reasonable interest, dividend, and surplus requirement; and experienced, projected, and needed rate of return on depreciated investment in transportation.

It is further ordered. That all Class I and II motor carrier respondents shall submit detailed data regarding carrier-affiliate financial and operating relationships and transactions including, with respect to any and all individuals, partnerships, and corporations affiliated with respondents, when such transactions individually or in the aggregate amount to \$2,500 or more during the year 1966, the following information:

1. Name of each affiliate from which respondent, during the year 1966, acquired, leased or purchased lands, buildings, equipment, materials, supplies, parts, tires, tubes, gasoline, oil, or other property or services used by respondent in its operations as a motor common carrier.
2. Kinds of property or service which each affiliate supplies to respondent.
3. Basis of charges for property or services supplied by affiliate to respondent including the base and rate for rental charges.
4. Total charges by each affiliate to respondent during the year 1966 for:
 - a. Lease of vehicles.
 - b. Lease of terminals.
 - c. Lease of other property.
 - d. Pickup and delivery of shipments.
 - e. Repair and servicing of vehicles.
 - f. Management, accounting, financial, legal, purchasing, or traffic solicitation services.
 - g. Property sold by affiliate to respondent.
5. If the affiliate derives revenue from the sale or lease of property or from services through transactions with persons other than respondent, indicate the percentage of the revenue of such business to the total revenue of the affiliate in the year 1966.
6. A copy of the income statements for each affiliate for the year 1966 and the latest period of 1967 for which an income statement is available.
7. A statement listing the amount of wages, salaries, bonuses, and other compensation paid by the affiliate in 1966 to any individual who is also a respondent or an officer, director, or substantial stockholder of a respondent; or the wife or close relative of a respondent or officer, director, or substantial stockholder of a respondent.
8. The term "affiliate" as used in this order means:
 - a. Any individual who is also a respondent; an officer, director, or substantial stockholder of a respondent; or the wife or close relative either of a respondent, or of an officer, director, or substantial stockholder of a respondent.
 - b. Any partnership in which one of the partners is a respondent; an officer, director, or substantial stockholder of a respondent; or the wife or close relative either of a respondent; or of an officer,

director, or substantial stockholder of a respondent.

c. Any corporation whose stock is wholly or partly owned by a respondent; by an officer, director, or substantial stockholder of a respondent; or by the wife or close relative either of a respondent or of an officer, director, or substantial stockholder of a respondent.

d. Any corporation which exercises control over the operations or finances of respondent.

It is further ordered. That the detailed information called for by this order shall be in writing and shall be verified by a person or persons having knowledge thereof; that such verified material shall be served on all parties of record on or before September 11, 1967, and at the same time, respondents shall file an executed original and two copies with this Commission, together with certificates of service in accordance with § 1.22(a) of the general rules of practice. The information with respect to carrier affiliates may be served on the parties in summary form, if so desired.

It is further ordered. That all underlying data used in preparation of respondents' detailed and verified material shall be made available in the office of the party serving such verified matter during usual office hours for inspection by any party of record desiring to do so; and that the underlying data shall be made available also at the hearing, but only if and to the extent specifically requested in writing and required by any party for the purpose of cross-examination.

It is further ordered. That these proceedings be, and they are hereby, referred to Hearing Examiner George A. Dahan for hearing commencing October 2, 1967, 9:30 a.m., d.s.t. (or 9:30 a.m., U.S. standard time, if that time is observed), at the John Fitzgerald Kennedy Federal Building, Government Center, Boston, Mass., and for the recommendation of an appropriate order thereon, accompanied by the reasons therefor.

It is further ordered. That a copy of this order be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

And it is further ordered. That, to avoid future unnecessary service upon those respondents who, although participating carriers in the tariff schedules which are the subject of investigation herein, are not actively interested in the outcome of such investigation, subsequent service on respondents herein of notices and orders of the Commission will be limited to those respondents who:

- (1) Have been identified by name in the order or orders of investigation herein;
- (2) Specifically make written request to the Secretary of the Commission to be included on the service list; or
- (3) Have appeared at a hearing.

Dated at Washington, D.C., this 7th day of August 1967.

By the Commission, Commissioner Wairath.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-9491; Filed, Aug. 11, 1967; 8:46 a.m.]

[Notice 432]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 9, 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 103993 (Sub-No. 293 TA), filed August 7, 1967. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Ralph H. Miller (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Buildings, in sections mounted on wheeled undercarriages with hitch ball connector, from points in Oswego County, N.Y., to points in Pennsylvania, Connecticut, Massachusetts, Rhode Island, New Jersey, and New York; for 180 days. Supporting shipper: Sectional Structures, Inc., 1828 South Avenue, Syracuse, N.Y. 13207. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind. 46802.

No. MC 107515 (Sub-No. 586 TA), filed August 7, 1967. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road SE., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Nondairy food dressing, nondairy cream substitute, and cocoa mix, in mechanically refrigerated vehicles, from Jonesboro, Tenn., to points in Alabama, Florida, Georgia, Indiana,

Illinois, Kentucky, Maryland, Michigan, New York, Ohio, Pennsylvania, Virginia, and the District of Columbia; for 180 days. Supporting shipper: L. K. Baker & Co., 5360 North High Street, Columbus, Ohio 43214. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 118159 (Sub-No. 41 TA), filed August 7, 1967. Applicant: EVERETT LOWRANCE, Post Office Box 10216, 4916 Jefferson Highway, New Orleans, La. 70121. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from Enid, Okla., to points in Alabama, Florida, Georgia, Indiana, Kentucky, Michigan, Mississippi, North Carolina, Ohio, South Carolina, and Tennessee; for 180 days. Supporting shipper: Champlin Petroleum Co., Post Office Box 552, Enid, Okla. 73701 (R. E. Clark). Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T-4009 Federal Office Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 118474 (Sub-No. 5 TA), filed August 7, 1967. Applicant: AIR VAN LINES, INC., 135 North Post Road, Post Office Box 3158, ECB, Anchorage, Alaska 99501. Applicant's representative: Wyman C. Knapp, 825 City National Bank Building, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in the Seattle, Wash., commercial zone; for 180 days. Note: Applicant states that it intends to tack authority requested with authority presently held, or to interline with other carriers. Supporting shippers: Lyon Van Lines, Inc., 3416 South La Cienega Boulevard, Los Angeles, Calif. 90016; and Lyon Van & Storage Co., 814 Northeast North Lake Place, Seattle, Wash. 98105. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 1532, Anchorage, Alaska 99501.

No. MC 124377 (Sub-No. 8 TA), filed August 7, 1967. Applicant: REFRIGERATED FOODS, INC., 3200 Blake Street, Denver, Colo. 80205. Applicant's representative: John H. Lewis, The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209

and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of Sigman Meat Co., Inc., at or near Brush, Colo., to the plantsite of Peyton's Packing Co., Inc., at or near El Paso, Tex.; for 150 days. Supporting shipper: Sigman Meat Co., Inc., Post Office Box 5292 T.A., Denver, Colo. 80217. Send protests to: C. W. Buckner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2023 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

No. MC 125993 (Sub-No. 3 TA), filed August 7, 1967. Applicant: NELSON BROTHERS, INC., Box 207, Parrish, Ala. 35580. Applicant's representative: Maurice P. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Nitro-carbo-nitrate* (except in bulk), (1) from the plantsite of Monsanto Co. near Parrish, Ala., to points in Georgia, Kentucky, North Carolina, South Carolina, Tennessee, and Virginia; (2) from the plantsite of Monsanto Co. near Clemson, S.C., to points in Georgia, Kentucky, North Carolina, Tennessee, and Virginia; and (3) from the plantsite of Monsanto Co. near Myra, Ky., to points in Georgia, North Carolina, South Carolina, Tennessee, and Virginia; for 180 days. Supporting shipper: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63141. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 823, 2121 Building, Birmingham, Ala. 35203.

No. MC 129305 TA, filed August 7, 1967. Applicant: D & L CORPORATION, 2178 West Center Street, Provo, Utah 84601. 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: *Fabricated sections of structural steel, bins, handrails, miscellaneous steel and tools, equipment, and surplus materials and supplies used in the erection of structural and miscellaneous steel, between points in Arizona, California, Colorado, Idaho, New Mexico, Nevada, Montana, Oregon, Washington, Wyoming, and Utah; under a continuing contract with Mountain States Steel Co.; for 180 days. Supporting shipper: Mountain States Steel Co., Post Office Box M, Provo, Utah 84601. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2224 Federal Building, Salt Lake City, Utah 84111.*

[SEAL]

H. NEIL GARSON,
Secretary.[P.R. Doc. 67-9492; Filed, Aug. 11, 1967;
8:46 a.m.]

[Notice 21]

MOTOR CARRIER TRANSFER
PROCEEDINGS

AUGUST 9, 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 general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. 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-69808. By order of July 31, 1967, the Transfer Board approved the transfer to Cecil Keller Frazier, doing business as Bivin Transfer Co., Indianapolis, Ind., of the operating rights in certificate No. MC-82080 issued June 1, 1965, to Cecil Keller and William W. Keller, doing business as Bivin Transfer Co., Indianapolis, Ind., authorizing the transportation of: Household goods, office furniture and equipment, and store fixtures, between Indianapolis, Ind., on the one hand, and, on the other, points in Ohio, Kentucky, Illinois, Michigan, West Virginia, Wisconsin, and Pennsylvania. Alex M. Clark, 120 Market Street, Indianapolis, Ind. 46204, attorney for applicants.

No. MC-FC-69828. By order of July 31, 1967, the Transfer Board approved the transfer to Mallinger Truck Line, Inc., Otho, Iowa, of the certificates in Nos. MC-100449 (Sub-No. 2), MC-100449 (Sub-No. 8), and MC-100449 (Sub-No. 9), issued August 11, 1955, December 29, 1958, and May 4, 1960, respectively, to Francis Mallinger, doing business as Mallinger Truck Lines, Otho, Iowa, authorizing the transportation of: Live-stock, farm implements, and parts therefor, feed, farm machinery, building materials, oats, sewer pipe, drain tile, flue lining, wall coping, mortar mix and fire clay, tankage, meat scraps, malt beverages, and empty malt beverage containers, over regular and irregular routes, and from and to, or between points as specified in Colorado, Illinois, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306, representative for applicants.

[SEAL]

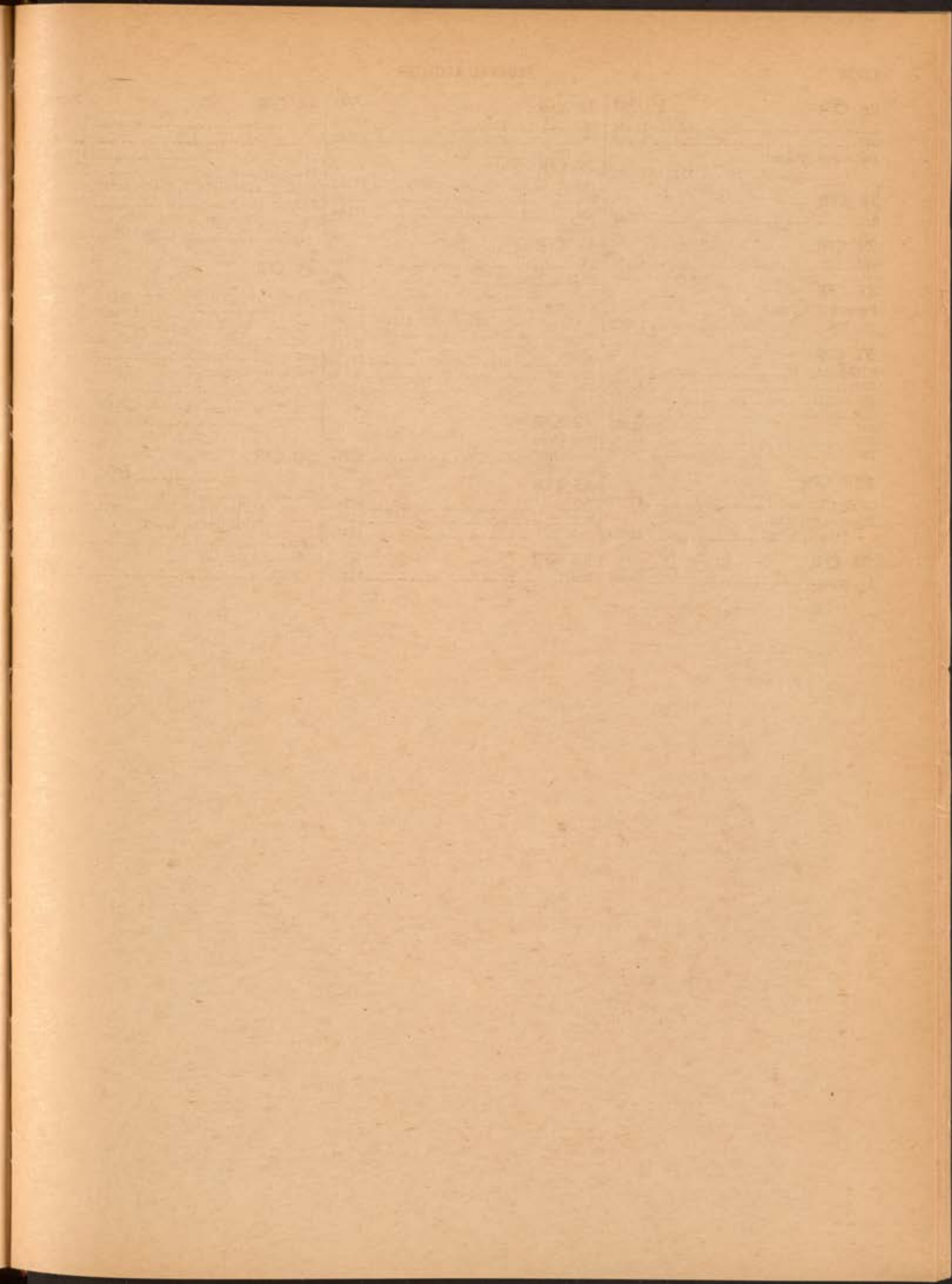
H. NEIL GARSON,
Secretary.[P.R. Doc. 67-9493; Filed, Aug. 11, 1967;
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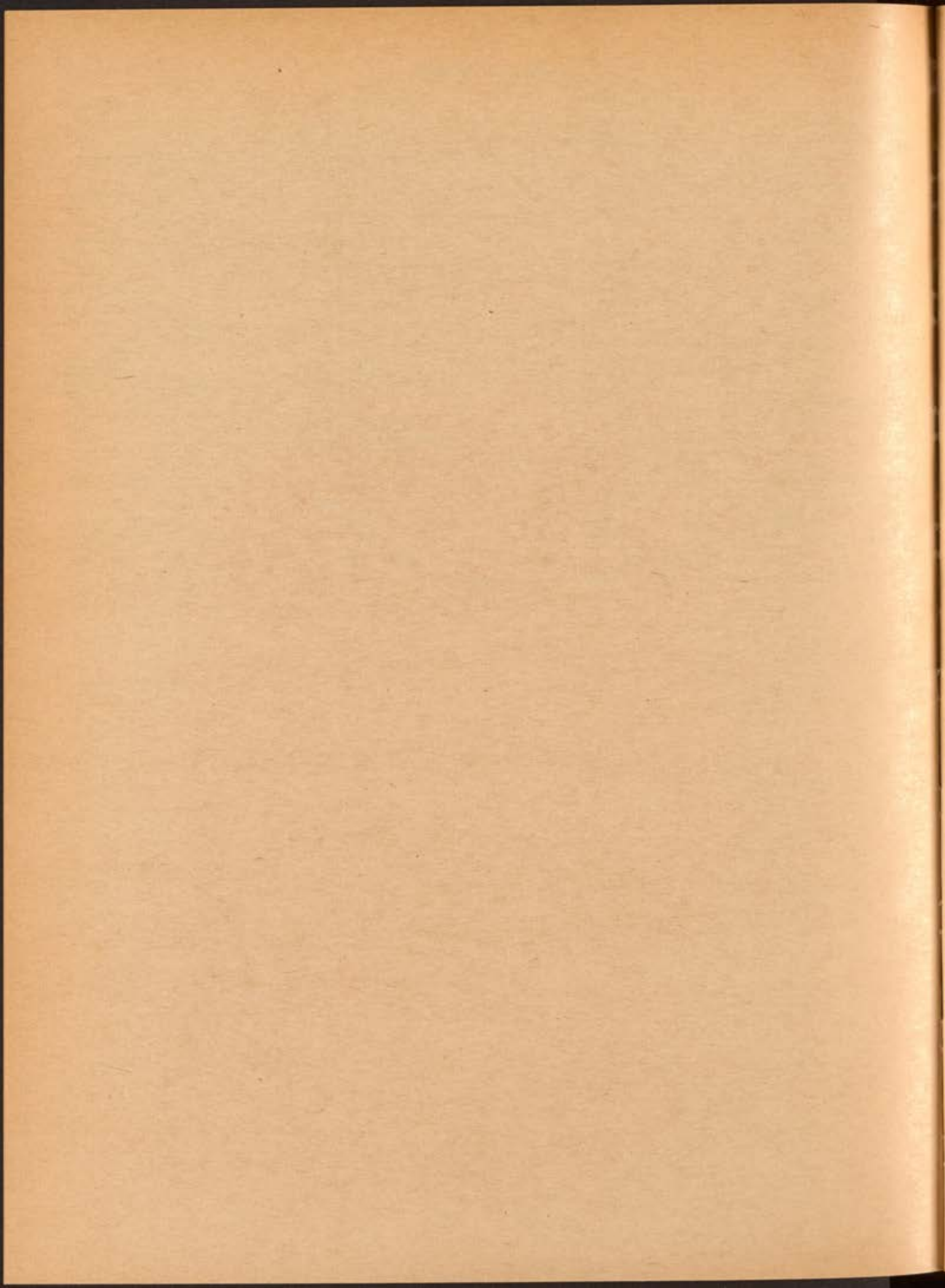
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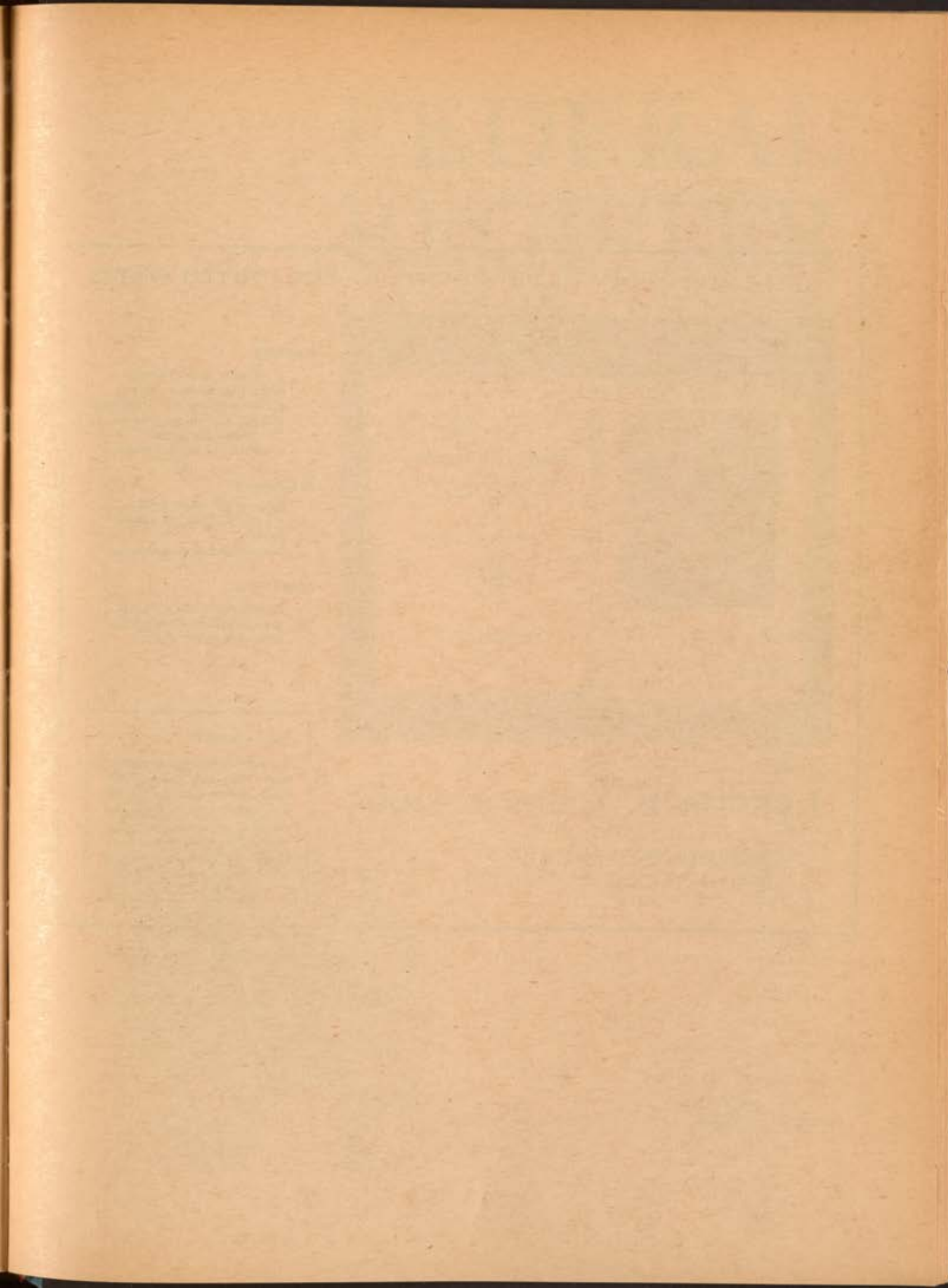
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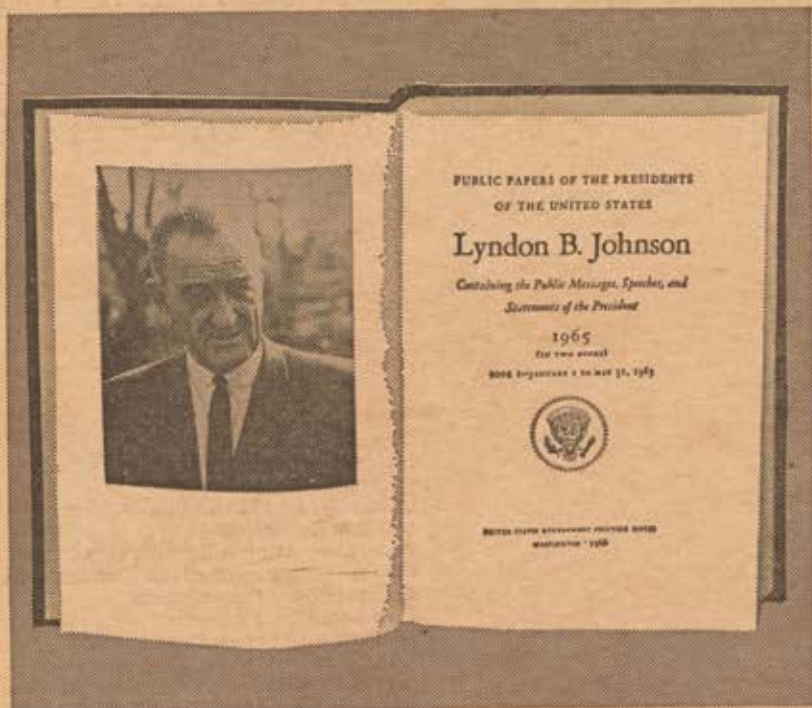
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BOOK II (June 1–December 31, 1965)

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