FEDERAL REGISTER

VOLUME 34 • NUMBER 3

Saturday, January 4, 1969 • Washington, D.C.

Pages 109–182

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FEDERAL REGISTER

Area Code 202 Phone 962–8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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PART 371—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Safety Standard No. 116; Motor Vehicle Hydraulic Brake Fluids

Section 117(a) of Public Law 89-563, the National Traffic and Motor Vehicle Safety Act of 1966, repealed Public Law 87-637, entitled "An Act to provide that hydraulic brake fluid sold or shipped in commerce for use in motor vehicles shall meet certain specifications prescribed by the Secretary of Commerce."

Section 117(c) of Public Law 89-563 continued in effect all standards issued under Public Law 87-637 "as if they had been effectively issued under section 103 until amended or revoked by the Secretary * * *." Standards issued under Public Law 87-637 are found in 15 CFR Part 6, "Specifications for Hydraulic Brake Fluids for Use in Motor Vehicles."

Since 15 CFR Part 6 is, in effect, a Federal Motor Vehicle Safety Standard, the Administrator of the Federal Highway Administration has determined in the interests of clarity and ease of reference that 15 CFR Part 6 should be incorporated into the Federal Motor Vehicle Safety Standards of 23 CFR Part 255. Therefore Part 255 is hereby amended to add Standard No. 116, which is substantively identical to 15 CFR Part 6, and 15 CFR Part 6 is hereby deleted.

Since this amendment imposes no additional burden on any person and involves no substantive change in the requirements of 15 CFR Part 6, notice and public procedure thereon are unnecessary and good cause is shown that an effective date earlier than 180 days after issuance is in the public interest and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

This amendment is made under the authority of sections 103, 117(c), and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. secs. 1392, 1405(c), and 1407) and the delegation of authority contained in the Regulation of the Office of the Secretary (49 CFR § 1(c), and is effective upon publication in the FEDERAL REGISTER.

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

LOWELL K. BRIDWELL,
Federal Highway Administrator.

MOTOR VEHICLE SAFETY STANDARD No. 116

MOTOR VEHICLE HYDRAULIC BRAKE FLUIDS

S1. *Purpose and scope.* This standard specifies requirements for hydraulic brake fluids for use in motor vehicles.

S2. *Application.* This standard applies to hydraulic brake fluids for use in motor vehicles.

S3. *Definitions.* "Hydraulic brake fluid" means any fluid for use in the hydraulic braking system of a motor vehicle, except petroleum base fluid which is in a container clearly identified and distinguishable from the types of non-petroleum hydraulic brake fluids prescribed in this standard.

The abbreviation "°C." means temperature expressed in degrees in Celsius.

The abbreviation "°F." means temperature expressed in degrees in Fahrenheit.

S4. *Requirements.* Hydraulic brake fluid shall comply with the requirements prescribed in S4.1 and S4.2 for one or more of the following types when such type or types are marked on the label of the container or are identified by other means: SAE Type 70R1, SAE Type 7OR1 Arctic, SAE Type 7OR3. When the type is not indicated on the label of the container or otherwise or when the type indicated is not one of these three types, the hydraulic brake fluid shall comply with the requirements for SAE Type 7OR1 prescribed in S4.1.

S4.1 *Requirements for SAE Type 70R1 and SAE Type 70R1 Arctic.* SAE Type 70R1 and SAE Type 70R1 Arctic hydraulic brake fluid shall meet the following requirements when tested in accordance with the designated procedures in SAE Standard J70b dated May 1963 and editorially revised December 1963 for SAE 70R1 and SAE 70R1 Arctic:

(a) *Boiling point.* Brake fluid when tested by the procedure specified in section 4.1 of SAE J70b shall have a boiling point not less than 150° C. or 302° F.

(b) *Flash point.* Brake fluid when tested by the procedure specified in section 4.2 of SAE J70b shall have a flash point not less than 63° C. or 145.4° F.

(c) *Viscosity.* Brake fluid when tested by the procedure specified in section 4.3 of SAE J70b shall have the following kinematic viscosities: SAE Type 70R1 Arctic at minus 55° C. or minus 67° F.—not more than 1,500 centistokes; SAE Type 70R1 at minus 40° C. or minus 40° F.—not more than 1,800 centistokes; SAE Type 70R1 and SAE Type 70R1 Arctic at 50° C. or 122° F.—not less than 3.5 centistokes; and SAE Type 70R1 and SAE Type 70R1 Arctic at 100° C. or 212° F.—not less than 1.3 centistokes.

(d) *pH value.* Brake fluid when tested by the procedure specified in section 4.4 of SAE J70b shall have a pH value not less than 7 nor more than 11.5.

(e) *Stability at high temperature.* When tested by the procedure specified in section 4.5 of SAE J70b the boiling point of the brake fluid shall not be less than 146° C. or 294.8° F. and shall not change by more than 5° C. or 9° F.

(f) *Corrosion.* (1) Brake fluid when tested by the procedure specified in section 4.6 of SAE J70b shall not cause corrosion exceeding the limits shown in Table 1. The metal strips outside of the area where the strips are in contact shall neither be pitted nor roughened to an extent discernible to the naked eye, but staining or discoloration is permitted.

(2) The fluid-water mixtures shall show no jelling at 23°±5° C. or 73.4°±9° F. No crystalline type deposit shall form and adhere to either the glass jar walls or the surface of metal strips. The fluid-water mixture shall contain no more than 0.10 percent sediment by volume. The fluid-water mixture shall have a pH value not less than 7 nor more than 11.5.

(3) The test rubber cup shall show no disintegration, as evidenced by excessive tackiness, blisters, or sloughing indicated by carbon black separation on the surface of the rubber cup. The hardness of the rubber cup shall not decrease by more than 15° and the base diameter shall not increase by more than 1.4 millimeters or 0.055 inch.

(g) *Fluidity and appearances at low temperatures.* At minus 40° C. or minus 40° F., when brake fluid is tested by the procedure specified in section 4.7(a) of SAE J70b, the black contrast lines on a hiding power chart shall be clearly discernible when viewed through the fluid in the sample bottle. The fluid shall show no stratification or sedimentation, and upon inversion of the sample bottle, the air bubble shall travel to the top of the fluid in not more than 10 seconds. At minus 50° C. or minus 58° F., when brake fluid is tested by the procedure specified in section 4.7(b) of SAE J70b, the black contrast lines on a hiding power chart shall be clearly discernible when viewed through the fluid in the sample bottle. The fluid shall show no stratification or sedimentation, and upon inversion of the sample bottle, the air bubble shall travel to the top of the fluid in not more than 35 seconds.

(h) *Evaporation.* When brake fluid is tested by the procedure specified in section 4.8 of SAE J70b, loss by evaporation shall not exceed 80 percent by weight. Residue from the brake fluid after evaporation shall contain no precipitate that remains gritty or abrasive when rubbed with the fingertip. Residue shall have a pour point below minus 5° C. or plus 23° F.

(i) *Water tolerance.* At minus 40° C. or minus 40° F., when brake fluid is tested by the procedure specified in section 4.9(b) of SAE J70b, the black contrast lines on a hiding power chart shall be

clearly discernible when viewed through the fluid in the centrifuge tube. The fluid shall show no stratification or sedimentation. Upon inversion of the centrifuge tube, the air bubble shall travel to the top of the fluid in not more than 10 seconds. At 60° C. or 140° F., when brake fluid is tested by the procedure specified in section 4.9(b) of SAE J70b, the fluid shall show no stratification, and sedimentation shall not exceed 0.05 percent by volume either before or after centrifuging.

(j) *Compatibility.* At minus 40° C. or minus 40° F., when brake fluid is tested by the procedure specified in section 4.10(a) of SAE J70b, the black contrast lines on a hiding power chart shall be clearly discernible when viewed through the fluid in the centrifuge tube. The fluid shall show no stratification or sedimentation at 60° C. or 140° F., when brake fluid is tested by the procedure specified in section 4.10(b) of SAE J70b, the fluid shall show no stratification, and sedimentation shall not exceed 0.05 percent by volume either before or after centrifuging.

(k) *Resistance to oxidation.* Brake fluid when tested by the procedure specified in section 4.11 of SAE J70b shall not cause the metal strips outside of the areas in contact with the tinfoil to be pitted nor roughened to an extent discernible to the naked eye, but staining or discoloration is permitted. No more than a trace of gum shall be deposited on the test strips outside of the areas in contact with the tinfoil. The aluminum strips shall not decrease in weight by more than 0.05 milligram per square centimeter and the cast iron strips shall not decrease in weight by more than 0.3 milligram per square centimeter.

(l) *Effect on rubber.* Rubber brake cups subjected to brake fluid as specified in section 4.12 of SAE J70b shall show no increase in hardness, shall not decrease in hardness by more than 10 degrees and shall show no disintegration as evidenced by excessive tackiness, blisters, or sloughing indicated by carbon black separation on the surface of the rubber cup. The increase in the diameter of the base of the cups shall not be less than 0.15 millimeter or 0.006 inch nor more than 1.4 millimeters or 0.055 inch.

(m) *Simulated service performance.* Brake fluid when tested by the procedure specified in section 4.13 of SAE J70b shall meet the following performance requirements:

(1) Metal parts shall not show corrosion as evidenced by pitting to an extent discernible to the naked eye, but staining or discoloration shall be permitted.

(2) The initial diameter of any cylinder or piston shall not change by more than 0.13 millimeter or 0.005 inch during test.

(3) The average lip diameter interference set of the rubber cups shall not be greater than 65 percent.

(4) Rubber cups shall not decrease in hardness by more than 10 degrees and shall not be in an unsatisfactory operating condition as evidenced by excessive amounts of tackiness, scoring, scuffing, blistering, cracking, chipping (heel abrasion), or change in shape from original appearance.

(5) During any period of 24,000 strokes, the volume loss of fluid shall be not more than 36 milliliters.

(6) The cylinder pistons shall not freeze nor function improperly throughout the test.

(7) The volume loss of fluid during the 100 strokes at the end of the test shall not be more than 36 milliliters.

(8) The condition of the fluid and brake cylinders at the end of test as evidenced by sludging, jelling sedimentation, or grittiness shall not be such as would be likely to cause improper brake action in actual service.

(9) The base diameter of the rubber cups shall not increase by more than 0.9 millimeter or 0.35 inch.

S4.2 *Requirements for SAE Type 70R3.* SAE Type 70R3 hydraulic brake fluid shall meet the following requirements when tested in accordance with the designated procedures in SAE Standard J70b dated May 1963 and editorially revised December 1963 for SAE 70R3:

(a) *Boiling point.* Brake fluid when tested by the procedure specified in section 8.1 of SAE J70b shall have a boiling point not less than 190° C. or 374° F.

(b) *Flash point.* Brake fluid when tested by the procedure specified in section 8.2 of SAE J70b shall have a flash point not less than 82° C. or 179.6° F.

(c) *Viscosity.* Brake fluid when tested by the procedure specified in section 8.3 of SAE J70b shall have the following kinematic viscosities: At minus 40° C. or minus 40° F.—not more than 1,800 centistokes; at 50° C. or 122° F.—not less than 4.2 centistokes; and at 100° C. or 212° F.—not less than 1.5 centistokes.

(d) *pH value.* Brake fluid when tested by the procedure specified in section 8.4 of SAE J70b shall have a pH value not less than 7 or more than 11.5.

(e) *Stability at high temperature.* When tested by the procedure specified in section 8.5 of SAE J70b, the boiling point of the brake fluid shall not be less than 188° C. or 370.4° F. and shall not change by more than 5° C. or 9° F. for brake fluids boiling below 225° C. or 437° F. nor by more than 5° C. or 9° F. plus 0.55° for each degree that the boiling point exceeds 225° C. or 437° F.

(f) *Corrosion.* (1) Brake fluid when tested by the procedure specified in section 8.6 of SAE J70b shall not cause corrosion exceeding the limits shown in Table 1. The metal strips outside of the area where the strips are in contact shall neither be pitted nor roughened to an extent discernible to the naked eye, but staining or discoloration is permitted.

(2) The fluid-water mixture shall show no jelling at 23° ±5° C. or 73.4° ±9° F. No crystalline-type deposit shall form and adhere to either the glass jar walls or the surface of metal strips. The fluid-water mixture shall contain no more than 0.10 percent sediment by volume. The fluid-water mixture shall have a pH value of not less than 7 nor more than 11.5.

(3) The test rubber cup shall show no disintegration, as evidenced by excessive tackiness, blisters, or sloughing indicated by carbon black separation on the surface of the rubber cup. The hardness of the rubber cup shall not decrease by more than 15 degrees and the base diameter shall not increase by more than 1.4 millimeters or 0.055 inch.

(g) *Fluidity and appearance at low temperatures.* At minus 40° C. or minus 40° F., when brake fluid is tested by the procedure specified in section 8.7(a) of SAE J70b, the black contrast lines on a hiding power chart shall be clearly discernible when viewed through the fluid in the sample bottle. The fluid shall show no stratification or sedimentation, and upon inversion of the sample bottle, the air bubble shall travel to the top of the fluid in not more than 10 seconds. At minus 50° C. or minus 58° F., when brake fluid is tested by the procedure specified in section 8.7(b) of SAE J70b, the black contrast lines on a hiding power chart shall be clearly discernible when viewed through the fluid in the sample bottle. The fluid shall show no stratification or sedimentation, and upon inversion of the sample bottle, the air bubble shall travel to the top of the fluid in not more than 35 seconds.

(h) *Evaporation.* When brake fluid is tested by the procedure specified in section 8.8 of SAE J70b, loss by evaporation shall not exceed 80 percent by weight. Residue from the brake fluid after evaporation shall contain no precipitate that remains gritty or abrasive when rubbed with the fingertip. Residue shall have a pour point below minus 5° C. or plus 23° F.

(i) *Water tolerance.* At minus 40° C. or minus 40° F., when brake fluid is tested by the procedure specified in section 8.9(a) of SAE J70b, the black contrast lines on a hiding power chart shall be clearly discernible when viewed through the fluid in the centrifuge tube. The fluid shall show no stratification or sedimentation. Upon inversion of the centrifuge tube, the air bubble shall travel to the top of the fluid in not more than 10 seconds. At 60° C. or 140° F., when brake fluid is tested by the procedure specified in section 8.9(b) of SAE J70b, the fluid shall show no stratification and sedimentation shall not exceed 0.05 percent by volume either before or after centrifuging.

(j) *Compatibility.* At minus 40° C. or minus 40° F., when brake fluid is tested by the procedure specified in section 8.10(a) of SAE J70b, the black contrast lines on a hiding power chart shall be clearly discernible when viewed through the fluid in the centrifuge tube. The fluid shall show no stratification or sedimentation. At 60° C. or 140° F., when brake fluid is tested by the procedure specified in section 8.10(b) of SAE J70b, the fluid shall show no stratification, and sedimentation shall not exceed 0.05 percent by volume either or after centrifuging.

(k) *Resistance to oxidation.* Brake fluid when tested by the procedure specified in section 8.11 of SAE J70b shall not cause the metal strips outside of the

areas in contact with the tinfoil to be pitted nor roughened to an extent discernible to the naked eye, but staining or discoloration is permitted. No more than a trace of gum shall be deposited on the test strips outside of the areas in contact with the tinfoil. The aluminum strips shall not decrease in weight by more than 0.05 milligram per square centimeter and the cast iron strips shall not decrease in weight by more than 0.3 milligram per square centimeter.

(l) *Effect on rubber.* (1) Rubber brake cups subjected to brake fluid as specified in section 8.12(a) of SAE J70b shall show no increase in hardness, shall not decrease in hardness by more than 10 degrees, and shall show no disintegration as evidenced by excessive tackiness, blisters, or sloughing indicated by carbon black separation on the surface of the rubber cup. The increase in the diameter of the base of the cups shall not be less than 0.15 millimeter or 0.006 inch nor more than 1.4 millimeters or 0.055 inch.

(2) Rubber brake cups subjected to brake fluid as specified in section 8.12(b) of SAE J70b shall show no increase in hardness, shall not decrease in hardness by more than 15 degrees, and shall show no disintegration as evidenced by excessive tackiness, blisters, or sloughing indicated by carbon black separation on the surface of the rubber cup. The increase in the diameter of the base of the cups shall not be less than 0.15 millimeter or 0.006 inch nor more than 1.4 millimeters or 0.055 inch.

(m) *Similated service performance.* Brake fluid when tested by both Procedure I and Procedure II specified in section 8.13 of SAE J70b shall meet the following performance requirements:

(1) Metal parts shall not show corrosion as evidenced by pitting to an extent discernible to the naked eye, but staining or discoloration shall be permitted.

(2) The initial diameter of any cylinder or piston shall not change by more than 0.13 millimeter or 0.005 inch during test.

(3) The average lip diameter interference set of the rubber cups shall not be greater than 65 percent.

(4) Rubber cups shall not decrease in hardness by more than 10 degrees in procedure I or by more than 15 degrees in Procedure II and shall not be in an unsatisfactory operating condition as evidenced by excessive amounts of tackiness, scoring, scuffing, blistering, cracking, chipping (heel abrasion), or change in shape from original appearance.

(5) During any period of 24,000 strokes the volume loss of fluid shall not be more than 36 milliliters.

(6) The cylinder pistons shall not freeze nor function improperly throughout the test.

(7) The volume loss of fluid during the 100 strokes at the end of the test shall not be more than 36 milliliters.

(8) The condition of the fluid and brake cylinders at the end of test as evidenced by sludging, jelling, sedimentation, or grittiness shall not be such as would be likely to cause improper brake action in actual service.

(9) The base diameter of the rubber cups shall not increase by more than 0.9 millimeter or 0.035 inch.

TABLE I—CORROSION TEST STRIPS AND WEIGHT CHANGES

Test strip	*Weight change* [1]
Tinned iron, type I, grade 1, class A–2 of Federal Specification QQ–T–425	0.2
Steel, SAE 1010	.2
Aluminum, SAE AA2024	.1
Cast iron, SAE 111 or strips from housing of wheel brake cylinder, smooth machined surfaces	.2
Brass, SAE 70C	.4
Copper, SAE 71	.4

[1] Maximum permissible weight change in milligram per square centimeter of surface.

[F.R. Doc. 69–4; Filed, Jan. 3, 1969; 8:45 a.m.]

PART 371—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Safety Standard No. 209; Seat Belt Assemblies

Motor Vehicle Safety Standard No. 209 (32 F.R. 2415, as amended 32 F.R. 3310), specifies requirements for seat belt assemblies for use in passenger cars, multipurpose passenger vehicles, trucks, and buses, incorporating by reference the requirements of Department of Commerce, National Bureau of Standards, Standards for Seat Belts for Use in Motor Vehicles (15 CFR Part 9; 31 F.R. 11528).

The Administrator of the Federal Highway Administration has determined in the interests of clarity and ease of reference that the requirements specified by 15 CFR Part 9 should be incorporated into Standard No. 209 where it is presently incorporated only by reference. Therefore Standard No. 209 is hereby amended by deleting present paragraph S3 and adding new paragraphs S3, S4, and S5, so as to incorporate the requirements of 15 CFR Part 9. Accordingly 15 CFR Part 9 is hereby deleted.

Since this amendment imposes no additional burden on any person and involves no substantive change in the requirements of Standard No. 209, notice and public procedure hereon are unnecessary and good cause is shown that an effective date earlier than 180 days after issuance is in the public interest and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER. The requirement of former paragraph S3 of Standard No. 209 that seat belt assemblies shall use the attachment hardware specified in 15 CFR 9.3(f) "or approved equivalent hardware" has been incorporated into new paragraph S4.1(f) of Standard No. 209.

This amendment is made under the authority of sections 103, 117(c), and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. secs. 1392, 1405(c), and 1407) and the delegation of authority contained in the Regulations of the Office of the Secretary (49 CFR 1(c)), and is effective upon publication in the FEDERAL REGISTER.

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

LOWELL K. BRIDWELL,
Federal Highway Administrator.

MOTOR VEHICLE SAFETY STANDARD NO. 209

SEAT BELT ASSEMBLIES—PASSENGER CARS, MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, AND BUSES

S1. *Purpose and Scope.* This standard specifies requirements for seat belt assemblies.

S2. *Application.* This standard applies to seat belt assemblies for use in passenger cars, multipurpose passenger vehicles, trucks, and buses.

S3. *Definitions.* "Seat belt assembly" means any strap, webbing, or similar device designed to secure a person in a motor vehicle in order to mitigate the results of any accident, including all necessary buckles and other fasteners, and all hardware designed for installing such seat belt assembly in a motor vehicle.

"Pelvic restraint" means a seat belt assembly or portion thereof intended to restrain movement of the pelvis.

"Upper torso restraint" means a portion of a seat belt assembly intended to restrain movement of the chest and shoulder regions.

"Hardware" means any metal or rigid plastic part of a seat belt assembly.

"Buckle" means a quick release connector which fastens a person in a seat belt assembly.

"Attachment hardware" means any or all hardware designed for securing the webbing of a seat belt assembly to a motor vehicle.

"Adjustment hardware" means any or all hardware designed for adjusting the size of a seat belt assembly to fit the user, including such hardware that may be integral with a buckle, attachment hardware, or retractor.

"Retractor" means a device for storing part or all of the webbing in a seat belt assembly.

"Nonlocking retractor" means a retractor from which the webbing is extended to essentially its full length by a small external force, which provides no adjustment for assembly length, and which may or may not be capable of sustaining restraint forces at maximum webbing extension.

"Automatic-locking retractor" means a retractor incorporating adjustment hardware by means of a positive self-locking mechanism which is capable when locked of withstanding restraint forces.

"Emergency-locking retractor" means a retractor incorporating adjustment hardware by means of a locking mechanism that is activated by vehicle acceleration, webbing movement relative to the vehicle, or other automatic action during an emergency and is capable when locked of withstanding restraint forces.

"Seat back retainer" means the portion of some seat belt assemblies de-

signed to restrict forward movement of a seat back.

"Webbing" means a narrow fabric woven with continuous filling yarns and finished selvages.

"Strap" means a narrow nonwoven material used in a seat belt assembly in place of webbing.

"Type 1 seat belt assembly" is a lap belt for pelvic restraint.

"Type 2 seat belt assembly" is a combination of pelvic and upper torso restraints.

"Type 2a shoulder belt" is an upper torso restraint for use only in conjunction with a lap belt as a Type 2 seat belt assembly.

"Type 3 seat belt assembly" is a combination pelvic and upper torso restraint for persons weighing not more than 50 pounds or 23 kilograms and capable of sitting upright by themselves, that is children in the approximate age range of 8 months to 6 years.

S4 *Requirements.*

S4.1 (a) *Single occupancy.* A seat belt assembly shall be designed for use by one, and only one, person at any one time.

(b) *Pelvic restraint.* A seat belt assembly shall provide pelvic restraint whether or not upper torso restraint is provided, and the pelvic restraint shall be designed to remain on the pelvis under all conditions, including collision or rollover of the motor vehicle. Pelvic restraint of a Type 2 seat belt assembly that can be used without upper torso restraint shall comply with requirement for Type 1 seat belt assembly in S4.1 to S4.4.

(c) *Upper torso restraint.* A Type 2 or type 3 seat belt assembly shall provide upper torso restraint without shifting the pelvic restraint into the abdominal region. An upper torso restraint shall be designed to minimize vertical forces on the shoulders and spine. Hardware for upper torso restraint shall be so designed and located in the seat belt assembly that the possibility of injury to the occupant is minimized.

A Type 2a shoulder belt shall comply with applicable requirements for a Type 2 seat belt assembly in S4.1 to S4.4, inclusive.

(d) *Hardware.* All hardware parts which contact under normal usage a person, clothing, or webbing shall be free from burrs and sharp edges.

(e) *Release.* A Type 1 or Type 2 seat belt assembly shall be provided with a buckle or buckles readily accessible to the occupant to permit his easy and rapid removal from the assembly. A Type 3 seat belt assembly shall be provided with a quickly recognizable and easily operated release arrangement, readily accessible to an adult. Buckle release mechanism shall be designed to minimize the possibility of accidental release. A buckle with release mechanism in the latched position shall have only one opening in which the tongue can be inserted on the end of the buckle designed to receive and latch the tongue.

(f) *Attachment hardware.* A seat belt assembly shall include all hardware necessary for installation in a motor vehicle in accordance with SAE Recommended Practice, Motor Vehicle Seat Belt Installations—SAE J800b, published by the Society of Automotive Engineers, Two Pennsylvania Plaza, New York, N.Y. 10001, or approved equivalent hardware, except that seat belt assemblies designed for installation in motor vehicles equipped with seat belt anchorages shall not require underfloor hardware, but shall have 7/16–20 UNF–2A, 1/2–13 UNC–2A, or nonthreaded fasteners as required by the particular vehicle. The hardware shall be designed to prevent attaching bolts and other parts becoming disengaged from the vehicle in service. Reinforcing plates or washers furnished for universal floor installations shall be of steel, free from burrs and sharp edges on the peripheral edges adjacent to the vehicle, not less than 0.06 inch or 1.5 millimeters in thickness nor less than 4 square inches or 25 square centimeters in projected area. The distance between any edge of the plate and the edge of the bolt hole shall be at least 0.6 inch or 15 millimeters and any corner shall be rounded to a radius of not less than 0.25 inch or 6 millimeters, or cut at a 45° angle along a hypotenuse not less than 0.25 inch or 6 millimeters in length.

(g) *Adjustment.* A Type 1 or Type 2 seat belt assembly shall be capable of snug adjustment by the occupant by a means easily within his reach and easily operable without appreciable interference with the driving process, or shall be provided with an automatic-locking or emergency-locking retractor. A Type 3 seat belt assembly shall be capable of snug adjustment to fit any child capable of sitting upright and weighing not more than 50 pounds or 23 kilograms unless specifically labeled for use with a child in a smaller weight range.

(h) *Seat back retainer.* A Type 3 seat belt assembly designed for attachment to a seat back or for use in a seat with a hinged back shall include a seat back retainer unless such assembly is designed and labeled for use in specific models of motor vehicles in which the vehicle manufacturer has provided other adequate restraint for the seat back.

(i) *Webbing.* The ends of webbing in a seat belt assembly shall be protected or treated to prevent raveling. The end of webbing in a seat belt assembly having a metal-to-metal buckle that is used by the occupant to adjust the size of the assembly shall not pull out of the adjustment hardware at maximum size adjustment. Provision shall be made for essentially unimpeded movement of webbing routed between a seat back and seat cushion and attached to a retractor located behind the seat.

(j) *Strap.* A strap used in a seat belt assembly to sustain restraint forces shall comply with the requirements for webbing in S4.2, and if the strap is made from a rigid material, it shall comply with applicable requirements in S4.2, S4.3, and S4.4.

(k) *Marking.* Each seat belt assembly shall be permanently and legibly marked or labeled with year of manufacture, model, and name or trademark of manufacturer or distributor, or of importer if manufactured outside the United States. A model shall consist of a single combination of webbing having a specific type of fiber weave and construction, and hardware having a specific design. Webbings of various colors may be included under the same model, but webbing of each color shall comply with the requirements for webbing in S4.2.

(l) *Installation instructions.* A seat belt assembly or retractor shall be accompanied by an instruction sheet providing sufficient information for installing the assembly in a motor vehicle except for a seat belt assembly installed in a motor vehicle by an automobile manufacturer. The installation instructions shall state whether the assembly is for universal installation or for installation only in specifically stated motor vehicles, and shall include at least those items in SAE Recommended Practice, Motor Vehicle Seat Belt Installations—SAE J800b, published by the Society of Automotive Engineers.

(m) *Usage and maintenance instructions.* A seat belt assembly or retractor shall be accompanied by written instructions for the proper use of the assembly, stressing particularly the importance of wearing the assembly snugly and properly located on the body, and on the maintenance of the assembly and periodic inspection of all components. The instructions shall show the proper manner of threading webbing in the hardware of seat belt assemblies in which the webbing is not permanently fastened. Instructions for a nonlocking retractor shall include a caution that the webbing must be fully extended from the retractor during use of the seat belt assembly unless the retractor is attached to the free end of webbing which is not subjected to any tension during restraint of an occupant by the assembly. Instructions for Type 2a shoulder belt shall include a warning that the shoulder belt is not to be used without a lap belt.

(n) *Workmanship.* Seat belt assemblies shall have good workmanship in accordance with good commercial practice.

S4.2 *Requirements for webbing.*

(a) *Width.* The webbing in a seat belt assembly shall be not less in width than the followings dimensions when measured under conditions prescribed in S5.1(a): Type 1 seat belt assembly—1.8 inches or 46 millimeters; Type 2 seat belt assembly—1.8 inches or 46 millimeters; Type 3 seat belt assembly—0.9 inch or 23 millimeters.

(b) *Breaking strength.* The webbing in a seat belt assembly shall have not less than the following breaking strength when tested by the procedures specified in S5.1(b): Type 1 seat belt assembly—6,000 pounds or 2,720 kilograms; Type 2 seat belt assembly—5,000 pounds or 2,270 kilograms for webbing in pelvic restraint and 4,000 pounds or 1,810 kilograms for webbing in upper torso restraint; Type 3 seat belt assembly—1,500 pounds or 680 kilograms for webbing in pelvic and upper torso restraints, 4,000 pounds or 1,810 kilograms for webbing in seat back

retainer and for webbing connecting pelvic and upper torso restraints to attachment hardware when assembly has single webbing connection, or 3,000 pounds or 1,360 kilograms for webbing connecting pelvic and upper torso restraint to attachment hardware when assembly has two or more webbing connections.

(c) *Elongation.* The webbing in a seat belt assembly shall not extend to more than the following elongations when subjected to the specified forces in accordance with the procedure specified in S5.1(c): Type 1 seat belt assembly—20 percent at 2,500 pounds or 1,130 kilograms; Type 2 seat belt assembly—30 percent at 2,500 pounds or 1,130 kilograms for webbing in pelvic restraint and 40 percent at 2,500 pounds or 1,130 kilograms for webbing in upper torso restraint; Type 3 seat belt assembly—20 percent at 700 pounds or 320 kilograms for webbing in pelvic and upper torso restraints, and 25 percent at 2,500 pounds or 1,130 kilograms for webbing in seat back retainer and for webbing connecting pelvic and upper torso restraints to attachment hardware when assembly has single webbing connection, or 25 percent at 1,800 pounds or 820 kilograms for webbing connecting pelvic and upper torso restraints to attachment hardware when assembly has two or more webbing connections.

(d) *Resistance to abrasion.* The webbing in a seat belt assembly after being subjected to abrasion as specified in S5.1(d) shall have a breaking strength not less than 75 percent of the strength before abrasion when measured by the procedure specified in S5.1(b).

(e) *Resistance to light.* The webbing in a seat belt assembly after exposure to the light of a carbon arc and tested by the procedure specified in S5.1(e) shall have a breaking strength not less than 60 percent of the strength before exposure to the carbon arc and shall have a color retention not less than No. 2 on the Geometric Gray Scale published by the American Association of Textile Chemists and Colorists, Post Office Box 886, Durham, N.C.

(f) *Resistance to micro-organisms.* The webbing in a seat belt assembly after being subjected to micro-organisms and tested by the procedures specified in S5.1(f) shall have a breaking strength not less than 85 percent of the strength before subjection to micro-organisms.

(g) *Colorfastness to crocking.* The webbing in a seat belt assembly shall not transfer color to a crock cloth either wet or dry to a greater degree than Class 3 on the AATCC Chart for Measuring Transference of Color published by the American Association of Textile Chemists and Colorists, when tested by the procedure specified in S5.1(g).

(h) *Colorfastness to staining.* The webbing in a seat belt assembly shall not stain to a greater degree than Class 3 on the AATCC Chart for Measuring Transference of Color published by the American Association of Textile Chemists and Colorists, when tested by the procedure specified in S5.1(h).

S4.3 *Requirements for hardware.* (a) *Corrosion resistance.* (1) Attachment hardware of a seat belt assembly after being subjected to the conditions specified in S5.2(a) shall be free of ferrous corrosion on significant surfaces except for permissible ferrous corrosion at peripheral edges or edges of holes on underfloor reinforcing plates and washers. Alternatively, such hardware at or near the floor shall be protected against corrosion by at least a Type KS electrodeposited coating of nickel, or copper and nickel, and other attachment hardware shall be protected by a Type QS electrodeposited coating of nickel or copper and nickel, in accordance with Tentative Specifications for Electrodeposited Coatings of Nickel and Chromium on Steel, ASTM Designation: A166–61T, published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103, but such hardware shall not be racked for electroplating in locations subjected to maximum stresses.

(2) Surfaces of buckles, retractors and metallic parts, other than attachment hardware, of a seat belt assembly after subjection to the conditions specified in S5.2(a) shall be free of ferrous or nonferrous corrosion which may be transferred, either directly or by means of the webbing, to the occupant or his clothing when the assembly is worn. After test, buckles shall conform to applicable requirements in paragraphs (d) to (g) of this section.

(b) *Temperature resistance.* Plastic or other nonmetallic hardware parts of a seat belt assembly when subjected to the conditions specified in S5.2(b) shall not warp or otherwise deteriorate to cause the assembly to operate improperly or fail to comply with applicable requirements in this section and S4.4.

(c) *Attachment hardware.* (1) Eye bolts, shoulder bolts, or other bolts used to secure the pelvic restraint of a seat belt assembly to a motor vehicle shall withstand a force of 9,000 pounds or 4,080 kilograms when tested by the procedure specified in S5.2(c)(1), except that attachment bolts of a seat belt assembly designed for installation in specific models of motor vehicles in which the ends of two or more seat belt assemblies can not be attached to the vehicle by a single bolt shall have a breaking strength of not less than 5,000 pounds or 2,270 kilograms.

(2) Other attachment hardware designed to receive the ends of two seat belt assemblies shall withstand a tensile force of at least 6,000 pounds or 2,720 kilograms without fracture of any section when tested by the procedure specified in S5.2(c)(2).

(3) A seat belt assembly having single attachment hooks of the quick-disconnect type for connecting webbing to an eye bolt shall be provided with a retaining latch or keeper which shall not move more than 0.08 inch or 2 millimeters in either the vertical or horizontal direction when tested by the procedure specified in S5.2(c)(3).

(d) *Buckle release.* (1) The buckle of a Type 1 or Type 2 seat belt assembly shall release when a force of not more than 30 pounds or 14 kilograms is applied, and the buckle of a Type 3 seat belt assembly shall release when a force of not more than 20 pounds or 9 kilograms is applied as prescribed in S5.2.

(2) A buckle designed for pushbutton application of buckle release force shall have a minimum area of 0.7 square inch or 4.5 square centimeters with a minimum linear dimension of 0.4 inch or 10 millimeters for applying the release force, or a buckle designed for lever application of buckle release force shall permit the insertion of a cylinder 0.4 inch or 10 millimeters in diameter and 1.5 inches or 38 millimeters in length to at least the midpoint of the cylinder along the cylinder's entire length in the actuation portion of the buckle release. A buckle having other design for release shall have adequate access for two or more fingers to actuate release.

(3) A buckle actuated by a pushbutton shall not release under a compressive force of 400 pounds or 180 kilograms applied as prescribed in S5.2(d) and shall be operable and meet the applicable requirements of S4.4 upon removal of the compressive force.

(e) *Adjustment force.* The force required to decrease the size of a seat belt assembly shall not exceed 11 pounds or 5 kilograms when measured by the procedure specified in S5.2(e).

(f) *Tilt-lock adjustment.* The buckle of a seat belt assembly having tilt-lock adjustment shall lock the webbing when tested by the procedure specified in S5.2(f) at an angle of not less than 30 degrees between the base of the buckle and the anchor webbing.

(g) *Buckle latch.* The buckle latch of a seat belt assembly when tested by the procedure specified in S5.2(g) shall not fail, nor gall or wear to an extent that normal latching and unlatching is impaired, and a metal-to-metal buckle shall separate when in any position of partial engagement by a force of not more than 5 pounds or 2.3 kilograms.

(h) *Nonlocking retractor.* The webbing of a seat belt assembly shall extend from a nonlocking retractor within 0.25 inch or 6 millimeters of maximum length when a tension is applied as prescribed in S5.2(h). A nonlocking retractor on upper-torso restraint shall be attached to the nonadjustable end of the assembly, the reel of the retractor shall be easily visible to an occupant while wearing the assembly, and the maximum retraction force shall not exceed 1.1 pounds or 0.5 kilogram in any strap or webbing that contacts the shoulder when measured by the procedure specified in S5.2(h), unless the retractor is attached to the free end of webbing which is not subjected to any tension during restraint of an occupant by the assembly.

(i) *Automatic-locking retractor.* The webbing of a seat belt assembly equipped with an automatic locking retractor, when tested by the procedure specified in S5.2(i), shall not move more than 1 inch or 25 millimeters between locking posi-

tions of the retractor, and shall be retracted with a force under zero acceleration of not less than 0.6 pound or 0.27 kilogram when attached to pelvic restraint, and not less than 0.45 pound or 0.2 kilogram nor more than 1.1 pounds or 0.5 kilogram in any strap or webbing that contacts the shoulders of an occupant when the retractor is attached to upper torso restraint. An automatic locking retractor attached to upper torso restraint shall not increase the restraint on the occupant of the seat belt assembly during use in a vehicle traveling over rough roads as prescribed in S5.2(i).

(j) *Emergency-locking retractor.* An emergency-locking retractor used on a Type 1 or Type 2 seat belt assembly, when tested by the procedure specified in S5.2(j) shall lock before the webbing extends 1 inch or 2.5 centimeters when the retractor is subjected to an acceleration of 0.5 gravity or 5 meters per second per second, and shall exert a retraction force under zero acceleration of not less than 1.5 pounds or 0.7 kilogram when attached to a pelvic restraint, and not less than 0.45 pound or 0.2 kilogram nor more than 1.1 pounds or 0.5 kilogram in any strap or webbing that contacts the shoulder when attached to an upper torso restraint.

(k) *Performance of retractor.* A retractor used on a seat belt assembly after subjection to the tests specified in S5.2 (k) shall comply with applicable requirements in paragraphs (h) to (j) of this section and S4.4, except that the retraction force shall be not less than 50 percent of its original retraction force.

S4.4 Requirements for assembly performance.

(a) *Type 1 seat belt assembly.* The complete seat belt assembly including webbing, straps, buckles, adjustment and attachment hardware, and retractors shall comply with the following requirements when tested by the procedures specified in S5.3(a):

(1) The assembly loop shall withstand a force of not less than 5,000 pounds or 2,270 kilograms; that is, each structural component of the assembly shall withstand a force or not less than 2,500 pounds or 1,130 kilograms.

(2) The assembly loop shall extend not more than 7 inches or 18 centimeters when subjected to a force of 5,000 pounds or 2,270 kilograms; that is, the length of the assembly between anchorages shall not increase more than 14 inches or 36 centimeters.

(3) Any webbing cut by the hardware during test shall have a breaking strength at the cut of not less than 4,200 pounds or 1,910 kilograms.

(4) Complete fracture through any solid section of metal attachment hardware shall not occur during test.

(b) *Type 2 seat belt assembly.* The components of a Type 2 seat belt assembly including webbing, straps, buckles, adjustment and attachment hardware, and retractors shall comply with the following requirements when tested by the procedure specified in S5.3(b):

(1) The structural components in the pelvic restraint shall withstand a force of not less than 2,500 pounds or 1,130 kilograms.

(2) The structural components in the upper torso restraint shall withstand a force of not less than 1,500 pounds or 680 kilograms.

(3) The structural components in the assembly that are common to pelvic and upper torso restraints shall withstand a force of not less than 3,000 pounds or 1,360 kilograms.

(4) The length of the pelvic restraint between anchorages shall not increase more than 20 inches or 50 centimeters when subjected to a force of 2,500 pounds or 1,130 kilograms.

(5) The length of the upper torso restraint between anchorages shall not increase more than 20 inches or 50 centimeters when subjected to a force of 1,500 pounds or 680 kilograms.

(6) Any webbing cut by the hardware during test shall have a breaking strength of not less than 3,500 pounds or 1,590 kilograms at a cut in webbing of the pelvic restraint, or not less than 2,800 pounds or 1,270 kilograms at a cut in webbing of the upper torso restraint.

(7) Complete fracture through any solid section of metal attachment hardware shall not occur during test.

(c) *Type 3 seat belt assembly.* The complete seat belt assembly including webbing, straps, buckles, adjustment and attachment hardware, and retractors shall comply with the following requirements when tested by the procedures specified in S5.3(c):

(1) The complete assembly shall withstand a force of 2,000 pounds or 900 kilograms.

(2) The complete assembly shall extend not more than 12 inches or 30 centimeters when subjected to a force of 2,000 pounds or 900 kilograms.

(3) Any webbing cut by the hardware during test shall have a breaking strength of not less than 1,050 pounds or 480 kilograms at a cut in webbing of pelvic or upper torso restraints, or not less than 2,800 pounds or 1,270 kilograms at a cut in webbing of seat back retainer or in webbing connecting pelvic and upper torso restraint at attachment hardware.

(4) Complete fracture through any solid section of metal attachment hardware shall not occur during test.

S5 *Demonstration Procedures.*

S5.1 *Webbing.* (a) *Width.* The width of webbing from three seat belt assemblies shall be measured after conditioning for at least 24 hours in an atmosphere having relative humidity between 48 and 67 percent and a temperature of 23°± 2° C. or 73.4±3.6° F. The tension during measurement of width shall be not more than 5 pounds or 2 kilograms on webbing from a Type 1 or Type 3 seat belt assembly, and 2,200±100 pounds or 1,000±50 kilograms on webbing from a Type 2 seat belt assembly. The width of webbing from a Type 2 seat belt assembly may be measured during the breaking strength test described in paragraph (b) of this section.

(b) *Breaking strength.* Webbing from three seat belt assemblies shall be conditioned in accordance with paragraph (a) of this section and tested for breaking strength in a testing machine of suitable capacity verified to have an error of not more than 1 percent in the range of the breaking strength of the webbing by the Tentative Methods of Verification of Testing Machines, ASTM Designation: E4–64, published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103.

The machine shall be equipped with split drum grips illustrated in Figure 1, having a diameter between 2 and 4 inches or 5 and 10 centimeters. The rate of grip separation shall be between 2 and 4 inches per minute or 5 and 10 centimeters per minute. The distance between the centers of the grips at the start of the test shall be between 4 and 10 inches or 10 and 25 centimeters. After placing the specimen in the grips, the webbing shall be stretched continuously at a uniform rate to failure. Each value shall be not less than the applicable breaking strength requirement in S4.2(b), but the median value shall be used for determining the retention of breaking strength in paragraphs (d), (e), and (f) of this section.

(c) *Elongation.* Elongation shall be measured during the breaking strength test described in paragraph (b) of this section by the following procedure: A preload between 44 and 55 pounds or 20 and 25 kilograms shall be placed on the webbing mounted in the grips of the testing machine and the needle points of an extensometer, in which the points remain parallel during test, are inserted in the center of the specimen. Initially the points shall be set at a known distance apart between 4 and 8 inches or 10 and 20 centimeters. When the force on the webbing reaches the value specified in S4.2(c), the increase in separation of the points of the extensometer shall be measured and the percent elongation shall be calculated to the nearest 0.5 percent. Each value shall be not more than the appropriate elongation requirement in S4.2(c).

(d) *Resistance to abrasion.* The webbing from three seat belt assemblies shall be tested for resistance to abrasion by rubbing over the hexagon bar prescribed in Figure 2 in the following manner: The webbing shall be mounted in the apparatus shown schematically in Figure 2. One end of the webbing (A) shall be attached to a weight (B) which has a mass of 5.2±0.1 pounds or 2.35 ±0.05 kilograms, except that a mass of 3.3±0.1 pounds or 1.50±0.05 kilograms shall be used for webbing in pelvic and upper torso restraint of Type 3 seat belt assembly. The webbing shall be passed over the two new abrading edges of the hexagon bar (C) and the other end attached to an oscillating drum (D) which has a stroke of 13 inches or 33 centimeters. Suitable guides shall be used to prevent movement of the webbing along the axis of hexagonal bar C. Drum D shall be oscillated for 5,000 strokes or 2,500 cycles at a rate of 60±2 strokes per minute or 30±1 cycles per minute. The abraded webbing shall be conditioned as prescribed in paragraph (a) of this section and tested for breaking strength by the procedure described in paragraph (b) of this section. The median values

for the breaking strengths determined on abraded and unabraded specimens shall be used to calculate the percentage of breaking strength retained.

(e) *Resistance to light.* Webbing at least 20 inches or 50 centimeters in length from three seat belt assemblies shall be suspended vertically on the inside of the specimen rack in a Type E carbon-arc light-exposure apparatus described in recommended Practice for Operation of Light- and Water-Exposure Apparatus (Carbon-Arc Type) for Artificial Weathering Test, ASTM Designation: E42–64, published by the American Society for Testing and Materials. The apparatus shall be operated without water spray at an air temperature of 60°±2° C. or 140°±3.6° F. measured at a point 1±0.2 inch or 25±5 millimeters outside the specimen rack and midway in height. The temperature sensing element shall be shielded from radiation. The specimens shall be exposed to the light from the carbon arc for 100 hours and then conditioned as prescribed in paragraph (a) of this section. The colorfastness of the exposed and conditioned specimens shall be determined on the Geometric Gray Scale issued by the American Association of Textile Chemists and Colorists. The breaking strength of the specimens shall be determined by the procedure prescribed in paragraph (b) of this section. The median values for the breaking strengths determined on exposed and unexposed specimens shall be used to calculate the percentage of breaking strength retained.

(f) *Resistance to micro-organisms.* Webbing at least 20 inches or 50 centimeters in length from three seat belt assemblies shall be subjected successively to the procedures prescribed in Section 1C1—Water Leaching, Section 1C2—Volatilization, and Section 1B3—Soil Burial Test of AATCC Tentative Test Method 30—1957T, Fungicides, Evaluation of Textiles; Mildew and Rot Resistance of Textiles, published by American Association of Textile Chemists and Colorists. After soil-burial for a period of 2 weeks, the specimen shall be washed in water, dried and conditioned as prescribed in paragraph (a) of this section. The breaking strengths of the specimens shall be determined by the procedure prescribed in paragraph (b) of this section. The median values for the breaking strengths determined on exposed and unexposed specimens shall be used to calculate the percentage of breaking strength retained.

NOTE: This test shall not be required on webbing made from material which is inherently resistant to micro-organisms.

(g) *Colorfastness to crocking.* Webbing from three seat belt assemblies shall be tested by the procedure specified in Standard Test Method 8—1961, Colorfastness to Crocking (Rubbing) published by the American Association of Textile Chemists and Colorists.

(h) *Colorfastness to staining.* Webbing from three seat belt assemblies shall be tested by the procedure specified in Standard Test Method 107—1962, Colorfastness to Water, published by the American Association of Textile Chemists and Colorists, with the following modifications: Distilled water shall be used, perspiration tester shall be used, the drying time in paragraph 4 of procedures shall be 4 hours, and section entitled "Evaluation Method for Staining (3)" shall be used to determine colorfastness to staining on the AATCC Chart for Measuring Transference of Colors.

S5.2 *Hardware*—(a) *Corrosion resistance.* Three seat belt assemblies shall be tested by Standard Method of Salt Spray (Fog) Testing, ASTM Designation: B 117–64, published by the American Society for Testing and Materials. The period of test shall be 50 hours for all attachment hardware at or near the floor, consisting of two periods of 24 hours exposure to salt spray followed by 1 hour drying and 25 hours for all other hardware, consisting of one period of 24 hours exposure to salt spray followed by 1 hour drying. In the salt spray test chamber, the parts from the three assemblies shall be oriented differently, selecting those orientations most likely to develop corrosion on the larger areas. At the end of test, the seat belt assembly shall be washed thoroughly with water to remove the salt. After drying for at least 24 hours under standard laboratory conditions specified in S5.1(a) attachment hardware shall be examined for ferrous corrosion on significant surfaces, that is, all surfaces that can be contacted by a sphere 0.75 inch or 2 centimeters in diameter, and other hardware shall be examined for ferrous and nonferrous corrosion which may be transferred, either directly or by means of the webbing, to a person or his clothing during use of a seat belt assembly incorporating the hardware.

NOTE: When attachement and other hardware are permanently fastened, by sewing or other means, to the same piece of webbing, separate assemblies shall be used to test the two types of hardware. The test for corrosion resistance shall not be required for attachment hardware made from corrosion-resistant steel containing at least 11.5 percent chromium or for attachment hardware protected with an electrodeposited coating of nickel, or copper and nickel, as prescribed in S4.3(a). The assembly that has been used to test the corrosion resistance of the buckle shall be used to measure adjustment force, tilt-lock adjustment, and buckle latch in paragraphs (e), (f), and (g), respectively, of this section, assembly performance in S5.3 and buckle release force in paragraph (d) of this section.

(b) *Temperature resistance.* Three seat belt assemblies having plastic or nonmetallic hardware or having retractors shall be subjected to the conditions prescribed in Procedure IV of Standard Methods of Test for Resistance of Plastics to Accelerated Service Conditions published by the American Society for Testing and Materials, under designation D 756–56. The dimension and weight measurement shall be omitted. Buckles shall be unlatched and retractors shall be fully retracted during conditioning. The hardware parts after conditioning shall be used for all applicable tests in S4.3 and S4.4.

(c) *Attachment hardware.* (1) Attachment bolts used to secure the pelvic restraint of a seat belt assembly to a motor vehicle shall be tested in a manner similar to that shown in Figure 3. The load shall be applied at an angle of 45° to the axis of the bolt through attachment hardware from the seat belt assembly, or through a special fixture which simulates the loading applied by the attachment hardware. The attachment hardware or simulated fixture shall be fastened by the bolt to the anchorage shown in Figure 3, which has a standard 7/16–20 UNF–2B or 1/2–13 UNC–2B threaded hole in a hardened steel plate at least 0.4 inch or 1 centimeter in thickness. The bolt shall be installed with two full threads exposed from the fully seated position. The appropriate force required by S4.3(c)(1) shall be applied. A bolt from each of three seat belt assemblies shall be tested.

(2) Attachment hardware, other than bolts, designed to receive the ends of two seat belt assemblies shall be subjected to a tensile force of 6,000 pounds or 2,720 kilograms in a manner simulating use. The hardware shall be examined for fracture after the force is released. Attachment hardware from three seat belt assemblies shall be tested.

(3) Single attachment hook for connecting webbing to any eye bolt shall be tested in the following manner: The hook shall be held rigidly so that the retainer latch or keeper, with cotter pin or other locking device in place, is in a horizontal position as shown in Figure 4. A force of 150±2 pounds or 68±1 kilograms shall be applied vertically as near as possible to the free end of the retainer latch, and the movement of the latch by this force at the point of application shall be measured. The vertical force shall be released, and a force of 150±2 pounds or 68±1 kilograms shall be applied horizontally as near as possible to the free end of the retainer latch. The movement of the latch by this force at the point of load application shall be measured. Alternatively, the hook may be held in other positions, provided the forces are applied and the movements of the latch are measured at the points indicated in Figure 4. A single attachment hook from each of three seat belt assemblies shall be tested.

(d) *Buckle release.* (1) Three seat belt assemblies shall be tested to determine compliance with the maximum buckle release force requirements, following the assembly test in S5.3. After subjection to the force applicable for the assembly being tested, the force shall be reduced and maintained at 150±10 pounds or 68±4 kilograms on the assembly loop of a Type 1 seat belt assembly, 75±5 pounds or 34±2 kilograms on the components of a Type 2 seat belt assembly, or 45±5 pounds or 20±2 kilograms on a Type 3 seat belt assembly. The buckle release force shall be measured by applying a force on the buckle in a manner and direction typical of that which would be employed by a seat belt occupant. For lever release buckles, the force shall be applied on the centerline of the buckle lever or finger tab in such direc-

tion as to produce maximum releasing effect. A hole 0.1 inch or 2.5 millimeters in diameter may be drilled through the buckle tab or lever on the centerline of the lever between 0.12 and 0.13 inch or 3.0 and 3.3 millimeters from its edge, and a small loop of soft wire may be used as the connecting link between the buckle tab or lever and the force measuring device.

(2) The area for application of release force on pushbutton actuated buckle shall be measured to the nearest 0.05 square inch or 0.3 square centimeter. The cylinder specified in S4.3(d) shall be inserted in the actuation portion of a lever released buckle for determination of compliance with the requirement. A buckle with other release actuation shall be examined for access of release by fingers.

(3) A buckle having pushbutton actuation of buckle release shall be subjected to a compression force of 400 pounds or 180 kilograms applied at the center of the pushbutton opening through a cylindrical bar 0.75 inch or 2 centimeters in diameter and curved to a radius of 6 inches or 15 centimeters. The bar shall be placed across the center of the pushbutton opening parallel to the direction of the webbing. The buckle shall be engaged and a tensile force of 75 pounds or 34 kilograms shall be applied to the connected webbing during the application of the compression force. Buckles from three seat belt assemblies shall be tested to determine compliance with S4.3(d).

(e) *Adjustment force.* Three seat belt assemblies shall be tested for adjustment force on the webbing at the buckle, or other manual adjusting device normally used to adjust the size of the assembly. With no load on the anchor end, the webbing shall be drawn through the adjusting device at a rate of 20±2 inches per minute or 50±5 centimeters per minute and the maximum force shall be measured to the nearest 0.25 pound or 0.1 kilogram after the first 1 inch or 25 millimeters of webbing movement. The webbing shall be precycled 10 times prior to measurement.

(f) *Tilt-lock adjustment.* This test shall be made on buckles or other manual adjusting devices having tilt-lock adjustment normally used to adjust the size of the assembly. Three buckles or devices shall be tested. The base of the adjustment mechanism and the anchor end of the webbing shall be oriented in planes normal to each other. The webbing shall be drawn through the ajustment mechanism in a direction to increase belt length at a rate of 20±2 inches per minute or 50±5 centimeters per minute while the plane of the base is slowly rotated in a direction to lock the webbing. Rotation shall be stopped when the webbing locks, but the pull on the webbing shall be continued until there is a resistance of at least 20 pounds or 9 kilograms. The locking angle between the anchor end of the webbing and the base of the adjustment mechanism shall be measured to the nearest degree. The webbing shall be precycled 10 times prior to measurement.

(g) *Buckle latch.* The buckles from three seat belt assemblies shall be opened fully and closed at least 10 times. Then the buckles shall be clamped or firmly held against a flat surface so to to permit normal movement of buckle parts, but with the metal mating plate (metal-to-metal buckles) or webbing and (metal-to-webbing buckles) withdrawn from the buckle. The release mechanism shall be moved 200 times through the maximum possible travel against its stop with a force of 30±3 pounds or 14±1 kilograms at a rate not to exceed 30 cycles per minute. The buckle shall be examined to determine compliance with the performance requirements of S4.3(g). A metal-to-metal buckle shall be examined to determine whether partial engagement is possible by means of any technique representative of actual use. If partial engagement is possible, the maximum force of separation when in such partial engagement shall be determined.

(h) *Nonlocking retractor.* After the retractor is cycled 10 times by full extension and retraction of the webbing, the retractor and webbing shall be suspended vertically and a force of 4 pounds or 1.8 kilograms shall be applied to extend the webbing from the retractor. The force shall be reduced to 3 pounds or 1.4 kilograms when attached to a pelvic restraint, or to 1.1 pounds or 0.5 kilogram per strap or webbing that contacts the shoulder of an occupant when retractor is attached to an upper torso restraint. The residual extension of the webbing shall be measured by manual rotation of the retractor drum or by disengaging the retraction mechanism. Measurements shall be made on three retractors. The location of the retractor attached to upper torso restraint shall be examined for visibility of reel during use of seat belt assembly in a vehicle.

NOTE: This test shall not be required on a nonlocking retractor attached to the free-end of webbing which is not subjected to any tension during restraint of an occupant by the assembly.

(i) *Automatic-locking retractor.* Three retractors shall be tested in a manner to permit the retraction force to be determined exclusive of the gravitational forces on hardware or webbing being retracted. The webbing shall be fully extended from the retractor. While the webbing is being retracted, the average force or retraction within plus or minus 2 inches or 5 centimeters of 75 percent extension (25 percent retraction) shall be determined and the webbing movement between adjacent locking segments shall be measured in the same region of extension. A seat belt assembly with automatic locking retractor in upper torso restraint shall be tested in a vehicle in a manner prescribed by the installation and usage instructions. The retraction force on the occupant of the seat belt assembly shall be determined before and after traveling for 10 minutes at a speed of 15 miles per hour or 24 kilometers per hour or more over a rough road (e.g., Belgian block road) where the occupant is subjected to displacement with respect to the vehicle in both horizontal and vertical directions. Measurements shall be made with the vehicle stopped and the occupant in the normal seated position.

(j) *Emergency-locking retractor.* Three retractors shall be tested in a manner to permit the retraction force to be determined exclusive of the gravitational forces on hardware or webbing being retracted. The webbing shall be fully extended from the retractor passing over or through any hardware or other material specified in the installation instructions. While the webbing is being retracted, the lowest force of retraction within plus or minus 2 inches or 5 centimeters of 75 percent extension (25 percent retraction) shall be determined. The retractor shall be subjected to an acceleration of 0.5 gravity or 5 meters per second per second within a period of 50 milliseconds, while the webbing is at 75 percent extension, and the webbing movement before locking shall be measured under the following conditions: For a retractor sensitive to webbing withdrawal, the retractor shall be accelerated in the direction of webbing withdrawal while oriented horizontally and at angles of 45°, 90°, 135°, and 180° to the horizontal plane. For a retractor sensitive to vehicle acceleration, the retractor shall be accelerated in three directions normal to each other while oriented horizontally and at angles of 45°, 90°, 135°, and 180° to the horizontal plane unless the retractor locks by gravitational force when tilted in any direction to an angle of 45° or more.

(k) *Performance of retractor.* After completion of the corrosion-resistance test described in paragraph (a) of this section, the webbing shall be fully extended and allowed to dry for at least 24 hours under standard laboratory conditions specified in S5.1(a). The retractor shall be examined for ferrous and nonferrous corrosion which may be transferred, either directly or by means of the wedding, to a person or his clothing during use of a seat belt assembly incorporating the retractor, and for ferrous corrosion on significant surfaces if the retractor is part of the attachment hardware. The webbing shall be withdrawn manually and allowed to retract for 25 cycles. The retractor shall be mounted in an apparatus capable of extending the webbing fully, applying a force of 20 pounds or 9 kilograms at full extension, and allowing the webbing to retract freely and completely. The webbing shall be withdrawn from the retractor and allowed to retract repeatedly in this apparatus until 2,500 cycles are completed. The retractor and webbing shall then be subjected to the temperature resistance test prescribed in paragraph (b) of this section. The retractor shall be subjected to 2,500 additional cycles of webbing withdrawal and retraction. Then, the retractor and webbing shall be subjected to dust in a chamber similar to one illustrated in Figure 8 containing about 2 pounds or 0.9 kilogram of coarse grade dust conforming to the specification given in SAE Recommended Practice, Air Cleaner Test Code—SAE J726a, published by the Society of Automotive Engineers. The dust shall be agitated every

20 minutes for 5 seconds by compressed air, free of oil and moisture, at a gage pressure of 80±8 pounds per square inch or 5.6±0.6 kilograms per square centimeter entering through an orifice 0.060 ±0.004 inch or 1.5±0.1 millimeters in diameter. The webbing shall be extended to the top of the chamber and kept extended at all times except that the webbing shall be subjected to 10 cycles of complete retraction and extension within 1 to 2 minutes after each agitation of the dust. At the end of 5 hours, the assembly shall be removed from the chamber. The webbing shall be fully withdrawn from the retractor manually and allowed to retract completely for 25 cycles. An automatic-locking retractor or a nonlocking retractor attached to pelvic restraint shall be subjected to 5,000 additional cycles of webbing withdawal and retraction. An emergency-locking retractor or a nonlocking retractor attached to upper torso restraint shall be subjected to 45,000 additional cycles of webbing withdrawal and retraction between 50 and 100 percent extension. The locking mechanism of an emergency locking retractor shall be actuated at least 10,000 times within 50 to 100 percent extension of webbing during the 50,000 cycles. At the end of test, compliance of the retractors with applicable requirements in S4.3 (h), (i), and (j) shall be determined. Three retractors shall be tested for performance.

S5.3 *Assembly Performance* — (a) *Type 1 seat belt assembly.* Three complete seat belt assemblies, including webbing, straps, buckles, adjustment and attachment hardware, and retractors, arranged in the form of a loop as shown in Figure 5, shall be tested in the following manner:

(1) The testing machine shall conform to the requirements specified in S5.1(b). A double-roller block shall be attached to one head of the testing machine. This block shall consist of two rollers 4 inches or 10 centimeters in diameter and sufficiently long so that no part of the seat belt assembly touches parts of the block other than the rollers during test. The rollers shall be mounted on antifriction bearings and spaced 12 inches or 30 centimeters between centers, and shall have sufficient capacity so that there is no brinelling, bending or other distortion of parts which may affect the results. An anchorage bar shall be fastened to the other head of the testing machine.

(2) The attachment hardware furnished with the seat belt assembly shall be attached to the anchorage bar. The anchor points shall be spaced so that the webbing is parallel in the two sides of the loop. The attaching bolts shall be parallel to, or at an angle of 45° or 90° to the webbing, whichever results in an angle nearest to 90° between webbing and attachment hardware except that eye bolts shall be vertical, and attaching bolts or nonthreaded anchorages of a seat belt assembly designed for use in specific models of motor vehicles shall be installed to produce the maximum angle in use indicated by the installation instructions, utilizing special fixtures if necessary to simulate installation in the motor vehicle. Rigid adapters between anchorage bar and attachment hardware shall be used if necessary to locate and orient the adjustment hardware. The adapters shall have a flat support face perpendicular to the threaded hole for the attaching bolt and adequate in area to provide full support for the base of the attachment hardware connected to the webbing. If necessary, a washer shall be used under a swivel plate or other attachment hardware to prevent the webbing from being damaged as the attaching bolt is tightened.

(3) The length of the assembly loop from attaching bolt to attaching bolt shall be adjusted to about 51 inches or 130 centimeters, or as near thereto as possible. A force of 55 pounds or 25 kilograms shall be applied to the loop to remove any slack in webbing at hardware. The force shall be removed and the heads of the testing machine shall be adjusted for an assembly loop between 48 and 50 inches or 122 and 127 centimeters in length. The length of the assembly loop shall then be adjusted by applying a force between 20 and 22 pounds or 9 and 10 kilograms to the free end of the webbing at the buckle, or by the retraction force of an automatic-locking or emergency-locking retractor. A seat belt assembly that cannot be adjusted to this length shall be adjusted as closely as possible. An automatic-locking or emergency-locking retractor when included in a seat belt assembly shall be locked at the start of the test with a tension on the webbing slightly in excess of the retractive force in order to keep the retractor locked. The buckle shall be in a location so that it does not touch the rollers during test, but to facilitate making the buckle release test in S5.2(d) the buckle should be between the rollers or near a roller in one leg.

(4) The heads of the testing machine shall be separated at a rate between 2 and 4 inches per minute or 5 and 10 centimeters per minute until a force of 5,000±50 pounds or 2,270±20 kilograms is applied to the assembly loop. The extension of the loop shall be determined from measurements of head separation before and after the force is applied. The force shall be decreased to 150±10 pounds or 68±4 kilograms and the buckle release force measured as prescribed in S5.2(d).

(5) After the buckle is released, the webbing shall be examined for cutting by the hardware. If the yarns are partially or completely severed in a line for a distance of 10 percent or more of the webbing width, the cut webbing shall be tested for breaking strength as specified in S5.1(b) locating the cut in the free length between grips. If there is insufficient webbing on either side of the cut to make such a test for breaking strength, another seat belt assembly shall be used with the webbing repositioned in the hardware. A tensile force of 2,500±25 pounds or 1,135±10 kilograms shall be applied to the components or a force of 5,000±50 pounds or 2,270±20 kilograms shall be applied to an assembly loop. After the force is removed, the breaking strength of the cut webbing shall be determined as prescribed above.

(6) If a Type 1 seat belt assembly includes an automatic-locking retractor or an emergency-locking retractor, the webbing and retractor shall be subjected to a tensile force of 2,500±25 pounds or 1,135±10 kilograms with the webbing fully extended from the retractor.

(7) If a seat belt asembly has a buckle in which the tongue is capable of inverted insertion, one of the three assemblies shall be tested with the tongue inverted.

(b) *Type 2 seat belt assembly.* Components of three seat belt assemblies shall be tested in the following manner:

(1) The pelvic restraint between anchorages shall be adjusted to a length between 48 and 50 inches or 122 and 127 centimeters, or as near this length as possible if the design of the pelvic restraint does not permit its adjustment to this length. An automatic-locking or emergency-locking retractor when included in a seat belt assembly shall be locked at the start of the test with a tension on the webbing slightly in excess of the retractive force in order to keep the retractor locked. The attachment hardware shall be oriented to the webbing as specified in paragraph (a)(2) of this section and illustrated in Figure 5. A tensile force of 2,500±25 pounds or 1,135±10 kilograms shall be applied on the components in any convenient manner and the extension between anchorages under this force shall be measured. The force shall be reduced to 75±5 pounds or 34±2 kilograms and the buckle release force measured as prescribed in S5.2(d).

(2) The components of the upper torso restraint shall be subjected to a tensile force of 1,500±15 pounds or 680±5 kilograms following the procedure prescribed above for testing pelvic restraint and the extension between anchorages under this force shall be measured. If the testing apparatus permits, the pelvic and upper torso restraints may be tested simultaneously. The force shall be reduced to 75±5 pounds or 34±2 kilograms and the buckle release force measured as prescribed in S5.2(d).

(3) Any component of the seat belt assembly common to both pelvic and upper torso restraint shall be subjected to a tensile force of 3,000±30 pounds or 1,360±15 kilograms.

(4) After the buckle is released in tests of pelvic and upper torso restraints, the webbing shall be examined for cutting by the hardware. If the yarns are partially or completely severed in a line for a distance of 10 percent or more of the webbing width, the cut webbing shall be tested for breaking strength as specified in S5.1(b) locating the cut in the free length between grips. If there is insufficient webbing on either side of the cut to make such a test for breaking strength,

another seat belt assembly shall be used with the webbing repositioned in the hardware. The force applied shall be 2,500±25 pounds or 1,135±10 kilograms for components of pelvic restraint, and 1,500±15 pounds or 680±5 kilograms for components of upper torso restraint. After the force is removed, the breaking strength of the cut webbing shall be determined as prescribed above.

(5) If a Type 2 seat belt assembly includes an automatic-locking retractor or an emergency-locking retractor, the webbing and retractor shall be subjected to a tensile force of 2,500±25 pounds or 1,135±10 kilograms with the webbing fully extended from the retractor, or to a tensile force of 1,500±15 pounds or 680±5 kilograms with the webbing fully extended from the retractor if the design of the assembly permits only upper torso restraint forces on the retractor.

(6) If a seat belt assembly has a buckle in which the tongue is capable of inverted insertion, one of the three assemblies shall be tested with the tongue inverted.

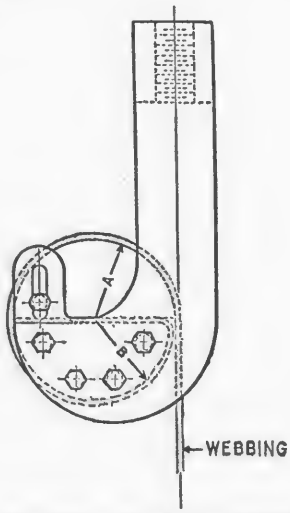
(c) *Type 3 seat belt assembly.* Three seat belt assemblies including webbing, straps, buckles, adjustment and attachment hardware, and retractors shall be tested in the following manner:

(1) The testing machine shall conform to the requirements specified in S5.1(b). A torso having the dimensions shown in Figure 6 shall be attached to one head of the testing machine through a universal joint which is guided in essentially a frictionless manner to minimize lateral forces on the testing machine. An anchorage and simulated seat back shall be attached to the other head as shown in Figure 7.

(2) Attachment hardware for an assembly having single webbing connection shall be fastened at the anchor hole shown in Figure 7 which is centered along the length of the anchorage bar. Attachment hardware for an assembly having two webbing connectors shall be fastened at anchor holes 16 inches or 40 centimeters apart on the anchorage bar, equidistant from the center. Attachment hardware for an assembly whose design precludes such attachment shall be fastened in accordance with the installation instructions. The back of the torso shall be positioned in a plane parallel to and at a distance of 4 inches or 10 centimeters from the plane of the simulated seat back. The seat belt assembly shall be installed on the torso in accordance with installation instructions and the webbing to the attachment hardware shall be adjusted with effectively no slack. The heads of the testing machine shall be separated at a rate of between 2 and 4 inches per minute or 5 and 10 centimeters per minute until a force of 2,000 pounds or 900 kilograms is applied. The extension of the seat belt assembly shall be determined from measurement of head separation in the testing machine before and after the force is applied. The force shall be reduced to 45±5 pounds or 20±2 kilograms and the release force of the buckle or buckles measured as prescribed in S5.2(d). A seat back retainer not connected to pelvic or upper torso restraint shall be subjected separately to a force of 2,000 pounds or 900 kilograms.

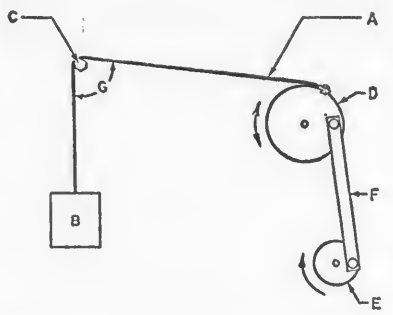
(3) After the buckle is released, the webbing shall be examined for cutting by the hardware. If the yarns are partially or completely severed in a line for a distance of 10 percent or more of the webbing width, the cut webbing shall be tested for breaking strength as specified in S5.1(b) locating the cut in the free length between grips. If there is insufficient webbing on either side of the cut to make such a test for breaking strength, another seat belt assembly shall be used with the webbing repositioned in the hardware. A tensile force shall be applied to the components as follows: Webbing in pelvic or upper torso restraint—700±7 pounds or 320±3 kilograms; webbing in seat back retainer or webbing connecting pelvic and upper torso restraint to attachment hardware—1,500±15 pounds or 680±7 kilograms. After the force is removed, the breaking strength of the cut webbing shall be determined as prescribed above.

(4) If a seat belt assembly has a buckle in which the tongue is capable of inverted insertion, one of the three assemblies shall be tested with the tongue inverted.



A 1 TO 2 INCHES OR 2.5 TO 5 CENTIMETERS
B A MINUS 0.06 INCH OR 0.15 CENTIMETER

FIGURE 1.



A – WEBBING
B – WEIGHT
C – HEXAGONAL ROD
STEEL – SAE 51416
ROCKWELL HARDNESS – B-97 TO B-101
SURFACE – COLD DRAWN FINISH
SIZE – 0.250 ± 0.001 INCH OR
6.35 ± 0.03 MILLIMETER
RADIUS ON EDGES – 0.020 ± 0.004 INCH OR
0.5 ± 0.1 MILLIMETER
D – DRUM DIAMETER – 16 INCHES OR
40 CENTIMETERS
E – CRANK
F – CRANK ARM
G – ANGLE BETWEEN WEBBING – 85 ± 2 DEGS.

FIGURE 2

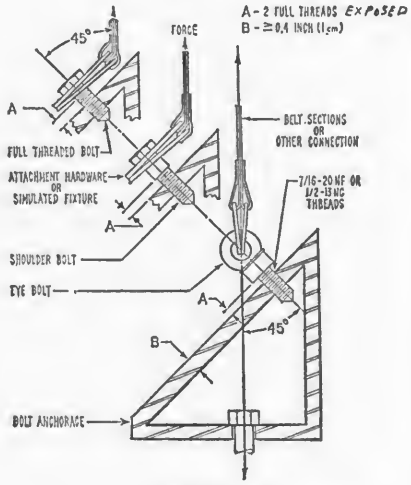


FIGURE 3

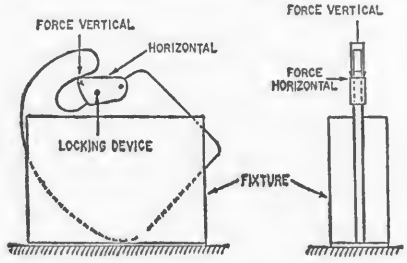
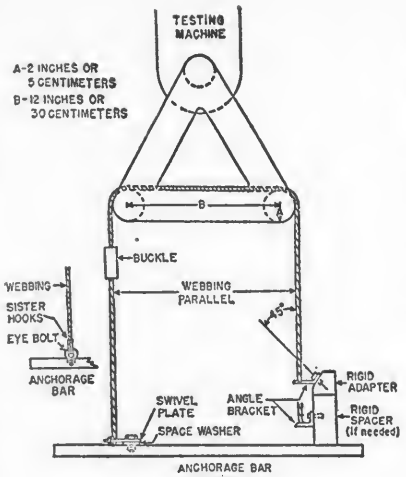


FIGURE 4
SINGLE ATTACHMENT HOOK



ANCHORAGE BAR
FIGURE 5.

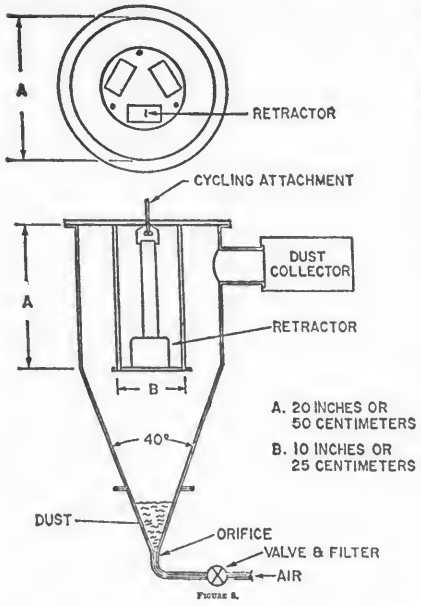
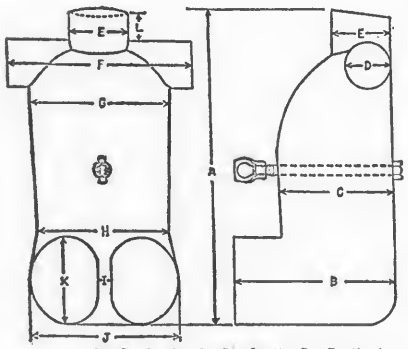


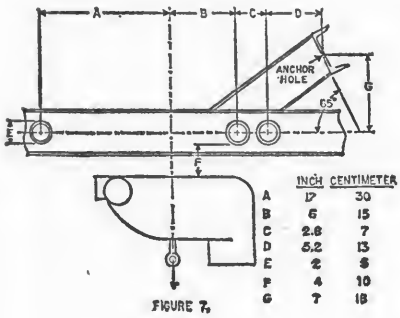
FIGURE 6.

[F.R. Doc. 69-5; Filed, Jan. 3, 1969; 8:45 a.m.]



	A	B	C	D	E	F	G	H	I	J	K	L
INCH	13	8	5.8	2.3	2.9	9	6.8	6.4	0.6	7.3	4.2	1.3
CENTIMETER	38	20	14.5	5.8	7.3	23	17	16	1.5	18.5	10.7	3.3

FIGURE C.



	INCH	CENTIMETER
A	17	30
B	6	15
C	2.8	7
D	5.2	13
E	2	5
F	4	10
G	7	18

FIGURE 7.

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 550—PAY ADMINISTRATION (GENERAL)

Severance Pay

Section 550.701(b) is amended by revising subparagraph (2) to exclude from entitlement to severance pay, employees who are offered equivalent positions in a different commuting area when their transportation and moving expenses will be paid by their agencies, and subparagraph (8) to exclude from entitlement to severance pay, employees in the excepted service serving under a Presidential appointment.

Section 550.705 is revoked as unnecessary in view of the amendment of § 550.701(b)(2).

Section 550.706(a) is amended for clarity by changing the word "position" in subparagraph (3) to "activity".

Effective on publication in the FEDERAL REGISTER, § 550.705 is revoked and the subparagraphs and paragraph referred to above are revised and amended as set out below:

§ 550.701 Coverage.

* * * * *

(b) *Employees.* * * *

(2) This subpart does not apply to an employee who, at the time of separation from the service, is offered and declines to accept an equivalent position in his agency, including an agency to which the employee with his function is transferred in a transfer of functions between agencies. For purposes of this subparagraph, an equivalent position is a position of like seniority, tenure, and pay other than a retained rate, (i) located within the employee's commuting area, or (ii) located outside the employee's commuting area when transportation and household moving expenses will be paid by the agency.

* * * * *

(8) This subpart does not apply to an employee in the excepted service serving under a Presidential appointment, under an appointment to a position filled by noncareer executive assignment under Part 305 of this chapter, or under an appointment to a Schedule C position in Part 213 of this chapter.

* * * * *

§ 550.705 [Revoked]

§ 550.706 Resignation in lieu of involuntary separation.

(a) Except as provided for in paragraph (b) of this section, an employee who is separated because of resignation is deemed to have been involuntarily separated for purposes of entitlement to severance pay, if he has not declined an offer of an equivalent position under § 550.701(b)(2), when he is separated because of resignation (1) after receiving a specific notice in writing by his agency that he is to be involuntarily separated not by removal for cause on charges of misconduct, delinquency, or inefficiency, (2) after receipt of a general notice of reduction in force by his agency which announces that all positions in his competitive area will be abolished or transferred to another commuting area and his resignation is effective on a date which is not more than 1 year before the abolition or transfer, and (3) after receipt of a notice by his agency proposing to separate him for declining to accompany his activity when it is to be moved to another commuting area because of a transfer of function and when all positions in his competitive area are to be abolished or transferred to another commuting area within a period of not more than 1 year.

* * * * *

(5 U.S.C. 5595, E.O. 11257; 3 CFR 1964–65 Comp. p. 357)

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

[F.R. Doc. 69-146; Filed, Jan. 3, 1969; 8:53 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 730—RICE

Subpart—1969–70 Marketing Year

PROCLAMATIONS AND DETERMINATIONS WITH RESPECT TO MARKETING QUOTAS AND NATIONAL ACREAGE ALLOTMENT FOR 1969 CROP RICE, AND APPORTIONMENT OF 1969 NATIONAL ACREAGE ALLOTMENT OF RICE AMONG THE SEVERAL STATES

Sec.

AUTHORITY: Secs. 730.1501 to 730.1504 issued under secs. 301, 352, 353, 354, 375, 52 Stat. 38, 60, 61, 66, as amended: 7 U.S.C. 1301, 1352, 1353, 1354, 1375.

§ 730.1501 Basis and purpose.

(a) Section 730.1502 is issued under and in accordance with sections 301 and 354 of the Agricultural Adjustment Act of 1938, as amended, to proclaim the total supply and normal supply of rice for the marketing year beginning August 1, 1968, and to proclaim that marketing quotas will be applicable to the 1969 crop of rice.

(1) Section 730.1503 is issued under and in accordance with sections 352 and 353 of the Agricultural Adjustment Act of 1938, as amended, to proclaim the national acreage allotment of rice for the calendar year 1969. Section 353(c)(6) of the act, as amended by section 301 of Public Law 85–835, 72 Stat. 994, provides that the national acreage allotment of rice for 1969 shall be not less than the total acreage allotted in 1956. Section 353(c)(7) of the act, as amended, provides that, if the national acreage allotment for rice for 1969 is less than the national acreage allotment of rice for 1965, the Secretary shall formulate and carry out an acreage diversion program for rice for such year designed to support the gross income of rice producers at a level not lower than for 1965, minus any reduction in production costs resulting from the reduced rice acreage.

(2) Section 730.1504 is issued under and in accordance with section 353 of the Agricultural Adjustment Act of 1938, as amended, to apportion among the several States the national acreage allotment of rice for 1969 as proclaimed in § 730.1503 hereof. Section 353 of the act provides that the national acreage allotment of rice for 1969, less a reserve of not to exceed 1 per centum for apportionment to farms receiving inadequate allotments, shall be apportioned among the States in the same proportion that they shared in the total acreage allotted in 1956.

(3) Section 353(b) of the act, as amended by Public Law 85–443, authorizes the Secretary of Agriculture under certain circumstances to divide any State into two administrative areas to be designated "producer administrative area" and "farm administrative area," and provides that if any State is so divided into administrative areas the term "State acreage allotment" for the purposes of section 353 of the Agricultural Adjustment Act of 1938, as amended, shall be deemed to mean that part of the State acreage allotment apportioned to each administrative area.

(4) Section 353(c)(1) of the act, as amended by Public Law 85–443, provides that if any State is divided into administrative areas, the allotment for each area shall be determined by apportioning the State acreage allotment among counties as provided in section 353(c)(1) of the Agricultural Adjustment Act of 1938, as amended, and totaling the allotments for the counties in each such area. The acreage allotments for the "farm administrative area" and "producer administrative area" in the State of Louisiana which are set out in § 730.1504 were determined by apportioning the State acreage allotment for Louisiana among the counties in the State in the same proportion which each such county shared in the total acreage allotted in the State in 1956, as provided in section 353(c)(1) of the Agricultural Adjustment Act of 1938, as amended, and totaling the allotments for the counties in each such area.

(b) The findings and determinations made in §§ 730.1502, 730.1503, and 730.1504 have been made on the basis of the latest available statistics of the Federal Government. The findings in § 730.1502 show that marketing quotas are required for the 1969 crop of rice. The determinations made in § 730.1503 indicate the amount of the 1969 national acreage allotment of rice.

(c) Prior to taking action herein, public notice (33 F.R. 15555) was given in accordance with 5 U.S.C. 553 that the Secretary was preparing to determine whether marketing quotas were required for the 1969 crop of rice, to determine and proclaim the national acreage allotment of rice for 1969, and to apportion among the States the 1969 national acreage allotment of rice. Data, views, and recommendations were submitted pursuant to such notice. They have been considered to the extent permitted by law.

(d) The Agricultural Adjustment Act of 1938, as amended, requires that the proclamation with respect to marketing quotas for the 1969 crop of rice be issued not later than December 31, 1968; that the referendum to determine whether farmers are in favor of or opposed to such quotas be held within 30 days after the issuance of the proclamation; and that insofar as practicable operators of farms be notified of their farm rice acreage allotments prior to the holding of the referendum. Therefore, it is necessary to waive the 30-day effective date provision of 5 U.S.C. 553, and such provision is hereby waived. Accordingly, the regulations in §§ 730.1501 to 730.1504, inclusive, shall become effective upon filing with the Director, Office of the Federal Register.

§ 730.1502 Marketing quotas on 1969 crop of rice.

The total supply of rice in the United States for the marketing year beginning August 1, 1968, is determined to be 112.1 million hundredweight (rough basis). The normal supply of rice for such marketing year is determined to be 106.3 million hundredweight (rough basis). Since the total supply of rice for the 1968–69 marketing year exceeds the normal supply for such marketing year, marketing quotas shall be in effect on the 1969 crop of rice.

§ 730.1503 National acreage allotment of rice for 1969.

The normal supply of rice for the marketing year commencing August 1, 1969, is determined to be 108.7 million hundredweight (rough basis). The carryover of rice on August 1, 1969, is estimated at 15.6 million hundredweight. Therefore, the production of rice needed in 1969 to make available a total supply of rice for the 1969–70 marketing year equal to the normal supply for such marketing year is 93.1 million hundredweight. The national average yield of rice for the 5 calendar years 1964 through 1968 is determined to be 4,311 pounds per planted acre. The national acreage allotment of rice for 1969 computed on the basis of the normal supply for 1969, less estimated carryover, and the national average yield per planted acre for the five calendar years, 1964 through 1968, is 2,160,542 acres. Since this amount is more than the total acreage allotted in 1956, the minimum provided by law, and more than the amount requiring the formulation of a diversion program for rice, the national allotment for rice for the calendar year 1969 shall be 2,160,542 acres and an acreage diversion program for rice shall not be in effect for 1969.

§ 730.1504 Apportionment of 1969 national acreage allotment of rice among the several States.

The national acreage allotment proclaimed in § 730.1503, less a reserve of 799 acres, is hereby apportioned among the several rice-producing States as follows:

State		Acres
Arizona		299
Arkansas		521,566
California		391,828
Florida		1,251
Illinois		26
Louisiana:		
Farm Administrative Area	598,733	
Producer Administrative Area	22,157	
State total		620,890
Mississippi		61,009
Missouri		6,219
North Carolina		50
Oklahoma		195
South Carolina		3,721
Tennessee		676
Texas		552,013
Total apportioned to States		2,159,743
Unapportioned National Reserve		799
U.S. total		2,160,542

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

Signed at Washington, D.C., on December 31, 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-15610; Filed, Dec. 31, 1968; 11:47 a.m.]

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

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 814.7]

PART 814—ALLOTMENT OF SUGAR QUOTAS, MAINLAND CANE SUGAR AREA

Calendar Year 1969

Basis and purpose. This allotment order is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 922), hereinafter called the "Act", for the purpose of establishing preliminary allotments of a portion of the 1969 sugar quota for the Mainland Cane Sugar Area for the period January 1, 1969, until the date allotments of such quota are prescribed for the full calendar year 1969 on the basis of a subsequent hearing.

Omission of recommended decision and effective date. The record of the hearing regarding the subject of this order shows that approximately 1,248,000 tons of 1968 crop sugar will remain to be marketed after January 1, 1969. This quantity of sugar, along with production of sugar from 1969 crop sugarcane, will result in a supply of sugar available for marketing in 1969 sufficiently in excess of the 1969 quota that disorderly marketing may occur and some interested persons may be prevented from having equitable opportunities to market sugar (R 10). The inventories of sugar on January 1, 1969, together with production in early 1969, may make it possible for some allottees to market shortly after January 1, 1969, a quantity of sugar larger than the allotments established by this order. It, therefore, is necessary that such allotments to be effective, be in effect on January 1, 1969. In view thereof and since this proceeding was instituted for the purpose of issuing allotments to prevent disorderly marketing of sugar and to afford all interested persons an equitable opportunity to market, it is hereby found that due and timely execution of the functions imposed upon the Secretary under the Act imperatively and unavoidably requires omission of a recommended decision in this proceeding. It is hereby further found that compliance with the 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest and, consequently, this order shall be effective on January 1, 1969.

Preliminary statement. Section 205(a) of the Act requires the Secretary to allot a quota whenever he finds that the allotment is necessary (1) to assure an orderly and adequate flow of sugar or liquid sugar in the channels of interstate or foreign commerce, (2) to prevent the disorderly marketing of sugar or liquid sugar, (3) to maintain a continuous and stable supply of sugar or liquid sugar, or (4) to afford all interested persons equitable opportunities to market sugar within the quota for the area. Section 205(a) also requires that such allotment be made after such hearing and upon such notice as the Secretary may by regulation prescribe.

Pursuant to the applicable rules of practice and procedure (7 CFR 801.1 et seq.) a preliminary finding was made that allotment of the quota is necessary, and a notice was published on November 16, 1968 (33 F.R. 17109), of a public hearing to be held at Washington, D.C., in Room 3056, South Building, on November 26, 1968, beginning at 10:30 a.m., e.s.t., for the purpose of receiving evidence to enable the Secretary, (1) to affirm, modify, or revoke the preliminary finding of necessity for allotment, and (2) to establish fair, efficient, and equitable allotments of a portion of the 1969 quota for the Mainland Cane Sugar Area for the period January 1, 1969, until the date the Secretary prescribes allotments of such quota for the calendar year 1969 based on a subsequent hearing.

The hearing was held at the time and place specified in the notice of hearing and testimony was received with respect to the subject and issues referred to in the hearing notice. In arriving at the findings, conclusions, and the regulatory provisions of this order all proposed findings and conclusions were carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that findings and conclusions proposed by the interested persons are inconsistent with the findings and conclusions herein, the specified or implied request to make such findings and reach such conclusions are denied on the basis of the facts found and stated and the conclusions reached as set forth herein.

Basis for findings and conclusions. Section 205(a) of the Act reads in pertinent part as follows:

> * * * Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processing of sugar or liquid sugar from sugar beets or sugarcane, limited in any year when proportionate shares were in effect to processings to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person; and the ability of such persons to market or import that portion of such quota or proration thereof allotted to him. The Secretary is also authorized in making such allotments of a quota for any calendar year to take into consideration in lieu of or in addition to the foregoing factors of processing, past marketings and ability to market, the need for establishing an allotment which will permit such marketings of sugar as is necessary for the reasonably efficient operation of any nonaffiliated single plant processor of sugar beets or any processor of sugarcane and as may be necessary to avoid unreasonable carryover of sugar in relation to other processors in the area: *Provided,* That * * * the marketing allotments of a processor of sugarcane shall not be increased under this provision above an allotment equal to the effective inventory of sugar of such processor on January 1 of the calendar year for which such allotment is made, * * *: *Provided further,* That the total increases in marketing allotments made pursuant to this sentence to processors in the mainland cane sugar area shall be limited to 16,000 short tons, of sugar, raw value, for each calendar year. In making such allotments, the Secretary may also take into consideration and make due allowance for the adverse effect of draught, storm, floods, freeze, disease, insects, or other similar abnormal and uncontrollable conditions seriously and broadly affecting any general area served by the factory or factories of such person. The Secretary may also, upon such hearing and notice as he may by regulations prescribe, revise or amend any such allotment upon the same basis as the initial allotment was made. * * *

The necessity for allotment of the 1969 sugar quota for the Mainland Cane Sugar Area is indicated by the extent to which the quantity of sugar in prospect for marketing in 1969 exceeds the quota that may be established and that in the absence of allotments disorderly marketing would result, and some interested persons would be prevented from having equitable opportunities to market sugar (R 10, 11).

Testimony indicates that it is desirable to defer allotment proceedings with respect to the allotment of the full quota for 1969 until most allottees have completed processing of 1968 crop sugarcane, but allotments of a portion of the quota should be in effect beginning January 1, 1969, because inventories of sugar on January 1, 1969, together with production of sugar in early 1969 may make it possible for some allottees to market shortly after January 1, 1969, a quantity of sugar larger than eventually may be allotted to them (R 11).

The Department of Agriculture proposed at the hearing that for the period January 1, 1969, to the date an order is made effective based on a subsequent hearing that for the Mainland Cane Sugar Area, preliminary 1969 allotments be established at 75 percent of the allotments of the 1968 quota for the area which became effective on November 1, 1968, pursuant to Sugar Regulation 814.6, Amendment 5 (33 F.R. 16115): *Provided,* That any allotment established shall not be less than 85 percent of the estimated January 1, 1969, physical inventory of the respective allottee which cannot be marketed within the allottee's 1968 marketing allotment (R 12).

The witness representing the Louisiana cane sugar processors proposed at the hearing that for the period January 1, 1969, to the date an order is made effective based on a subsequent hearing that for the Mainland Cane Sugar Area, preliminary 1969 allotments be established at 80 percent of the allotments of the 1968 quota for the area which became effective on November 1, 1968, pursuant to Sugar Regulation 814.6, Amendment 5 (33 F.R. 16115): *Provided,* That any allotment established shall not be less than the estimated January 1, 1969, physical

inventory of the respective allottee which cannot be marketed within the allottee's 1968 marketing allotment.

The witness representing the eight Florida cane sugar processors concurred with the Government proposal, and also recommended that the Department be permitted to amend the preliminary order by raising the preliminary allotment level to 80 percent of 1968 allotments on the basis of production figures for a later period provided that such amended allotments would not result in a higher preliminary allotment for any processor than it would receive under the final allotment order.

The method for determining preliminary allotments of a portion of the 1969 Mainland Cane Sugar Area quota adopted herein as set forth in the accompanying findings and conclusions follows the proposal of the Department, except that this order provides that any allotments established shall not be less than 90 percent of the respective allottee's estimated January 1, 1969, physical inventory instead of the 85 percent level proposed by the Department or the 100 percent level proposed by the witness for the Louisiana processors. It has been determined that preliminary 1969 allotments for individual processors established at the higher of 75 percent of 1968 allotments which became effective on November 1, 1968, or 90 percent of the respective allottee's estimated January 1, 1969, physical inventory would not permit any allottee to market sugar in early 1969 in excess of the final 1969 allotment for such allottee which will be established on the basis of a subsequent hearing.

The establishment of minimum 1969 preliminary allotments based on 100 percent of estimated January 1, 1969 physical inventories might result in preliminary allotments for some allottees larger than the final allotments for such allottees.

The hearing record contains proposals to include in the order to become effective January 1, 1969, paragraphs essentially the same as paragraphs (b), (c), and (d) of § 814.6, Sugar Regulation 814.6, Amendment 1 (33 F.R. 6851) (R 15).

Findings and conclusions. On the basis of the record of the hearing, I hereby find and conclude that:

(1) For the calendar year 1969 Mainland cane sugar processors will have available for marketing from 1967 and 1968 crop sugarcane approximately 1,248,000 short tons, raw value, of sugar. This quantity of sugar, together with production of sugar from 1969 crop sugarcane, will result in a supply of sugar available for marketing in 1969 sufficiently in excess of the anticipated 1969 quota for the Mainland Cane Sugar Area to cause disorderly marketing and prevent some interested persons from having equitable opportunities to market sugar.

(2) The allotment of the 1969 Mainland Cane Sugar Area quota is necessary to prevent disorderly marketing and to afford all interested persons equitable opportunities to market sugar processed from sugarcane produced in the area.

(3) It is desirable to defer the allotment of the entire 1969 calendar year sugar quota for the Mainland Cane Sugar Area until processings from 1968 crop sugarcane can be known or closely estimated for all allottees, but it is necessary to make allotments of a portion of the 1969 quota effective January 1, 1969, to prevent some allottees from marketing a quantity of sugar larger than eventually may be allotted to them when the entire 1969 quota is allocated.

(4) The findings in (3), above, require that effective for the period January 1, 1969, until the date allotments of the 1969 calendar year Mainland Cane Sugar Area quota are prescribed on the basis of a subsequent hearing, the preliminary allotment of the 1969 Mainland Cane Sugar Area quota for each allottee shall be established at the larger of 75 percent of its 1968 allotment which became effective on November 1, 1968, pursuant to Sugar Regulation 814.6, Amendment 5 (33 F.R. 16115), or 90 percent of the respective allottee's estimated January 1, 1969, physical inventory, which could not be marketed within its 1968 marketing allotment. Official notice will be taken of production reports received from allottees of their estimated January 1, 1969, physical inventories by letters postmarked not later than December 23, 1968, when they become official records of the Department.

(5) The following estimated January 1, 1969, physical inventories of sugar in short tons, raw value, could not be marketed under the 1968 allotments for the following named allottees.

Breaux Bridge Sugar Co-op	9,252
Cajun Sugar Co-op., Inc	26,700
Cora-Texas Manufacturing Co., Inc	11,552
Dugas & LeBlanc, Ltd	14,257
Helvetia Sugar Co-op., Inc	11,039
Iberia Sugar Co-op., Inc	17,871
Little Texas, Inc	4,590
Louisiana State Penitentiary	3,871
Meeker Sugar Co-op., Inc	13,048
Savoie Industries	14,449
St. James Sugar Co-op., Inc	25,137
South Coast Corp	73,488

The allotment established for each such named allottee in this order is not less than 90 percent of such listed quantity. The individual preliminary allotments for all other allottees determined at 75 percent of each allottee's 1968 allotment as provided in finding (4) above exceeds 90 percent of their respective January 1, 1969, physical inventories.

(6) Consideration has been given to the statutory factors "processings," "past marketings," and "ability to market" in establishing allotments of the 1969 sugar quota for the Mainland Cane Sugar Area as set forth in finding (4) above.

(7) Provision shall be made in the order to restrict marketings of sugar to allotments established herein.

(8) To facilitate full and effective use of allotments, provision shall be made in the order for transfer of allotments under circumstances of a succession of interest, and under circumstances involving an allottee becoming unable to process sugarcane and such cane as he would normally process, if operating, is processed by other allottees.

(9) To aid in the efficient movement and storage of sugar, provision shall be made to enable a processor to market a quantity of sugar of his own production in excess of his allotment equivalent to the quantity of sugar which he holds in storage and which was acquired by him within the allotment of another allottee of the 1969 Mainland Cane Sugar Area quota.

(10) For the period January 1, 1969, until the date allotments of the Mainland Cane Sugar Area quota for the 1969 calendar year are prescribed on the basis of a subsequent hearing, the allotments established in the foregoing manner provide a fair, efficient, and equitable distribution of such quota and meet the requirements of section 205(a) of the Act.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act: *It is hereby ordered:*

§ 814.7 Allotment of the 1969 sugar quota for the Mainland Cane Sugar Area.

(a) *Allotments.* For the period January 1, 1969, until the date allotments of the 1969 calendar year sugar quota for the Mainland Cane Sugar Area are prescribed, on the basis of a subsequent hearing, the 1969 quota of 1,134,667 tons for the Mainland Cane Sugar Area is hereby allotted in part, to the extent shown in this section, to the following processors in the quantities which appear opposite their respective names:

Processors	*Allotments (short tons, raw value)*
Albania Sugar Co	7,310
Alma Plantation, Ltd	7,670
J. Aron & Co., Inc	9,922
Billeaud Sugar Factory	6,268
Breaux Bridge Sugar Co-op	8,327
Wm. T. Burton Industries, Inc	6,083
Caire & Graugnard	4,926
Cajun Sugar Co-op., Inc	24,030
Caldwell Sugars Co-op., Inc	10,773
Columbia Sugar Co	6,232
Cora-Texas Manufacturing Co., Inc	10,397
Dugas & LeBlanc, Ltd	12,831
Duhe & Bourgeois Sugar Co	7,574
Erath Sugar Co., Ltd	4,243
Evan Hall Sugar Co-op., Inc	18,154
Frisco Cane Co., Inc	1,701
Glenwood Co-op., Inc	12,728
Helvetia Sugar Co-op., Inc	9,935
Iberia Sugar Co-op., Inc	16,084
Lafourche Sugar Co	13,754
Harry L. Laws & Co., Inc	11,869
Levert-St. John, Inc	9,283
Little Texas, Inc	4,131
Louisa Sugar Co-op., Inc	8,468
Louisiana State Penitentiary	3,484
Louisiana State University	75
Meeker Sugar Co-op., Inc	11,743
Milliken & Farwell, Inc	8,415
M. A. Patout & Son, Ltd	11,360
Poplar Grove Planting & Refining Co	7,012
Savoie Industries	13,004
St. James Sugar Co-op., Inc	22,623
St. Mary Sugar Co-op., Inc	11,159
South Coast Corp	66,139
Southdown, Inc	28,225
Sterling Sugars, Inc	19,188
J. Supples' Sons Planting Co., Inc	4,497

Processors	Allotments (short tons, raw value)
Valentine Sugars, Inc	7,880
Vida Sugars, Inc	3,918
A. Wilbert's Sons Lumber & Shingle Co	7,916
Young's Industries, Inc	4,540
Louisiana subtotal	463,871
Atlantic Sugar Association	27,624
Florida Sugar Corp	16,136
Glades County Sugar Growers Co-op., Association	29,598
Osceola Farms Co	41,751
South Puerto Rico Sugar Co	61,836
Sugarcane Growers Co-op. of Florida	86,924
Talisman Sugar Corp	32,218
United States Sugar Corp	177,424
Florida subtotal	473,511
Total, Mainland Cane	937,382

(b) *Marketing limitations.* Marketings shall be limited to allotments as established herein subject to the prohibitions and provisions of § 816.3 of this chapter (33 F.R. 8495).

(c) *Transfer of allotments.* The Administrator, Agricultural Stabilization and Conservation Service of the Department, may permit marketings to be made by one allottee, or other persons, within the allotment established for another allottee upon relinquishment by such allottee of a quantity of its allotment and upon receipt of evidence satisfactory to the Administrator that (1) a merger, consolidation, transfer of sugar-processing facilities, or other action of similar effect upon the allottees or persons involved as occurred, or (2) the allottee receiving such permission will process sugarcane which the allottee relinquishing allotment has become unable to process.

(d) *Exchanges of sugar between allottees.* When approved in writing by the Administrator, Agricultural Stabilization and Conservation Service of the Department, any allottee holding sugar or liquid sugar acquired by him within the allotment of another person established in paragraph (a) of this section may ship, transport, or market up to an equivalent quantity of sugar processed by him in excess of his allotment established in paragraph (a) of this section. The sugar or liquid sugar held under this paragraph shall be subject to all other provisions of this section as if it had been processed by the allottee who acquired it for the purpose authorized by this paragraph.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, Interprets or applies secs. 205, 209; 61 Stat. 926, as amended, 928; 7 U.S.C. 1115, 1119)

Effective date: January 1, 1969.

Signed at Washington, D.C., on December 31, 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-15612; Filed, Dec. 31, 1968; 12:55 p.m.]

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

[Navel Orange Reg. 162, Amdt. 1]

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

Limitation of Handling

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

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

(b) *Order, as amended.* The provisions in paragraph (b) (1) (i), (ii), and (iii) of § 907.462 (Navel Orange Regulation 162; 33 F.R. 19828) are hereby amended to read as follows:

§ 907.462 Navel Orange Regulation 162.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 697,000 cartons;

(ii) District 2: 93,000 cartons;

(iii) District 3: 77,000 cartons.

* * * * *

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

Dated: December 31, 1968.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-116; Filed, Jan. 3, 1969; 8:52 a.m.]

[Lemon Reg. 355]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.655 Lemon Regulation 355.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 30, 1968.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during

the period January 5, 1969, through January 11, 1969, are hereby fixed as follows:

(i) District 1: 13,950 cartons;
(ii) District 2: 59,520 cartons;
(iii) District 3: 84,630 cartons.

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

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

Dated: January 2, 1969.

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

[F.R. Doc. 69–143; Filed, Jan. 3, 1969; 8:52 a.m.]

[966.306, Amdt. 3]

PART 966—TOMATOES GROWN IN FLORIDA

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR Part 966), regulating the handling of tomatoes grown in the production area, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Florida Tomato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because (1) the time intervening between the date when the information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Act is insufficient, (2) more orderly marketing than would otherwise prevail will be promoted by regulating the handling of tomatoes in the manner set forth in this amendment, (3) compliance with this amendment will not require any special preparation by handlers which cannot be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, and (5) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

Order, as amended. In § 966.306 (33 F.R. 16330, 17310, 19161), paragraph (a), subparagraph (1) of paragraph (b), and paragraph (i) are hereby amended to read as follows:

§ 966.306 Limitation of shipments.

* * * * *

(a) *Minimum grade, size, and maturity requirements.* (1) For mature green tomatoes: U.S. No. 3, or better grade, over $2\frac{9}{32}$ inches in diameter.

(2) For tomatoes advanced in maturity to "breakers" or higher stages of maturity: U.S. No. 3, or better grade, over $2\frac{17}{32}$ inches in diameter.

(3) Not more than 10 percent, by count, of the tomatoes in any lot may be smaller than the specified minimum diameter.

(b) *Size classifications.* (1) No person shall handle for shipment outside the regulation area any tomatoes unless they are sized within one or more of the following ranges of diameters (expressed in terms of minimum and maximum). Measurement of minimum and maximum diameter shall be in accordance with the method prescribed in paragraph (c) of § 51.1860 of U.S. Standards for Grades of Fresh Tomatoes (§§ 51.1855 to 51.1877 of this title).

Size classification:	*Diameter (inches)*
6 x 7	Over $2\frac{9}{32}$ to $2\frac{17}{32}$, inclusive.
6 x 6	Over $2\frac{17}{32}$ to $2\frac{25}{32}$, inclusive.
5 x 6	Over $2\frac{25}{32}$.

* * * * *

(i) *Definitions.* For the purpose of this section any lot of tomatoes containing not more than 10 percent of tomatoes which have reached a more advanced stage of color than "green" shall be classified as "mature green". Tomatoes advanced in color to "breakers" and higher stages of maturity may be so classified if the lot contains more than 10 percent of "breakers" and higher stages of maturity. The color terms used herein have the same meaning as when used in the U.S. Standards for Grades of Fresh Tomatoes (§§ 51.1855 to 51.1877 of this title). "Hydroponic Tomatoes" means tomatoes grown in solution without soil. "Consumer size containers" means tubes, trays, and other containers customarily packed for the retail trade in accordance with good commercial practice. Other terms used in this section have the same meaning as when used in Marketing Agreement No. 125, as amended, and this part.

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

Effective date. Dated December 31, 1968, to become effective January 8, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–114; Filed, Jan. 8, 1969; 1:04 p.m.]

[980.203, Amdt. 3]

PART 980—VEGETABLES; IMPORT REGULATIONS

Tomatoes

Pursuant to the requirements of section 8e–1 of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608e–1), Tomato Import Regulation § 980.203, as amended (33 F.R. 16440, 17310, 19161) is hereby further amended as set forth below.

Order, as amended. In § 980.203, *Tomato import regulation*, paragraph (a) is amended to read as follows:

§ 980.203 Tomato import regulation.

(a) *Minimum grade, size, and maturity requirements.* (1) For mature green tomatoes—U.S. No. 3, or better grade, over $2\frac{9}{32}$ inches in diameter.

(2) For all other tomatoes—U.S. No. 3, or better grade, over $2\frac{17}{32}$ inches in diameter.

(3) Not more than 10 percent, by count, of the tomatoes in any lot may be smaller than the specified minimum diameter. Any lot of mature green tomatoes may contain not more than 10 percent of tomatoes which have reached a more advanced stage than "green" as defined in § 51.1864 of the U.S. Standards for Grades of Fresh Tomatoes (§§ 51.1855 to 51.1877 of this title). "All other tomatoes" are those advanced in maturity beyond mature-greens.

* * * * *

Findings. This amendment conforms with a simultaneous amendment to the limitation of shipments effective on domestic shipments of tomatoes (§ 966.306, Amdt. 3) under Marketing Order No. 966, as amended (7 CFR Part 966) regulating the handling of tomatoes grown in Florida. It is hereby found that it is impracticable and unnecessary to give preliminary notice or engage in public rule-making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the requirements of section 608e–1 of the Act make this amendment mandatory, (2) compliance with this amendment will not require any special preparation by importers which cannot be completed by the effective date, and (3) notice hereof is hereby determined to be reasonable and in accordance with the requirements of the Act in that the notice for imports from Canada and Mexico (other than the Yucatan) include the minimum period of 3 days required by the Act plus an additional day, or a total of 4 days, for transportation and entry into the United States after picking, and 2 additional days notice are given for imports from all other points of origin.

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

Dated December 31, 1968, to become effective January 8, 1969, for imports from Canada or Mexico (other than the Yucatan), and to become effective January 10, 1969, for imports from all other points of origin.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–115; Filed, Jan. 2, 1969; 1:05 p.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MEXICAN BORDER VISITORS PERMITS

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER on November 28, 1968 (33 F.R. 17794) pursuant to section 553 of title 5 of the United States Code (Public Law 89–554, 80 Stat. 383) and in which there was set out proposed rules pertaining to the use of Mexican Border Visitors Permits in Texas, New Mexico, Arizona, or California, for not more than 15 days. Several representations which were received have been considered. No change has been made in the rules as set forth in the notice of proposed rule making. The rules as set out below are adopted.

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

Paragraphs (a) and (c) of § 212.6 are amended to read as follows:

§ 212.6 Nonresident alien border crossing cards.

(a) *Use.* A Canadian nonresident alien border crossing card on Form I–185 may be presented by a Canadian citizen or British subject residing in Canada to facilitate entry at a U.S. port of entry. When presented by the rightful holder, Form I–185 is valid for admission in accordance with the terms noted thereon. If found otherwise admissible, the rightful holder of a Mexican nonresident alien border crossing card, Form I–186, may be admitted to the United States as a nonimmigrant visitor at a Mexican border port of entry without additional documentation for a period of 72 hours or less to visit in the immediate border area. The rightful holder of a Form I–186 seeking entry as a nonimmigrant visitor at a Mexican border port of entry for a period of more than 72 hours, but not more than 15 days in the immediate border area, or to proceed outside the immediate border area but within the States of Texas, New Mexico, Arizona, or California, for not more than 15 days shall, if admitted, be issued Form SW–434, and if seeking entry as a nonimmigrant visitor at a Mexican border port of entry for a period of more than 15 days, or to proceed to an area in the United States other than Texas, New Mexico, Arizona, or California, shall, if admitted, be issued Form I–94. The rightful holder of a Form I–186 seeking entry to the United States from contiguous territory at other than a Mexican border port of entry shall, if admitted, be issued a Form I–94. For the purpose of this chapter, the immediate border area is defined as the area of the United States within a distance of 25 miles from the Mexican border. When applying for admission from a country other than Mexico or Canada, or from Canada if he has been in a country other than the United States or Canada since leaving Mexico, the rightful holder of a valid Form I–186 seeking entry as a visitor for business or pleasure must, in addition, present a valid passport and, if admitted, he shall be issued Form I–94.

* * * * *

(c) *Validity.* Notwithstanding any expiration date which may appear thereon, Forms I–185 and I–186 are valid until revoked or voided.

PART 235—INSPECTION OF PERSONS APPLYING FOR ADMISSION

§ 235.1 [Amended]

1. The first sentence of subparagraph (1) *Nonimmigrant applicants* of paragraph (f) *Arrival-Departure Card, Form I–94* of § 235.1 *Scope of examination* is amended to read as follows: "A completely executed Form I–94 endorsed to show date and place of admission, period of admission, and nonimmigrant classification shall be issued to each nonimmigrant alien admitted to the United States, except a nonimmigrant alien coming within the purview of § 212.1(a) of this chapter who is admitted as a visitor for business or pleasure or to proceed in direct transit through the United States and a Mexican national in possession of a valid Form I–186 who is admitted at a Mexican border port of entry as a border crosser or as a nonimmigrant visitor for a period of not more than 15 days to visit within the States of Texas, New Mexico, Arizona, or California."

2. Paragraph (g) is added to § 235.1 to read as follows:

(g) *Mexican border visitors permit.* The rightful holder of a valid Form I–186 who is admitted as a visitor for business or pleasure at a Mexican border port of entry for a period of more than 72 hours but not more than 15 days in the immediate border area, or to proceed outside the immediate border area but within the States of Texas, New Mexico, Arizona, or California, for not more than 15 days shall be issued Form SW–434 endorsed to show date and place of admission, period of admission, and nonimmigrant classification.

PART 299—IMMIGRATION FORMS

§ 299.1 [Amended]

The list of forms in § 299.1 *Prescribed forms* is amended by adding the following form and reference thereto, at the end:

Form No.	*Title and description*
SW 434-----	Mexican Border Visitors Permit.

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

The basis and purpose of the above-prescribed rules is to permit the use of Mexican Border Visitors Permits in Texas, New Mexico, Arizona, or California, for not more than 15 days.

This order shall be effective on January 10, 1969. Compliance with the provisions of section 553 of title 5 of the United States Code (Public Law 89–554, 80 Stat. 383), as to delayed effective date is unnecessary in this instance because the persons affected thereby will not require additional time to prepare for the effective date of the regulations.

Dated: January 2, 1969.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 69–140; Filed, Jan. 3, 1969; 8:52 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 68–EA–141; Amdt. 39–703]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Hiller Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive which will apply to Fairchild Hiller FH–27 and FH–227 type airplanes.

As presently designed, a short in either engine fire extinguisher circuit may inactivate the system for that particular engine since both shots to the system are connected to the same 5 ampere circuit breaker. To prevent this condition, a modification was made to the engine fire extinguisher system that would make one 5 ampere circuit breaker feed one shot to each engine rather than the two shots feeding the same engine. The modification is detailed in Fairchild Hiller Service Bulletins FH227–26–3 and F27–26–5.

Since this condition exists in all aircraft of the same type design an airworthiness directive is being issued to require alteration of the engine fire extinguisher system circuitry.

Since a situation exists that requires expeditious adoption of this regulation, it is found that notice and public procedure herein are impractical.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

FAIRCHILD HILLER. Applies to F–27 and FH–227 type airplanes.

Compliance required within the next 500 hours time in service after the effective date of this AD, unless already accomplished.

To preclude the possibility of rendering an engine fire extinguisher system inoperative by a single shorted cartridge unit modify the engine fire extinguisher systems in accordance with Fairchild Hiller Service Bulletins F27–26–5 or FH227–26–3 both dated May 16, 1968, as applicable, or later FAA approved revision, or an equivalent modification approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

This amendment is effective February 1, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on December 24, 1968.

R. M. BROWN,
Acting Director, Eastern Region.

[F.R. Doc. 69-78; Filed, Jan. 3, 1969; 8:48 a.m.]

[Docket No. 68-EA-146; Amdt. 39-705]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Hiller Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to publish an airworthiness directive which applies to Fairchild Hiller F-27 and FH-227 type airplanes.

There have been reports of cracks in the lower wing outer panel skin access door land and stringers at wing stations 194, 197, and 204 and a report of fatigue of a wing structure. Since this condition is likely to exist or develop in other aircraft of the same type design an airworthiness directive is being issued to require an inspection using X-ray methods of the aforementioned wing stations.

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

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

FAIRCHILD HILLER. Applies to Fairchild Hiller F-27 Type and FH-227 type airplanes certificated in all categories.

For airplanes having 5,000 or more hours time in service as of the effective date of this airworthiness directive, accomplish the following:

(a) Before further flight, install the following placard in the cockpit in full view of the pilot.

"Do not operate aircraft above 180 knots IAS"

Such placard to be removed upon completion of inspections as noted in (b).

(b) To detect cracks in the lower wing outer panel skin, access door land, and stringers at wing stations 194, 197, and 204, accomplish the following within the next 25 hours time in service after the effective date of this airworthiness directive, unless already accomplished within the last 25 hours time in service.

(1) Inspect for cracks both the left and right lower wing access door area using X-ray inspection procedures in accordance with Fairchild Service Bulletin 51-2 for X-ray Pictures No. 1AL and 1AR with the X-ray head located at the interesection of wing stations 194, 197, and 204 with both door edges for a total of six X-ray pictures per side. Particular attention should be given for cracks propagating from the access door-land attach screw holes.

(c) Prior to further flight, cracks must be repaired in accordance with a repair approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region or replaced with a part of the same part number that has been inspected in accordance with (b) or with an equivalent part approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(d) Report the results of inspection findings required by this A.D. to the Chief, Engineering and Manufacturing Branch, FAA Eastern Region (reporting approved by the Bureau of the Budget under BOB No. 04-R0174).

This amendment is effective January 4, 1969, and was effective upon receipt by all recipients of the telegram dated December 19, 1968 which contained this amendment.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), DOT Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on December 26, 1968.

R. M. BROWN,
Acting Director, Eastern Region.

[F.R. Doc. 69-108; Filed, Jan. 3, 1969; 8:51 a.m.]

[Airworthiness Docket No. 68-WE-10-AD; Amdt. 701]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed Models 188A and 188C Series Airplanes

Amendment 39-606 (33 F.R. 8336), AD 68-11-2, as amended by Amendment No. 39-638 (33 F.R. 11746) and Amendment No. 39-675 (33 F.R. 15859) requires inspection of the nacelle fillet attachment holes of the upper wing plank on Lockheed Model 188A and 188C Series airplanes. After issuing Amendments 39-606, 39-638, and 39-675, the agency determined that the preventive repair outlined in Lockheed Service Bulletin 88/SB-665, when incorporated on the subject model airplanes, would obviate the repetitive inspections specified in AD 68-11-2 in the areas of nacelles 2 and 3 affected by those repairs. Therefore, the AD is being amended to include the preventive repairs of Lockheed Service Bulletin 88/SB-665 as acceptable preventive repairs for elimination of the repetitive inspection requirements of paragraph (a).

Since this amendment provides an alternative means of compliance, 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 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-606 (33 F.R. 8336), AD 68-11-2, as amended by Amendment No. 39-638 (33 F.R. 11746), and Amendment No. 39-675 (33 F.R. 15859), is further amended as follows:

(1) Revise paragraph (b) to read:

(b) The repetitive inspection required by (a) may be discontinued in the respective affected areas upon completion of the repairs described in section 2.C. of Lockheed Service Bulletin No. 88/SB-649A, dated June 14, 1968 (or later FAA-approved revision), or upon completion of the appropriate preventive repair installation described in section I.C.I. or preventive reinforcement of section I.C.II. of Lockheed Service Bulletin No. 88/SB-665, dated November 11, 1968 (or later FAA-approved revision).

This amendment becomes effective January 4, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1665(c))

Issued in Los Angeles, Calif., on December 24, 1968.

ARVIN O. BASNIGHT,
Director, FAA Western Region.

[F.R. Doc. 69-74; Filed, Jan. 3, 1969; 8:48 a.m.]

[Airspace Docket No. 68-SW-90]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to amend the Paris, Tex., part-time control zone.

It is desired to remove the effective hours of the Paris, Tex., part-time control zone, i.e., 1000-1700 hours, local time, daily, from the airspace description presently contained in FAR, Part 71 (33 F.R. 2113), and henceforth carry the listing of the effective hours in Part 3 of the Airman's Information Manual. This will simplify any future seasonal or other changes as might be necessary to alter the effective hours of the Paris, Tex., control zone since it will no longer be necessary to effect rule action and revise aeronautical charts.

The southerly extension of the Paris, Tex., control zone extends to within 1 mile of the Paris, Tex., VOR facility. In accordance with criteria, this extension will be extended to the VOR.

Since one portion of this amendment is an editorial change and the control zone extension is being increased by only 1 mile and does not materially increase the extent of controlled airspace nor place an undue burden on the public, notice and public procedures hereon are considered unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 6, 1969, as herein set forth.

In § 71.171 (33 F.R. 2113), the Paris, Tex., control zone is amended to read as follows:

PARIS, TEX.

That airspace within a 5-mile radius of Cox Field, Paris, Tex. (lat. 33°38'17" N., long. 95°26'54" W.) and within 2 miles each side of the Paris, Tex., VOR 357° radial extending from the 5-mile radius to the

VOR. The control zone shall be effective during the times established by a Notice to Airmen and published continuously thereafter in the Airman's Information Manual.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on December 26, 1968.

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

[F.R. Doc. 69-100; Filed, Jan. 3, 1969; 8:50 a.m.]

[Airspace Docket No. 68-SW-75]

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

Alteration of Control Zone and Transition Area

On November 14, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 16601) stating that the Federal Aviation Administration was considering amending Part 71 of the Federal Aviation Regulations to alter controlled airspace in the Del Rio, Tex., terminal area.

Interested persons were given 30 days in which to submit written data, views, or arguments.

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

Effective date. This amendment shall be effective 0901 G.m.t., March 6, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on December 26, 1968.

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

(1) In § 71.171 (33 F.R. 2076, 4509), the Del Rio, Tex., control zone is amended to read:

DEL RIO, TEX.

Within a 5-mile radius of Laughlin AFB (lat. 29°21'35" N., long. 100°46'35" W.), within 2 miles each side of the Laughlin ILS NW course extending from the 5-mile radius zone to the OM, within 2 miles each side of the Laughlin TACAN 305° radial extending from the 5-mile radius zone to 8 miles northwest of the TACAN, within 2 miles each side of the Laughlin TACAN 149° radial extending from the 5-mile radius zone to 8 miles southeast of the TACAN, within 2 miles each side of the Laughlin VOR 148° radial extending from the 5-mile radius zone to 12 miles southeast of the VOR, within 2 miles each side of the Laughlin VOR 330° radial extending from the 5-mile radius zone to 8 miles northwest of the VOR, and within 2 miles each side of the Laughlin VOR 295° radial extending from the 5-mile radius zone to 12 miles northwest of the VOR.

(2) In § 71.181 (33 F.R. 2170, 14402), the Del Rio, Tex., transition area is amended to read:

DEL RIO, TEX.

That airspace extending upward from 700 feet above the surface within a 12-mile radius of lat. 29°23'00" N., long. 100°50'15" W., within 5 miles southwest and 8 miles northeast of the Laughlin VOR 148° radial extending from the 12-mile radius area to 12 miles southeast of the VOR, and within 8 miles northeast of the Laughlin VOR 330° radial extending from the 12-mile radius area to 12 miles northwest of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of Laughlin AFB (lat. 29°21'35" N., long. 100°46'35" W.); and that airspace extending upward from 4,500 feet MSL bounded by a line beginning at lat. 30°00'00" N., long. 100°30'00" W., thence south along long. 100°30'00" W. to and counterclockwise along the arc of a 35-mile radius circle centered at Laughlin AFB to the United States-Mexico border, thence northwest along the United States-Mexico border to the arc of a 60-mile radius circle centered at Laughlin AFB, thence clockwise along this arc to lat. 30°10'40" N. east of long. 100°30'00" W., thence to point of beginning, excluding the portions outside of the United States.

[F.R. Doc. 69-101; Filed, Jan. 3, 1969; 8:51 a.m.]

[Airspace Docket No. 68-SW-76]

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

Alteration of Transition Area

On November 14, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 16602) stating that the Federal Aviation Administration was considering amending Part 71 of the Federal Aviation Regulations to alter the Pine Bluff, Ark., transition area.

Interested persons were given 30 days in which to submit written data, views, or arguments.

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

Effective date. This amendment shall be effective 0901 G.m.t., March 6, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on December 26, 1968.

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

In § 71.181 (33 F.R. 2238), the Pine Bluff, Ark., transition area is amended to read:

PINE BLUFF, ARK.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Grider Field (lat. 34°10'35" N., long. 91°55'55" W.), within 2 miles each side of the Pine Bluff VORTAC 007° radial extending from the 7-mile radius area to 14 miles north of the VORTAC, and within 2 miles each side of the Pine Bluff VORTAC 185° radial extending from the 7-mile radius area to 18.5 miles south of the VORTAC.

[F.R. Doc. 69-102; Filed, Jan. 3, 1969; 8:51 a.m.]

[Airspace Docket No. 68-WE-80]

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

Alteration of Control Zone; Correction

On page 18477 of the FEDERAL REGISTER for December 13, 1968, there was published a Final Rule, F.R. Doc. 68-14878, that amended Part 71 by altering the description of the Chandler, Ariz., control zone.

Subsequent to the issuance of the final rule it was determined that the control zone extension to the northwest described on the 311° M (325° T) radial of the TACAN should be the 305° M (319° T) radial. The effective times of the control zone should be amended to 0630 to 2200 hours local time Monday through Friday, 0800 to 1600 hours local time Saturday and 1000 to 1600 hours local time Sunday, excluding Federal legal holidays. Action is taken herein to reflect these changes.

Since this amendment is minor in nature and will impose no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing F.R. Doc. 68-14878, Chandler, Ariz., control zone, is amended as follows:

1. Delete "* * * 325° * * *" where it appears in the text and substitute "* * * 319° * * *" therefor.

2. Delete all after "This control zone is effective * * *" and substitute therefor "* * * from 0630 to 2200 hours local time Monday through Friday, 0800 to 1600 hours local time Saturday, and 1000 to 1600 hours local time Sunday, excluding Federal legal holidays."

Effective date. The effective date of the final rule as initially adopted is retained.

Issued in Los Angeles, Calif., on December 24, 1968.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-103; Filed, Jan. 3, 1969; 8:51 a.m.]

[Docket No. 9324; Amdt. 151-27]

PART 151—FEDERAL AID TO AIRPORTS

U.S. Share of Project Costs in Public Land States

The purpose of this amendment to Part 151 of the Federal Aviation Regulations is to revise the table of percentages in § 151.43(c) that states the U.S. share of the costs of an approved project for airport development in each State in which the unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) exceed 5 percent of its total land. Section 151.43(c) reflects the requirement of section 10(b) of the Federal Airport Act (49 U.S.C. 1109).

Based on information received from the Department of the Interior, the FAA periodically redetermines the percentages in § 151.43(c) (see Amendments 151-2, 151-10, 151-16, and 151-20). The FAA is amending § 151.43(c) to reflect the most recent Department of Interior information. The amendment increases the percentage for Utah; decreases the percentages for Arizona, California, Colorado, Idaho, Montana, New Mexico, Oregon, South Dakota, and Wyoming; and leaves the percentages for Alaska, Nevada, and Washington unchanged.

Since this amendment relates to public grants, benefits, and contracts, notice and

public procedure thereon are not required, and it may be made effective upon publication.

In consideration of the foregoing, effective January 4, 1969, the table in paragraph (c) of § 151.43 of the Federal Aviation Regulations is amended to read as follows:

§ 151.43 U.S. share of project costs.

* * * * * *

(c) * * *

State:	Percent
Alaska	62.50
Arizona	60.90
California	53.62
Colorado	53.35
Idaho	55.81
Montana	53.00
Nevada	62.50
New Mexico	56.17
Oregon	55.63
South Dakota	52.54
Utah	61.06
Washington	51.52
Wyoming	56.82

* * * * *

(Secs. 1–15, and 17–21, Federal Airport Act; 49 U.S.C. 1101–1114, 1116–1120)

Issued in Washington, D.C., on December 27, 1968.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 69–75; Filed, Jan. 3, 1969; 8:48 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Subtitle A—Office of the Secretary of Commerce

PART 6—SPECIFICATIONS FOR HYDRAULIC BRAKE FLUIDS FOR USE IN MOTOR VEHICLES

CROSS REFERENCE: For a document deleting Part 6 of Subtitle A of Title 15, see F.R. Doc. 69–4, 49 CFR Part 371, *supra*.

PART 9—STANDARDS FOR SEAT BELTS FOR USE IN MOTOR VEHICLES

CROSS REFERENCE: For a document deleting Part 9 of Subtitle A of Title 15, see F.R. Doc. 69–5, 49 CFR Part 371, *supra*.

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[11th Gen. Rev. of Export Reg.; Amdt. 14]

PART 384—GENERAL ORDERS

Exports of Copper, January–June 1969

Part 384 of the Code of Federal Regulations is amended as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–63 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–63 Comp.)

Effective date: 12:01 a.m., e.s.t., January 2, 1969.

RAUER H. MEYER,
Director, Office of Export Control.

Section 384.7 is hereby added to read:

§ 384.7 Exports of copper, January–June 1969.

(a) *Purpose.* (1) This document announces the short supply export quotas and application submission dates for copper and related commodities for the first half of 1969. It also announces that exports to Canada of copper scrap and copper-base alloy ingots, as defined in (a) and (c) in the following table, will now require validated licenses and are subject to short supply controls. These controls have been found necessary by the Department of Commerce because of recent excessive exports of copper scrap to Canada.

(2) A quota of 2,400 copper content short tons has been established for exports to Canada of copper scrap and copper-base alloy ingots during the 6-month period January–June 1969.

(3) The method of allocating this quota for Canada will be announced in a future publication. Shipments of the commodities placed under validated license control to Canada that are laden aboard an exporting carrier prior to 12:01 a.m. e.s.t., January 2, 1969, may be exported without a validated export license up to midnight, January 3, 1969. Any such shipment not exported by midnight January 3, 1969, will require a validated license for export.

(4) During the 6-month period January–June 1969, the Office of Export Control will consider applications for licenses covering exports to all destinations, including Canada. Except for the Canadian quota mentioned above, the short supply export quotas for copper and related commodities are the same as those announced for the last half of 1968, as follows:

Commodity	*Quota*
(a) Copper scrap, as follows: [1] Copper metalliferous ash and residues (Export Control Commodity No. 28401); Copper or copper-base alloy waste and scrap, including copper alloy waste and scrap of less than 40 percent copper content where the copper is the component of chief weight (Export Control Commodity No. 28402); Nickel waste and scrap containing 50 percent or more copper irrespective of nickel content (Export Control Commodity No. 28403).	25,000 copper content short tons—all destinations, except Canada.
(b) Refined copper of domestic origin including remelted, in cathodes, billets, ingots (except copper-base alloy ingots) wire bars, and other crude forms (Export Control Commodity No. 68212). [2]	25,000 copper content short tons.
(c) Copper-base alloy ingots composed essentially of copper with one or more other metals, for example: Beryllium copper ingots, devarda alloy ingots, guinea alloy ingots, ounce metal ingots, etc. (Export Control Commodity No. 68212).	1,500 copper content short tons—all destinations, except Canada.
(d) Semifabricated copper products and master alloys of copper, as follows: [3]	9,000 copper content short tons.

Export Control Commodity Number and Commodity Description	
51470	Master alloys of copper containing 8 percent or more phosphor.
68213	Master alloys of copper.
68221	Bars, rods, angles, shapes, sections, and wire of copper or copper-base alloy.
68222	Plates, sheets, and strips of copper or copper-base alloy.
68223	Copper foil.
68223	Paper backed copper foil.
68224	Copper or copper alloy powders and flakes.
68225	Tubes, pipes, and blanks therefor, and hollow bars of copper or copper-base alloy.
69892	Copper and copper-base alloy castings and forgings.
72310	Wire and cable coated with, or insulated with, fluorocarbon polymers or copolymers.
72310	Coaxial-type communications cable as follows: (a) Containing fluorocarbon polymers or copolymers; (b) using a mineral insulator dielectric; (c) using a dielectric aired by discs, beads, spiral, screw, or any other means; (d) designed for pressurization or use with a gas dielectric; or (e) intended for submarine laying.
72310	Other coaxial cable.

[1] Shipments of copper-base waste and scrap that for technological or economic reasons cannot be processed commercially in the United States may be licensed for export without a charge against the quota (see § 373.20(b)(2) of the Export Regulations).

[2] Shipments of refined copper produced from foreign-origin copper raw materials, and refined copper produced from material which was declared as an offset against an equivalent quantity of foreign-origin copper raw materials entered into the United States under a recent U.S. Customs Import Entry, may be licensed for export without a charge against the quota (see § 373.43(b)(2) of the Export Regulations).

[3] Shipments of semifabricated copper products and master alloys of copper under U.S. military contracts or under contracts financed by the U.S. Agency for International Development will be licensed without a charge against the quota.

Export Control Commodity Number and Commodity Description—Continued

72310 Communications cable containing more than one pair of conductors of which any one of the conductors, single or stranded, has a diameter exceeding 0.9 mm. (0.035 inch), as follows: (a) Cable in which the nominal mutual capacitance of paired circuits is less than 53 nanofarads/mile (33 nanofarads/km) except conventional paper and air dielectric types; (b) submarine cable; or (c) cable containing fluorocarbon polymers or copolymers.

72310 Other communications cable containing more than one pair of conductors and containing any conductor, single or stranded, exceeding 0.9 mm. in diameter.

72310 Other copper or copper-base alloy insulated wire and cable.

(b) *Licensing under Past Participation in Exports licensing method.* (1) The quotas set forth above for copper-base scrap, refined copper, and copper-base alloy ingots will be licensed in accordance with the Past Participation in Exports licensing method described in § 373.8 of the Export Regulations in this chapter, except as otherwise indicated for Canada and in the footnotes to the quota announcement in this bulletin.

(2) Of the total quota of 9,000 copper content short tons established for semifabricated copper products and master alloys of copper, 65 percent (or 5,850 copper content short tons) will be allocated in accordance with the Past Participation in Exports licensing method. The remaining portion of the quota, 35 percent (or 3,150 copper content short tons), will be reserved to meet essential export requirements that cannot be satisfied under the Past Participation in Exports licensing method.

(3) Quantities allocated for licensing to each exporter under the Past Participation in Exports licensing method will be the same during the 6-month period January–June 1969 as they were during the previous 6-month period (July–December 1968).

(c) *Time schedules for submitting applications.* (1) An exporter of any commodities for which a quota has been established, except for semifabricated copper products and master alloys of copper, who qualifies as a "historical exporter" under the Past Participation in Exports licensing method shall submit his applications no later than May 29, 1969. An exporter of these quota commodities who does not qualify as a "historical exporter" shall submit his applications no later than February 7, 1969.

(2) Submission of applications for licenses to export semifabricated copper products and master alloys of copper is not subject to time schedules. Applications for these products may be submitted at any time.

(d) *Applicability of other provisions.* (1) Exporters are reminded that all other special copper provisions continue in effect. These provisions are set forth in §§ 373.20 and 373.43 of the Export Regulations in this chapter.

(2) It should be noted in particular that applications for licenses to export copper ores, concentrates, matte, blister copper, and other unrefined copper generally are denied. However, applications for licenses to export these commodities, as well as copper and copper-base alloy waste and certain nickel scrap, that cannot be processed commercially in the United States for technological or economic reasons will continue to be considered for licensing without a charge against the export quota.

[F.R. Doc. 69–117; Filed, Jan. 3, 1969; 8:52 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

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

PART 71—FAIR HOUSING; PROCEDURES WITH RESPECT TO COMPLAINTS

Pursuant to section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d), the following rule, establishing procedures with respect to complaints concerning fair housing which are filed with the Secretary of Housing and Urban Development under section 810 of the Civil Rights Act of 1968, Public Law 90–284, 42 U.S.C. 3610, is published as a new Part 71 under Subtitle A, effective immediately upon publication in the FEDERAL REGISTER. Although Part 71 is procedural in nature, the Secretary desires to have the views of all interested persons who wish to submit written comments or suggestions with respect to this new part. Submissions should be made within 30 days after publication of this Part 71 in the FEDERAL REGISTER and should be addressed to: Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. Consideration will be given to such submissions with the view to possible amendment of Part 71. A copy of each submission will be placed on file for public inspection in the Information Center, Department of Housing and Urban Development, 451 Seventh Street SW., Room 1202, Washington, D.C. 20410.

Part 71 reads as follows:

Subpart A—Purpose and Definitions

Sec.
71.1 Purpose.
71.2 Definitions.

Subpart B—Procedures for Enforcement of Complaints Against Discriminatory Housing Practices

71.11 Submission of information.
71.12 Complaints by persons aggrieved.
71.13 Where to file complaints.
71.14 Contents of complaint.
71.15 Form of complaint; amendments.
71.16 Date of filing of complaint.
71.17 Service of complaint; filing of answers.
71.18 Notice to State or local fair housing agencies.
71.19 Suspension of proceedings.
71.20 Secretary's certification.
71.21 Investigation by the Secretary and decision to resolve.
71.22 Subpoenas and investigative powers.

Subpart C—Procedures To Rectify Discriminatory Housing Practices

71.31 Conference, conciliation, and persuasion.
71.32 Settlements.
71.33 Inability to obtain voluntary compliance.
71.34 Other notification where voluntary compliance is not obtained.
71.35 Confidentiality of conciliation conferences.
71.36 Other action by the Secretary.

Appendix—List of Department of Housing and Urban Development Regional Offices and Jurisdictional Areas

AUTHORITY: The provisions of this Part 71 issued under the Civil Rights Act of 1968, Public Law 90–284, 42 U.S.C. 3601–3619; and 42 U.S.C. 3535(d).

Subpart A—Purpose and Definitions

§ 71.1 Purpose.

(a) The regulations set forth in this part contain the procedures established by the Secretary of Housing and Urban Development for carrying out his responsibility with respect to any complaint filed with him under section 810 of title VIII of the Civil Rights Act of 1968, Public Law 90–284, 42 U.S.C. 3610.

(b) Where a person charged with a discriminatory housing practice in a complaint filed under section 810 of title VIII is also prohibited from engaging in similar practices under title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d—2000d–5, or Executive Order 11063 of November 20, 1962, on Equal Opportunity in Housing (27 F.R. 11527–30, Nov. 24, 1962) or other applicable law, such person may also be subject to action by the Department of Housing and Urban Development or other Federal agency under the rules, regulations, and procedures prescribed from time to time pursuant to title VI or Executive Order 11063 or other applicable law.

§ 71.2 Definitions.

As used in this part,

(a) "Department" means Department of Housing and Urban Development.

(b) "Discriminatory housing practice" means an act that is unlawful under section 804, 805, or 806 of title VIII.

(c) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(d) "Family" includes a single individual.

(e) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.

(f) "Secretary" means the Secretary of Housing and Urban Development.

(g) "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any of the territories and possessions of the United States.

(h) "Title VIII" means title VIII of the Civil Rights Act of 1968, Public Law 90–284, 42 U.S.C. 3601–3619.

(i) "To rent" includes to lease, to sublease, to let, and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

Subpart B—Procedures for Enforcement of Complaints Against Discriminatory Housing Practices

§ 71.11 Submission of information.

The Secretary will receive information concerning alleged violations of title VIII from any person. Where the information constitutes a complaint within the meaning of title VIII and this part, it shall be so recorded under § 71.16. Where additional information is required for purposes of perfecting a complaint under title VIII, the Department will promptly advise what additional information is needed and will provide appropriate assistance in the filing of such complaint. At the same time, if the information disclosed so warrants, appropriate enforcement procedures may be initiated by the Department under E.O. 11063 on Equal Opportunity in Housing or title VI of the Civil Rights Act of 1964, and the information may also be referred to any other Federal, State, or local agency having an interest in the matter.

§ 71.12 Complaints by persons aggrieved.

Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (in this part called "person aggrieved") may file a complaint within 180 days after the alleged discriminatory housing practice occurred. Such complaint may be filed with the assistance of an authorized representative of the person aggrieved, including any organization acting on behalf of the person aggrieved.

§ 71.13 Where to file complaints.

Complaints may be filed with the Secretary by mailing them to Fair Housing, Department of Housing and Urban Development, Washington, D.C. 20410, or by presenting them at any regional or field office of the Department, including any field office of the Federal Housing Administration. Complaints will be processed through the Department's Regional Administrator having jurisdiction in the State in which the alleged discriminatory housing practice occurred or is about to occur. A list of Department Regional Offices with their addresses and areas of jurisdiction appears as an appendix to this part.

§ 71.14 Contents of complaint.

Each complaint should contain substantially the following information:

(a) The name and address of the person aggrieved.

(b) The name and address of the person against whom the complaint is filed (in this part called "respondent").

(c) A description and the address of the dwelling, if any, which is the subject of the alleged discriminatory housing practice.

(d) A concise statement of the facts, including pertinent dates, constituting the alleged discriminatory housing practice.

§ 71.15 Form of complaint; amendments.

Each complaint shall be in writing and signed, and shall be sworn to before a notary public, or verified in such a manner as the Secretary may require. The Secretary may also require complaints to be made on prescribed forms. Complaint forms shall be available to all persons in any regional or field office of the Department, including any field office of the Federal Housing Administration. Appropriate assistance in filling out forms and in filing a complaint will be rendered by personnel in any of such offices. Complaints may be reasonably and fairly amended at any time.

§ 71.16 Date of filing of complaint.

(a) For purposes of section 810(d) of title VIII, a complaint shall be considered to be filed when it is received in such form as is found reasonably to meet the standards of §§ 71.14 and 71.15. The person aggrieved shall be notified of the date of filing and, other than in cases of referral to a State or local agency, of his right to bring court action under section 810 after the expiration of 30 days from the date of filing. In the case of a complaint referred to a State or local agency and subsequently reactivated by the Secretary pursuant to § 71.20, the person aggrieved shall be notified of the date of reactivation and of his right to bring court action under section 810 upon the expiration of 30 days from such date. Respondent shall also be notified of such reactivation.

(b) Notwithstanding paragraph (a) of this section, a complaint may be deemed filed, for purposes of the 180-day period of section 810(b) of title VIII, upon the receipt of written information sufficiently precise to identify the parties and describe generally the action or practices complained of. Such a complaint may be amended, as provided in § 71.15, to cure technical defects or omissions, including failure to verify the complaint, or to clarify and amplify allegations made therein, and such amendments shall be deemed to be made as of the original filing date.

§ 71.17 Service of complaint; filing of answers.

Upon the filing of a complaint within the meaning of § 71.16(a), and upon any amendment of such a complaint, a copy thereof shall be furnished the respondent by certified mail or through personal service. The respondent may file an answer to the complaint at any time prior to the expiration of 20 days after the date the complaint is received. The answer shall be sworn to before a notary public or verified in such a manner as the Secretary may require. With leave of the Secretary, an answer may be amended at any time. The Secretary will permit answers to be amended whenever he believes it would be reasonable and fair to do so.

§ 71.18 Notice to State or local fair housing agencies.

Whenever the Secretary determines that a State or local fair housing law provides rights and remedies substantially equivalent to those provided by title VIII for a person aggrieved by a discriminatory housing practice alleged in a complaint filed with the Secretary hereunder, the Secretary shall notify the appropriate State or local agency of such complaint. The Secretary shall give the complainant and the respondent notice in writing of such referral.

§ 71.19 Suspension of proceedings.

If, within 30 days after receiving notice of such complaint, appropriate proceedings under State and local law have been commenced by the appropriate State or local law enforcement official, then proceedings under the regulations in this part for title VIII shall be suspended, and no further action shall be taken by the Secretary hereunder so long as the proceedings which have been commenced under State or local law are, in the judgment of the Secretary, being carried forward with reasonable promptness by the appropriate State or local law enforcement official.

§ 71.20 Secretary's certification.

Whenever proceedings hereunder have been suspended pursuant to § 71.19, the period of suspension may be terminated and the proceedings reactivated only upon certification by the Secretary that, in his judgement, under the circumstances of the particular case, the protection of the rights of the parties or the interests of justice require such action.

§ 71.21 Investigation by the Secretary and decision to resolve.

(a) Within 30 days after a complaint is filed or within 30 days after reactivation by the Secretary, in the case of a complaint referred to a State or local agency and subsequently reactivated pursuant to § 71.20, the Secretary shall investigate the complaint and give notice in writing to the person aggrieved and to the respondent if the Secretary intends to resolve it.

(b) Notwithstanding paragraph (a) of this section, where the allegations of a complaint on their face, or as amplified by the statements of the complainant, disclose that the complaint is not timely filed or otherwise fails to state a valid claim for relief under title VIII, the Secretary may dismiss the complaint without further action.

(c) If the Secretary decides not to resolve a complaint, or to dismiss it under paragraph (b) of this section, he shall advise the person aggrieved in writing of the disposition of the case. Respondent

shall also be notified in any case where he has been served with a copy of the complaint.

(d) The Secretary may, in the processing of a case, utilize, with their consent, the services of State or local agencies charged with the administration of fair housing laws or of appropriate Federal agencies.

(e) Any party adversely affected by a determination under paragraph (a) or (b) of this section may, within 5 days of receipt of notice of a determination, request that the Secretary reconsider his action. Such request for reconsideration will be granted only on the basis of additional material evidence not previously available to the party requesting reconsideration or for other good cause shown.

§ 71.22 Subpoenas and investigative powers.

The Secretary encourages voluntary cooperation in his investigations but will resort to the compulsory processes authorized by section 811 of title VIII when, in his judgment, such resort becomes appropriate in order reasonably to expedite handling of complaints. The provisions of section 811 shall apply, in such cases, to the issuance and use of subpoenas by the Secretary on his own behalf or on behalf of a respondent. Payment of witness and mileage fees shall be made as provided for in section 811(c) in an amount allowed under the rules governing such payment by the United States district courts. Fees payable to a witness summoned by subpoena issued at the request of a respondent shall be paid by respondent.

Subpart C—Procedures To Rectify Discriminatory Housing Practices

§ 71.31 Conference, conciliation, and persuasion.

If the Secretary has decided to resolve a complaint, he shall endeavor to eliminate or correct the discriminatory housing practice alleged therein by informal methods of conference, conciliation, and persuasion. These endeavors may proceed simultaneously with the conduct of such investigation as the Secretary may deem necessary or after the investigation has been concluded, and they need not be terminated even if the person aggrieved has commenced a civil action in an appropriate court under title VIII, but all efforts to obtain voluntary compliance shall immediately terminate when such civil action comes to trial, unless the court specifically requests assistance from the Secretary.

§ 71.32 Settlements.

In conciliating or taking other action pursuant to § 71.31, the Secretary shall attempt to achieve a just resolution of the complaint and to obtain assurances, where appropriate, that the respondent will satisfactorily remedy any violations of the rights of the person aggrieved and will take such action as will assure the elimination of discriminatory housing practices or the prevention of their occurrence in the future. Written notice of disposition of a case pursuant to § 71.31 and of the terms of settlement, if any, shall be given to the parties by the Secretary. The Secretary may, from time to time, review compliance with the terms of any settlement agreement and may, upon a finding of noncompliance, reopen the case or take such enforcement action as is provided for under the settlement agreement or as may otherwise be appropriate.

§ 71.33 Inability to obtain voluntary compliance.

Should a respondent fail or refuse to confer with the Secretary or his representative, or fail or refuse to make a good faith effort to resolve any dispute, or should the Secretary find for any other reason that voluntary agreement is not likely to result, the Secretary may terminate his efforts to conciliate the dispute. In such event, the parties shall be notified promptly, in writing, that such efforts have been unsuccessful and will not be resumed except upon the respondent's written request, where such request is made within the time specified in the Secretary's notice.

§ 71.34 Other notification where voluntary compliance is not obtained.

The person aggrieved shall be notified of all cases in which voluntary compliance, for whatever reason, is not achieved within 30 days after a complaint is filed or within 30 days after a case referred to a State or local agency has been reactivated. However, where the Secretary has decided to seek resolution, efforts at conciliation may continue after such notice has been given and pursuant to the terms of §§ 71.31 to 71.33. In cases where the Secretary has determined that a complaint does not warrant further action, notification shall also be given to the respondent.

§ 71.35 Confidentiality of conciliation conferences.

Once the Secretary has decided to resolve a complaint under title VIII and respondent has agreed to participate in informal endeavors by the Secretary for such purposes, nothing that is said or done thereafter, during and as a part of the Secretary's endeavors to resolve the complaint by informal methods of conference, conciliation, and persuasion, may be made public, or used as evidence in a subsequent proceeding under title VIII, without the written consent of the persons concerned.

§ 71.36 Other action by the Secretary.

If the Department is unable to obtain voluntary compliance and has terminated efforts at conciliation in a case where investigation has disclosed probable cause to believe that respondent has committed a discriminatory housing practice, the Secretary may pursue one or more of the following courses of action:

(a) Recommend to the Attorney General of the United States that he institute a civil action under section 813 of title VIII for relief against a pattern or practice of resistance to the full enjoyment of any of the rights granted by said title or a denial of rights under the title to a group of persons raising an issue of general public importance.

(b) Refer the matter to the Attorney General for such other action as he may deem appropriate.

(c) Institute enforcement proceedings under E.O. 11063 or title VI of the Civil Rights Act of 1964, in accordance with regulations and procedures prescribed therefor.

(d) Inform any other Federal agency appearing to have an interest in the enforcement of respondent's obligations with respect to discrimination in housing.

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

ROBERT C. WOOD,
Acting Secretary of Housing and Urban Development.

APPENDIX

LIST OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT REGIONAL OFFICES AND JURISDICTIONAL AREAS

Region	Address	Jurisdictional area
I	26 Federal Plaza, New York, N.Y. 10007.	Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, Vermont.
II	Widener Bldg., 1339 Chestnut St., Philadelphia, Pa. 19107.	Delaware, District of Columbia, Maryland, New Jersey, Pennsylvania, Virginia, West Virginia.
III	Peachtree-Seventh Bldg., Atlanta, Ga. 30323.	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.
IV	360 North Michigan Ave., Chicago, Ill. 60601.	Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin.
V	Federal Office Bldg., 819 Taylor St., Fort Worth, Tex. 76102.	Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, Texas.
VI	450 Golden Gate Ave., Post Office Box 36003, San Francisco, Calif. 94102.	Alaska, Arizona, California, Guam, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming.
VII	Post Office Box 3869, GPO, San Juan, P.R. 00936.	Puerto Rico and Virgin Islands.

[F.R. Doc. 68-15614; Filed, Dec. 31, 1968; 4:40 p.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER G—REGULATIONS UNDER TAX CONVENTIONS

[T.D. 6986]

PART 514—FRANCE

Withholding Regulations

In order to provide rules for the exemption from, or reduction in rate of, withholding of U.S. tax, and release of excess tax withheld, on income derived by a nonresident alien who is a resident of France, or by a French corporation or person resident in France for French tax purposes and for additional withholding of French tax by certain U.S. withhold-

ing agents, and for additional withholding of U.S. tax by certain French withholding agents, the following amendments to the regulations are hereby adopted. These amendments shall be effective for taxable years beginning after December 31, 1966, or with respect to the rate of U.S. tax to be withheld at source on dividends, interest, or royalties derived from sources within the United States on or after August 11, 1968.

PARAGRAPH 1. The table of contents in Part 514 is amended by inserting after the heading "Subpart—Withholding of Tax" the following additional heading:

TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1956, AND BEFORE JANUARY 1, 1967, OR DIVIDENDS, INTEREST, AND ROYALTIES PAID BEFORE AUGUST 11, 1968

PAR. 2. The table of contents in Part 514 is amended by inserting after "§ 514.10 Effective date" the following heading and new index:

TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1966, OR DIVIDENDS, INTEREST, AND ROYALTIES PAID ON OR AFTER AUGUST 11, 1968

Sec.
514.20 Introductory.
514.21 Dividends.
514.22 Dividends received by persons not entitled to reduced rate of tax.
514.23 Interest.
514.24 Royalties.
514.25 Private pensions, alimony, and annuities.
514.26 Other income covered by convention.
514.27 Beneficiaries of a domestic estate or trust.
514.28 Release of excess tax withheld at source.
514.29 Refund of excess tax paid to Director, Office of International Operations.
514.30 Information furnished in ordinary course.
514.31 Return required when liability not satisfied by withholding.
514.32 Effective date.

PAR. 3. Part 514 is amended by inserting after the heading "Subpart—Withholding of Tax" the following additional heading:

TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1956, AND BEFORE JANUARY 1, 1967, OR DIVIDENDS, INTEREST, AND ROYALTIES PAID BEFORE AUGUST 11, 1968

PAR. 4. Section 514.10 is amended by striking all of paragraph (a) and inserting the following new section:

§ 514.10 Effective date.

The provisions of §§ 514.1 through 517.09 shall be effective with respect to taxable years beginning after December 31, 1956, and before January 1, 1967, or with respect to dividends, interest, and royalties paid before August 11, 1968.

PAR. 5. There are inserted after § 514.10 the following heading and new sections:

TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1966, OR DIVIDENDS, INTEREST, AND ROYALTIES PAID ON OR AFTER AUGUST 11, 1968

§ 514.20 Introductory.

(a) *Applicable provisions of convention.* The income tax convention between the United States and France, signed on July 28, 1967 (the instruments of ratification of which were exchanged on July 11, 1968), provides in part as follows, effective for taxable years beginning after December 31, 1966, or with respect to the rate of withholding tax, for dividends, interest, and royalties paid on or after August 11, 1968:

ARTICLE 1—TAXES COVERED

(1) The taxes which are the subject of the present Convention are:

(a) In the case of the United States, the Federal income tax, including surtax, imposed by the Internal Revenue Code and

(b) In the case of France:

(i) The income tax on the income of physical persons, the complementary tax, the corporation tax, including any withholding tax, prepayment (precompte) or advance payment with respect to the aforesaid taxes, and

(ii) The tax on Stock Exchange transactions.

(2) The Convention shall also apply to any documentary taxes on sales or transfers of shares or certificates of stock or bonds which are subsequently imposed.

(3) The Convention shall also apply to any identical or substantially similar taxes which are subsequently imposed in addition to, or in place of, the existing taxes.

(4) For the purpose of Article 24 (Nondiscrimination), this Convention shall also apply to taxes of every kind and to those imposed at the national, State, and local level.

ARTICLE 2—GENERAL DEFINITIONS

(1) In this Convention, unless the context otherwise requires:

(a) The term "United States of America" means the United States of America and when used in the geographical sense means the States thereof and the District of Columbia. The term "France" when used in a geographical sense means Metropolitan France and the Overseas departments (Guadeloupe, Guyane, Martinique, and Reunion).

(b) The terms "a Contracting State" and "the other Contracting State" means the United States or France, as the context requires.

(c) The term "person" comprises an individual or a corporation, or any other body of individuals or persons.

(d) (i) The term "United States corporation" or "corporation of the United States" means a corporation, or any entity treated as a corporation for U.S. tax purposes, which is created or organized under the laws of the United States or any State thereof or the District of Columbia; and

(ii) The term "French corporation" or "corporation of France" means any body corporate or any entity which is treated as a body corporate under French tax law, which is resident within France for French tax purposes.

(e) The term "competent authority" means:

(i) In the case of the United States, the Secretary of the Treasury or his delegate, and

(ii) In the case of France, the Minister of Economy and Finance or his delegate.

(2) As regards the application of the Convention by a Contracting State any term not otherwise defined shall, unless the context otherwise requires, have the meaning which it has under the laws of that Contracting State relating to the taxes which are the subject of the Convention.

ARTICLE 3—FISCAL DOMICILE

(1) The term "resident of France" means:

(a) A French corporation, and

(b) Any person (other than a body corporate or any entity which under French law is treated as a body corporate) who is resident in France for purposes of its tax.

(2) The term "resident of the United States" means:

(a) A U.S. corporation, and

(b) Any person (other than a corporation or an entity treated under U.S. law as a corporation) who is resident in the United States for purposes of its tax, but in the case of a person acting as a partner or fiduciary only to the extent that the income derived by such person in that capacity is taxed as the income of a resident.

(3) An individual who is a resident in both Contracting States shall be deemed a resident of that Contracting State in which he maintains his permanent home. If he has a permanent home in both Contracting States or in neither of the Contracting States, he shall be deemed a resident of that Contracting State with which his personal and economic relations are closest (center of vital interests). If the Contracting State in which he has his center of vital interests cannot be determined, he shall be deemed a resident of that Contracting State in which he has an habitual abode. If he has an habitual abode in both Contracting States or in neither of the Contracting States, the competent authorities of the Contracting States shall settle the question by mutual agreement. For purposes of this Article, a permanent home is the place in which an individual dwells with his family. An individual who is deemed to be a resident of one Contracting State and not a resident of the other Contracting State by reason of the provisions of this paragraph shall be deemed a resident only of the former State for all purposes of this Convention (including Article 22).

ARTICLE 4—PERMANENT ESTABLISHMENT

(1) For the purposes of this Convention, the term "permanent establishment" means a fixed place of business through which a resident of one of the Contracting States engages in industrial or commercial activity.

(2) The term "permanent establishment" shall include especially:

(a) A seat of management;

(b) A branch;

(c) An office;

(d) A factory;

(e) A workshop;

(f) A warehouse;

(g) A mine, quarry, or other place of extraction of natural resources;

(h) A building site or construction or assembly project which exists for more than 12 months.

(3) Notwithstanding paragraph (1) of this Article, a permanent establishment shall not include a fixed place of business used only for one or more of the following activities:

(a) The use of facilities for the purpose of storage, display, or delivery of goods or merchandise belonging to the resident;

(b) The maintenance of a stock of goods or merchandise belonging to the resident for the purpose of storage, display, or delivery;

(c) The maintenance of a stock of goods or merchandise belonging to the resident for the purpose of processing by another person;

(d) The maintenance of a fixed place of business for the purpose of purchasing goods or merchandise, or for collecting information, for the resident;

(e) The maintenance of a fixed place of business for the purpose of advertising, for the supply of information, for scientific research, or for similar activities which have a preparatory or auxiliary character, for the resident.

(4) A person acting in a Contracting State on behalf of a resident of the other Contracting State—other than an agent of an independent status to whom paragraph (5) applies—shall be deemed to be a permanent

establishment in the first-mentioned State if such person:

(a) Has, and habitually exercises in that State, an authority to conclude contracts in the name of that resident, unless the exercise of such authority is limited to the purchase of goods or merchandise for that resident, or

(b) Maintains substantial equipment or machinery within the first-mentioned State for a period of 12 months or more.

(5) A resident of a Contracting State shall not be deemed to have a permanent establishment in the other Contracting State merely because such resident carries on business in that other State through a broker, general commission agent, or any other agent of an independent status, where such persons are acting in the ordinary course of their business.

(6) The fact that a resident of one of the Contracting States is a related person, as defined in Article 8 of this Convention, with respect to a resident of the other Contracting State or with respect to a person which engages in industrial or commercial activity in that other Contracting State (whether through a permanent establishment or otherwise) shall not be taken into account in determining whether that resident of the first Contracting State has a permanent establishment in the other Contracting State.

(7) An insurance company of one of the Contracting States shall be considered as having a permanent establishment in the other Contracting State if, through a representative other than one described in paragraph (5), such company receives premiums from or insures risks in the territory of that other Contracting State.

* * * * *

ARTICLE 6—BUSINESS PROFITS

(1) Industrial or commercial profits of a resident of one of the Contracting States shall be taxable only in that State unless such resident is engaged in industrial or commercial activity in the other Contracting State through a permanent establishment situated therein. If such resident is so engaged, tax may be imposed by such other State on the industrial or commercial profits of such resident but only on so much of them as are attributable to the permanent establishment.

(2) Where a resident of a Contracting State carries on business in the other Contracting State through a permanent establishment situated therein, there shall in each Contracting State be attributed to that permanent establishment the industrial or commercial profits which would be attributable to such permanent establishment if such permanent establishment were an independent entity engaged in the same or similar activities under the same or similar conditions and dealing at arm's length with the resident of which it is a permanent establishment.

(3) In the determination of the profits of a permanent establishment, there shall be allowed as deductions expenses which are reasonably connected with such profits including executive and general administrative expenses, whether incurred in the State in which the permanent establishment is situated or elsewhere.

(4) No profits shall be attributed to a permanent establishment merely by reason of the purchase of goods or merchandise by that permanent establishment, or by the resident of which it is a permanent establishment, for the account of that resident.

(5) The term "industrial or commercial profits of a resident" includes income derived from manufacturing, mercantile, agricultural, fishing, or mining activities, from the operation of ships or aircraft, from the furnishing of personal services, from the rental of tangible personal property, and from insurance activities and rents or royalties derived from motion picture films, films or tapes of radio or television broadcasting. It also includes income derived from real property and natural resources and dividends, interest, royalties (as defined in paragraphs (3) and (4) of Article 11), and capital gains but only if the right or property giving rise to such income, dividends, interest, royalties, or capital gains is effectively connected with a permanent establishment which the recipient, being a resident of one Contracting State, has in the other Contracting State. It does not include income received by an individual as compensation for personal services either as an employee or in an independent capacity.

* * * * *

ARTICLE 9—DIVIDENDS

(1) Dividends derived from sources within a Contracting State by a resident of the other Contracting State may be taxed in that other State.

(2) Dividends derived from sources within a Contracting State by a resident of the other Contracting State may also be taxed by the former Contracting State but the tax imposed on such dividends shall not exceed—

(a) 15 percent of the amount actually distributed; or

(b) When the recipient is a corporation, 5 percent of the amount actually distributed if—

(i) During the part of the paying corporation's taxable year which precedes the date of payment of the dividend and during the whole of its prior taxable year (if any), at least 10 percent of the outstanding shares of the voting stock of the paying corporation was owned by the recipient corporation, and

(ii) Not more than 25 percent of the gross income of the paying corporation for such prior taxable year (if any) consisted of interest and dividends (other than interest derived in the conduct of a banking, insurance, or financing business and dividends or interest received from subsidiary corporations, 50 percent or more of the outstanding shares of the voting stock of which was owned by the paying corporation at the time such dividends or interest were received).

(3) Paragraph (2) of this Article and, in the case of dividends derived by a resident of France, paragraph (1) of this Article, shall not apply if the recipient of the dividends has a permanent establishment in the other Contracting State and the shares with respect to which the dividends are paid are effectively connected with the permanent establishment. In such a case, the provisions of Article 6 shall apply.

(4) (a) Except as provided in subparagraph (b), dividends paid by a corporation of one of the Contracting States shall be treated as income from sources within that Contracting State, and dividends paid by any other corporation shall be treated as income from sources outside that Contracting State.

(b) Dividends paid by a corporation other than a U.S. corporation shall be treated as dividends from sources within the United States if such corporation had a permanent establishment in the United States and more than 80 percent of its gross income was taxable to such permanent establishment for a 3-year period ending with the close of its taxable year preceding the declaration of such dividends (or for such portion of that period as the corporation has been in existence).

(5) When the prepayment (precompte) is levied on dividends paid by a French corporation to a resident of the United States, such resident shall be entitled to the refund of that prepayment, subject to deduction of the withholding tax with respect to the refunded amount in accordance with paragraph (2) of this Article.

ARTICLE 10—INTEREST

(1) Interest derived from sources within one Contracting State by a resident of the other Contracting State may be taxed in that other State.

(2) Interest on bonds, notes, debentures, or any other form of indebtedness from sources within the United States and paid to a resident of France may also be taxed by the United States at a rate not in excess of 10 percent of the amount paid.

(3) Interest on bonds, notes, debentures, or any other form of indebtedness from sources within France and paid to a resident of the United States may also be taxed by France at a rate not in excess of 10 percent of the amount paid except that interest on bonds issued before January 1, 1965, may be taxed at a rate not in excess of 12 percent of the amount paid.

(4) Paragraphs (2) and (3) of this Article and, in the case of interest derived by a resident of France, paragraph (1) of this Article, shall not apply if the recipient of the interest, being a resident of one of the Contracting States, has a permanent establishment in the other Contracting State and the indebtedness giving rise to the interest is effectively connected to such permanent establishment. In such a case, the provisions of Article 6 shall apply.

(5) The term "interest" as used in this article means income from Government securities, bonds, or debentures, whether or not secured by mortgage and whether or not carrying a right to participate in profits, and debt-claims of every kind as well as all other income assimilated to income from money lent by the taxation law of the State in which the income has its source.

(6) Interest shall be deemed to be from sources within a Contracting State when the payer is that State itself, a political subdivision, a local authority, or a resident of that State. Where, however, the person paying the interest, whether he is a resident of a Contracting State or not, has in a Contracting State a permanent establishment in connection with which the indebtedness on which the interest is paid was incurred, and such interest is borne by such permanent establishment, then such interest shall be deemed to be from sources within the Contracting State in which the permanent establishment is situated.

(7) Where, owing to a special relationship between the payer and the recipient or between both of them and some other person, the amount of the interest paid, having regard to the debt claim for which it is paid, exceeds the amount which would have been agreed upon by the payer and the recipient in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount. In that case, the excess part of the payments shall remain taxable according to the laws of each Contracting State, due regard being had to the other provisions of this Convention.

(8) Interest received by one of the Contracting States, or by an instrumentality of that State not subject to income tax by such State, shall be exempt in the State in which such interest has its source.

ARTICLE 11—ROYALTIES

(1) Royalties derived from sources within one Contracting State by a resident of the other Contracting State may be taxed in that other State.

(2) Except as provided in paragraph (3), royalties derived from sources within a Contracting State by a resident of the other Contracting State may also be taxed by the former Contracting State but the tax im-

posed on such royalties shall not exceed 5 percent of the gross amount paid.

(3) Royalties derived from copyrights of literary, artistic, or scientific works (including gain from the sale or exchange of property giving rise to such royalties) by a resident of one Contracting State shall be taxable only in that Contracting State.

(4) The term "royalties" as used in paragraph (1) of this Article means—

(a) Any royalties, rentals, or other amounts paid as consideration for the use of, or the right to use, patents, designs or models, plans, secret processes or formulae, trademarks, or other like property or rights, or for knowledge, experience, or skill (know-how), and

(b) Gains derived from the sale or exchange of any such right or property, if payment of the amounts realized on such sale or exchange is contingent, in whole or in part, on the productivity, use or disposition of such right or property. If the amounts derived from the sale or exchange of any such right or property are not so contingent, the provisions of Article 12 shall apply.

(5) Paragraphs (2) and (3) of this Article, and, in the case of royalties derived by a resident of France, paragraph (1) of this Article, shall not apply if the recipient of the royalty, being a resident of one of the Contracting States, has in the other Contracting State a permanent establishment and the right or property giving rise to the royalties is effectively connected with such permanent establishment. In such a case, the provisions of Article 6 shall apply.

(6) Royalties paid for the use of, or the right to use, property described in paragraph (4) in a State shall be treated as income from sources within that State.

(7) Where, owing to a special relationship between the payer and the recipient, or between both of them and some other person, the amount of the royalties paid exceeds the amount which would have been agreed upon by the payer and the recipient in the absence of such relationship, the provisions of this Article shall only apply to the last-mentioned amount. In that case, the excess part of the payments shall remain taxable according to the laws of each Contracting State, due regard being had to the other provisions of this Convention.

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ARTICLE 13—BRANCH PROFITS

(1) (a) Dividends paid by a French corporation to a person other than a citizen, resident, or corporation of the United States shall be exempt from tax by the United States unless such French corporation had a permanent establishment in the United States and more than 80 percent of its gross income was taxable to such permanent establishment for a 3-year period ending with the close of its taxable year preceding the declaration of such dividends (or for such portion of that period as the corporation has been in existence).

* * * * *

ARTICLE 16—GOVERNMENTAL FUNCTIONS

(1) Remuneration, including pensions, paid by, or out of funds created by, a Contracting State or a political subdivision or a local authority thereof to any individual who is a national of that State in respect of services rendered to that State or a subdivision or local authority thereof in the discharge of functions of a governmental nature shall be taxable only in that Contracting State.

(2) The provisions of Articles 15, 19, and 20 shall apply to remuneration or pensions in respect of services rendered in connection with any industrial or commercial activity carried on by one of the Contracting States or a political subdivision or a local authority thereof.

(3) In the case of an individual who is a national of both Contracting States, the provisions of Article 22, paragraph (4), shall apply to remuneration described in paragraph (1) but such remuneration shall be treated as income from sources within the Contracting State from which such individual receives such remuneration.

* * * * *

ARTICLE 19—PRIVATE PENSIONS AND ANNUITIES

(1) Except as provided in Article 16, pensions and other similar remuneration paid to a resident of a Contracting State in consideration of past employment shall be taxable only in that Contracting State.

(2) Alimony and annuities paid to a resident of a Contracting State shall be taxable only in that Contracting State.

(3) The term "annuities," as used in this Article, means a stated sum paid periodically at stated times during life, or during a specified number of years, under an obligation to make the payments in return for adequate and full consideration (other than services rendered).

(4) The term "pensions," as used in this Article, means periodic payments made after retirement in consideration for, or by way of compensation for injuries received in connection with, past employment.

* * * * *

ARTICLE 27—ASSISTANCE IN COLLECTION

(1) The two Contracting States undertake to lend assistance and support to each other in the collection of the taxes to which the present Convention relates, together with interest, costs, and additions to the taxes and fines not being of a penal character according to the laws of the State requested, in the cases where the taxes are definitively due according to the laws of the State making the application.

(2) In the case of an application for enforcement of taxes, revenue claims of each of the Contracting States which have been finally determined will be accepted for enforcement by the State to which application is made and collected in that State in accordance with the laws applicable to the enforcement and collection of its own taxes.

(3) The application will be accompanied by such documents as are required by the laws of the State making the application to establish that the taxes have been finally determined.

(4) If the revenue claim has not been finally determined, the State to which application is made will take such measures of conservancy (including measures with respect to transfer of property of nonresident aliens) as are authorized by its laws for the enforcement of its own taxes.

(5) The assistance provided for in this Article shall not be accorded with respect to citizens, corporations, or other entities of the State to which application is made.

* * * * *

ARTICLE 31—ENTRY INTO FORCE

(1) This Convention shall be ratified and instruments of ratification shall be exchanged at Washington. It shall enter into force 1 month after the date of exchange of the instruments of ratification. Its provisions shall for the first time have effect:

(a) In the case of France:

(i) As respects withholding taxes, to any proceeds payable and transactions completed on or after the date on which this Convention enters into force;

(ii) As respects other income taxes, to taxes which are levied for the assessment year 1967; and

(iii) As respects the tax on stock exchange transactions, the date on which this Convention enters into force.

(b) In the case of the United States:

(i) As respects the rate of withholding tax, to amounts received on or after the date on which this Convention enters into force;

(ii) As respects other income taxes, to taxable years beginning on or after January 1, 1967.

(2) Upon the coming into effect of this Convention, there shall terminate:

(a) The Convention of July 25, 1939, relating to income and other taxes

(b) The Convention of October 18, 1946, the supplementary Protocol of May 17, 1948, and the Convention of June 22, 1956, insofar as they concern taxes on income, on capital and tax on stock exchange transactions.

The provisions of those Conventions and of that Protocol will cease to have effect from the date on which the corresponding provisions of the present Convention shall for the first time have effect according to the subparagraph (1) above-mentioned.

ARTICLE 32—TERMINATION

This Convention shall remain in force until denounced by one of the Contracting States. Either Contracting State may denounce the Convention, through diplomatic channels, by giving notice of termination at least 6 months before the end of any calendar year after the year 1969. In such event, the Convention shall cease to have effect:

(1) In the case of France:

(a) As respects withholding taxes, on January 1 of the year following the year in which notice is given.

(b) As respects other income taxes, for any year of assessment beginning on or after January 1 of the year next following the year in which notice is given; and

(c) As respects the tax on stock exchange transactions, for any transactions occurring on or after January 1 of the year following the year in which notice is given.

(2) In the case of the United States:

(a) As respects withholding taxes, on January 1 of the year following the year in which notice is given;

(b) As respects other income taxes, for any taxable year beginning on or after January 1 of the year following the year in which notice is given; and

(c) As respects taxes referred to in paragraph (2) of Article 1, for any transactions occurring on or after January 1 of the year following the year in which notice is given.

(b) *Definitions.* Any term defined in the convention shall have the meaning so assigned to it; any term not so defined shall, unless the context otherwise requires, have the meaning which such term has under the internal revenue laws of the United States.

§ 514.21 Dividends.

(a) *Exemption from or reduction in rate of United States tax*—(1) *Exempt from U.S. tax.* Except as provided in subparagraph (2) of this paragraph, dividends paid by a French corporation on or after August 11, 1968, to a nonresident alien individual or foreign corporation are exempt from tax by the United States under the provisions of Article 13(1)(a) of the convention. Such dividends are, therefore, not subject to the withholding of U.S. tax at source.

(2) *Exemption and reduced rate of withholding not applicable.* Dividends paid by a French corporation on or after August 11, 1968, to a nonresident alien individual or foreign corporation (other than a resident of France or a French corporation) are subject to U.S. tax in

accordance with the provisions of section 871(a) or 881(a) of the Internal Revenue Code and the regulations thereunder if the paying corporation has a permanent establishment in the United States and more than 80 percent of its gross income was taxable to such permanent establishment for a 3-year period ending with the close of its taxable year preceding the declaration of such dividends (or for such portion of that period as the corporation has been in existence). Such dividends are not eligible for the reduced rate of withholding under Article 9(2) of the convention or to exemption from tax under Article 13(1)(a) of the convention.

(3) *Application of reduced rate*—(i) *Rate of 15 percent.* Except as provided in subdivision (ii) of this subparagraph, and subparagraph (4) of this paragraph the rate of U.S. tax imposed upon dividends derived from sources within the United States on or after August 11, 1968, and received by a nonresident alien individual who is a resident of France or a French corporation or a person resident in France for French tax purposes shall not exceed 15 percent of the gross amount actually distributed as provided for in Article 9(2) of the convention. For the purposes of this section the gross amount actually distributed includes amounts constructively received.

(ii) *Rate of 5 percent.* The rate of U.S. tax imposed upon dividends derived from sources within the United States on or after August 11, 1968, and received by a French corporation shall not exceed 5 percent of the gross amount actually distributed if—

(*a*) During the part of the paying corporation's taxable year which precedes the date of payment of the dividend and during the whole of its prior taxable year (if any), at least 10 percent of the outstanding shares of the voting stock of the paying corporation was owned by the recipient corporation, and

(*b*) Not more than 25 percent of the gross income of the paying corporation for such prior taxable year (if any) consisted of interest and dividends (other than interest derived in the conduct of a banking, insurance, or financing business and dividends or interest received from subsidiary corporations, 50 percent or more of the outstanding shares of the voting stock of which was owned by the paying corporation at the time such dividends or interest were received).

(iii) *Information to be filed with the Commissioner when claiming a 5-percent rate.* Any paying corporation which claims or contemplates claiming that dividends paid or to be paid by it on or after August 11, 1968, are subject to United States tax at the rate of 5 percent under Article 9 of the convention shall file the following information with the Commissioner of Internal Revenue, Washington, D.C. 20224, as soon as practicable:

(*a*) The date and place of its organization;

(*b*) The number and a brief description of outstanding shares of stock of the paying corporation and the voting power thereof;

(*c*) The number of shares of each class of voting stock of the paying corporation owned by the recipient corporation and the date the recipient corporation acquired such stock;

(*d*) The amount of the gross income of the paying corporation for its taxable year immediately preceding the taxable year in which the dividends are paid;

(*e*) The amount of the interest and dividends included in such gross income, the amount of such interest derived in the conduct of a banking, insurance, or financing business, if any, and the amount of such interest and dividends received from a subsidiary corporation in which the paying corporation owns at least 50 percent of the voting stock on the date of receipt.

(iv) *Notification by Commissioner—5 percent rate.* As soon as practicable after such information is filed, the Commissioner of Internal Revenue will determine whether the dividends concerned qualify under Article 9 of the convention for the reduced rate of 5 percent and will notify the paying corporation of his determination. If the dividends qualify for such reduced rate, this notification may also authorize the release, pursuant to § 514.28(a)(1)(ii), of excess tax withheld from the dividends concerned. A duplicate copy of such notification shall be attached to the Form 1042S filed by the paying corporation for the first year of payment. There shall be attached to Form 1042S filed by the paying corporation for each subsequent year of payment a statement that the conditions upon which the notification was issued are applicable to such subsequent year.

(4) *Dividends effectively connected with a permanent establishment.* The reduction in rate of tax provided in subparagraph (3) of this paragraph shall not apply if the owner of the dividends has a permanent establishment in the United States and the shares with respect to which the dividends are paid are effectively connected with such permanent establishment. Such dividends are subject to tax in accordance with the provisions of Article 6 of the convention.

(b) *Withholding of tax from dividends*—(1) *15 percent rate*—(i) *Reduction based on address in France.* Except as provided in subparagraph (2) of this paragraph, withholding of United States tax at source on or after August 11, 1968, from dividends derived from sources within the United States by a person whose address is in France, shall be at the reduced rate of 15 percent in every case except that in which, prior to the date of payment of such dividends, the Commissioner of Internal Revenue or the owner of the dividends has notified the withholding agent that such reduced rate of withholding shall not apply.

(ii) *Reduced rate of 15 percent applicable only to owner of capital stock.* The reduced rate of 15 percent is available only to the real owner of the capital stock from which the dividend is derived. As to action by a French addressee who is not the real owner of the capital stock, see § 514.22(c).

(iii) *Evidence of rate of tax withheld.* The rate at which U.S. tax has been withheld from a dividend paid on or after August 11, 1968, to a person whose address is in France on the date the dividend is paid to such person shall be shown either in writing or by appropriate stamp on the check, draft, or other evidence of payment, or on an accompanying statement.

(2) *5-percent rate*—(i) *Reduction based on notification by Commissioner.* If, in accordance with paragraph (a)(3)(iv) of this section, the Commissioner of Internal Revenue has notified the paying corporation that the dividends qualify under Article 9 of the convention for the reduced rate of 5 percent, the reduced withholding rate of 5 percent, to the extent withholding of U.S. tax is required, shall apply to any dividends paid by the paying corporation on or after August 11, 1968.

(ii) *Dividends cease to qualify for 5-percent rate.* If, after receipt of notification from the Commissioner of Internal Revenue that the dividends qualify for the reduced rate of 5 percent, the French recipient corporation ceases to be eligible for the reduction in rate because one or more of the conditions of subdivision (ii) (*a*) or (*b*) of paragraph (a)(3) of this section are not satisfied, the reduction in the rate of withholding of U.S. tax shall no longer apply. When any change occurs in the ownership of stock as recorded on the books of the paying corporation or in the percentage of dividends and interest included in gross income of the paying corporation, the paying corporation shall notify the Commissioner of Internal Revenue as soon as possible.

(iii) *Evidence of tax withheld.* The rate at which U.S. tax has been withheld from a dividend paid on or after August 11, 1968, to a French corporation shall be shown either in writing or by appropriate stamp on the check, draft, or other evidence of payment, or on an accompanying statement.

§ 514.22 Dividends received by persons not entitled to reduced rate of tax.

(a) *General.* Article 27(1) of the convention provides that each Contracting State shall undertake to lend assistance and support to the other Contracting State in the collection of taxes covered by the convention.

(b) *Additional French tax to be withheld in the United States*—(1) *By a nominee or representative.* The recipient in the United States of any dividend from which French tax has been withheld at the reduced rate of 15 percent, who is a nominee or representative through whom the dividend is received by a person who is not a resident of the United States, shall withhold an additional amount of French tax equivalent to the French tax which would have been withheld if the convention had not been in effect (25 percent as of the date of approval of this Treasury decision) minus the 15 percent which has been withheld at the source.

(2) *By a fiduciary or partnership.* A fiduciary or partnership with an address in the United States which receives, otherwise than as a nominee or representative, a dividend from sources within France from which French tax has been withheld at the reduced rate of 15 percent, shall withhold an additional amount of French tax from the portion of the dividend included in the gross income from sources within France of any beneficiary or partner, as the case may be, who is not entitled to the reduced rate of tax in accordance with the applicable provisions of the convention. The amount of the additional tax is to be calculated in the same manner as under subparagraph (1) of this paragraph.

(3) *Withholding additional French tax from amounts released or refunded.* If any amount of French tax is released by the withholding agent in France with respect to a dividend received by a nominee, representative, fiduciary, or partnership in the United States, the recipient shall withhold from such released amount any additional amount of French tax otherwise required to be withheld from the dividend by the provisions of subparagraphs (1) and (2) of this paragraph, in the same manner as if at the time of payment of the dividends French tax at the rate of 15 percent had been withheld therefrom.

(4) *Return of French tax by U.S. withholding agents.* Amounts of French tax withheld pursuant to this paragraph by withholding agents in the United States shall be deposited in U.S. dollars with the Director, Office of International Operations, Internal Revenue Service, Washington, D.C. 20225, on or before the 16th day after the close of the quarter of the calendar year in which the withholding occurs. Such withholding agent shall also submit such appropriate forms as may be prescribed by the Commissioner of Internal Revenue.

(c) *Additional U.S. tax to be withheld in France*—(1) *By a nominee or representative.* The recipient in France of any dividend from which U.S. tax has been withheld at the reduced rate of 15 percent pursuant to § 514.21(b)(1), who is a nominee or representative through whom the dividend is received by a person who is not entitled to the reduced rate in accordance with § 514.21(a)(3)(i), shall withhold an additional amount of U.S. tax equivalent to the U.S. tax which would have been withheld if the convention had not been in effect (30 percent as of the date of approval of this Treasury decision) minus the 15 percent which has been withheld at the source.

(2) *By a fiduciary or partnership.* A fiduciary or partnership with an address in France which receives, otherwise than as a nominee or representative, a dividend from which U.S. tax has been withheld at the reduced rate of 15 percent pursuant to § 514.21(b)(1) shall withhold an additional amount of U.S. tax from the portion of the dividend included in the gross income from sources within the United States of any beneficiary or partner, as the case may be, who is not entitled to the reduced rate of tax in accordance with § 514.21(a)(3)(i). The amount of the additional tax is to be calculated in the same manner as under subparagraph (1) of this paragraph.

(3) *Released amounts of tax.* If any amount of U.S. tax is released pursuant to § 514.28 by the withholding agent in the United States with respect to a dividend received by a nominee, representative, fiduciary, or partnership with an address in France, the recipient shall withhold from such released amount any additional amount of U.S. tax, otherwise required to be withheld from the dividend by the provisions of subparagraphs (1) and (2) of this paragraph, in the same manner as if at the time of payment of the dividends U.S. tax at the rate of 15 percent has been withheld at source therefrom.

(4) *Return of U.S. tax by French withholding agents.* Amounts of U.S. tax withheld pursuant to this paragraph by withholding agents in France shall be deposited without converting the amounts into U.S. dollars, with the Directeur General des Impots of France on or before the 16th day after the close of the quarter of the calendar year in which the withholding occurs. The withholding agent making the deposit shall render therewith such appropriate French form as may be prescribed by the Directeur General des Impots. The amounts so deposited should be remitted by the Directeur General des Impots by draft in United States dollars to the director, Office of International Operations, Internal Revenue Service, Washington, D.C. 20225, and should be accompanied by such French form as may be required to be rendered by the withholding agent in France in connection with the deposit.

§ 514.23 Interest.

(a) *Not subject to U.S. tax.* Interest derived from sources within the United States on or after August 11, 1968, by the French Government or by an instrumentality of the French Government and which is not subject to income tax in France is exempt from U.S. tax under the provisions of Article 10(8). Such interest is not subject to withholding of U.S. tax at source.

(b) *Application of reduced rate*—(1) *In general.* Except as provided in subparagraph (2) of this paragraph, the rate of U.S. tax imposed by the Internal Revenue Code upon interest derived from sources within the United States on or after August 11, 1968, by a nonresident alien individual who is a resident of France, or French corporation or person resident in France for French tax purposes shall not exceed 10 percent under the provisions of Article 10(2) of the convention.

(2) *Definitions.* As used in this paragraph, the term "interest" means income from Government securities, bonds, or debentures, whether or not secured by mortgage and whether or not carrying a right to participate in profits, and debt-claims of every kind as well as all other income assimilated to income from money lent by the taxation law of the United States, including interest on certain deferred payments described in section 483 of the Internal Revenue Code and original issue discount described in section 1232(b) of the Internal Revenue Code.

(3) *Interest effectively connected with a permanent establishment.* The reduction in rate of tax provided in subparagraph (1) of this paragraph shall not apply if the owner thereof has a permanent establishment in the United States and the indebtedness giving rise to the interest is effectively connected to such permanent establishment. Such interest is subject to tax in accordance with the provisions of Article 6 of the convention.

(c) *Withholding of tax from interest*—(1) *Coupon bond interest*—(i) *Form to use.* To secure withholding of U.S. tax at the rate of 10 percent in the case of coupon bond interest, the nonresident alien individual who is a resident of France, or French corporation or person resident in France for French tax purposes shall, for each issue of bonds, file Form 1001–F in duplicate when presenting the interest coupons for payment. This form shall be signed by the owner of the interest, or by his trustee or agent, and shall show the information required by paragraph (d) of § 1.1461–1 of this chapter. It shall contain a statement that at the time the interest is derived the owner (*a*) if an individual, is neither a citizen nor resident of the United States, but is a resident of France, or is a French corporation or person resident in France for French tax purposes, and (*b*) has no permanent establishment in the United States, or if the owner does have such a permanent establishment, the indebtedness giving rise to the interest is not effectively connected to such permanent establishment.

(ii) *Reduction in rate applicable only to owner.* The reduction in the rate of U.S. tax contemplated by Article 10(2) of the convention, insofar as it concerns coupon bond interest, is applicable only to the owner of the interest. The person presenting the coupon or on whose behalf it is presented, shall, for the purpose of the reduction in tax, be deemed to be the owner of the interest only if he is, at the time the coupon is presented for payment, the owner of the bond from which the coupon has been detached. If the person presenting the coupon, or on whose behalf it is presented, is not the owner of the bond, Form 1001, and not Form 1001–F, shall be used, and U.S. tax shall be withheld at the statutory rate.

(iii) *Disposition of Form 1001–F.* The original and duplicate of Form 1001–F shall be forwarded by the withholding agent to the Director, Office of International Operations, Internal Revenue Service, Washington, D.C. 20225, in accordance with paragraph (b)(2) of § 1.1461–2 of this chapter, with the annual return on Form 1042. A summary of the Form 1001 or 1001–F shall be reported on Form 1042 as provided by instructions thereto.

(2) *Other interest*—(i) *Letter of notification.* To secure the reduced rate of U.S. tax at source in the case of interest other than coupon bond interest, the nonresident alien individual who is a resident of France, or French corporation

or person resident in France for French tax purposes, shall notify the withholding agent by letter in duplicate that the interest is taxable at the reduced rate of tax provided in Article 10(2) of the convention. The letter of notification shall be signed by the owner of the interest, or by his trustee or agent, shall show the name and address of the obligor and the name and address of the owner of the interest, and shall indicate the dates on which the taxable years of the owner to which the letter is applicable begin and end. The letter shall contain a statement that the owner (*a*) if an individual, is neither a citizen nor a resident of the United States but is a resident of France, or is a French corporation or other entity resident in France for French tax purposes, and (*b*) does not have a permanent establishment in the United States or, if the owner does have such a permanent establishment, a statement that the indebtedness giving rise to the income is not effectively connected to such permanent establishment. If the interest is taxable at the reduced rate of tax, the letter of notification may also authorize the release, pursuant to § 514.28, of excess tax withheld from the interest concerned.

(ii) *Manner of filing letter.* The letter of notification, which shall constitute authorization for the withholding of U.S. tax at source at the reduced rate of 10 percent, shall be filed with the withholding agent as soon as practicable for each successive 3-calendar-year period during which the income is paid. Once a letter has been filed in respect of any 3-calendar-year period, no additional letter need be filed in respect thereto unless the Commissioner of Internal Revenue notifies the withholding agent that an additional letter shall be filed by the owner of the interest. If, after filing a letter of notification, the taxpayer ceases to be eligible for the exemption from U.S. tax granted by Article 10(2) of the convention, he shall promptly notify the withholding agent by letter in duplicate. When any change occurs in the ownership of the income as recorded on the books of the payer, the reduction in rate of withholding of U.S. tax shall no longer apply unless the new owner of record is entitled to such reduced rate and promptly files a letter of notification with the withholding agent.

(iii) *Disposition of letter.* The original of each letter of notification filed pursuant to this subparagraph shall be retained by the withholding agent and the duplicate shall be immediately forwarded by the withholding agent to the Director, Office of International Operations, Internal Revenue Service, Washington, D.C. 20225.

(3) *Change in circumstances.* If the owner of the interest acquires a permanent establishment in the United States after filing a letter of notification referred to in subparagraph (2) of this paragraph, such owner shall file a new letter of notification even though the indebtedness giving rise to the income to which such document relates is not effectively connected to such permanent establishment.

§ 514.24 Royalties.

(a) *Exemption from U.S. tax*—(1) *Copyright royalties.* Except as provided in subparagraph (2) of this paragraph royalties or other amounts paid as consideration for the use of, or for the right to use copyrights of literary, artistic, or scientific works (including gain from the sale or exchange of property giving rise to such royalties) which are derived from sources within the United States on or after August 11, 1968, by a nonresident alien individual who is a resident of France, or by a French corporation or a person resident in France for French tax purposes are exempt from U.S. tax under the provisions of Article 11(3) of the convention.

(2) *Copyright royalties effectively connected with a permanent establishment.* The exemption from tax provided in subparagraph (1) of this paragraph shall not apply if the owner of such royalties, or of gain from the sale or exchange of property giving rise to such royalties, has a permanent establishment in the United States and the property giving rise to such royalties or gain is effectively connected with such permanent establishment. Such royalties are subject to tax in accordance with the provisions of Article 6.

(3) *Exemption from withholding of tax*—(i) *Use of letter of notification.* To avoid withholding of U.S. tax at source with respect to copyright royalties to which this paragraph applies, the nonresident alien who is a resident of France or French corporation or person resident in France for French tax purposes, shall notify the withholding agent by letter in duplicate that the royalty is exempt from U.S. tax under Article 11 (3) of the convention. The letter of notification shall be signed by the owner of the royalty or of the gain from the sale or exchange of property giving rise to such royalty, or by the trustee or agent of such owner, and shall show the name and address of the owner. The letter shall contain a statement that at the time the royalty is derived the owner (*a*) if an individual, is neither a citizen nor a resident of the United States but is a resident of France or, if a corporation or other entity is resident in France for French tax purposes, and (*b*) has no permanent establishment in the United States or, if the owner does have such a permanent establishment, a statement that the property or right giving rise to such royalty is not effectively connected with such permanent establishment. If the royalty is exempt from U.S. tax, the letter of notification may also authorize the release, pursuant to § 514.28 of excess tax withheld from the royalty concerned.

(ii) *Manner of filing letter of notification.* The provisions of § 514.23(c)(2)(ii) and (iii) relating to the execution, filing, and effective period of the letter of notification prescribed therein with respect to interest, including its use for the release of excess tax withheld and § 514.23(c)(3) relating to change of circumstances, are equally applicable with respect to the income falling within the scope of this section.

(b) *Reduction in rate of United States tax*—(1) *Industrial royalties.* Except as provided in subparagraph (3) of this paragraph, the rate of U.S. tax imposed on royalties, derived from sources within the United States on or after August 11, 1968, by a nonresident alien individual who is a resident of France, or by a French corporation shall not, under Article 11(2) of the convention, exceed 5 percent of the gross amount paid.

(2) *Definitions.* As used in this paragraph, the term "royalty" means royalties, rentals, or other amounts (other than royalties described in paragraph (a)(1) of this section) paid as consideration for the use of or the right to use patents, designs or models, plans, secret processes or formulae, trademarks, or other like property or rights, or for knowledge, experience, or skill (know-how) and gains derived from the sale or exchange of such right or property if payment is contingent, in whole or in part, on the productivity, use, or disposition of the property or rights sold. The term "royalty" does not include natural resource royalties which are subject to tax in accordance with the provisions of Article 5 of the convention.

(3) *Industrial royalties effectively connected with a permanent establishment.* The reduction in rate of tax provided in subparagraph (1) of this paragraph shall not apply if the owner of the royalties or of the gain from the sale or exchange of the property or right giving rise to such royalties has a permanent establishment in the United States and the property or right giving rise to such royalties or gain is effectively connected with such permanent establishment. Such royalties are subject to tax in accordance with the provisions of Article 6 of the convention.

(4) *Withholding of U.S. tax from industrial royalties.* In order to secure the reduced rate of U.S. tax at source as provided in subparagraph (1) of this paragraph, the nonresident alien individual who is a resident of France or French corporation or person resident in France for French tax purposes shall notify the withholding agent by letter in duplicate that the royalty qualifies for the reduced rate of U.S. tax granted by Article 11(2) of the convention. The letter of notification shall be signed by the owner of the royalty, or by the trustee or agent of such owner, and shall show the name and address of the owner. The provisions of subparagraph (3) of paragraph (a) of this section relating to the form, content, execution, filing, and effective period of the letter of notification prescribed therein with respect to copyright royalties, including its use for the release of excess tax withheld and relating to change of circumstances, are equally applicable with respect to industrial royalties.

§ 514.25 Private pensions, alimony, and annuities.

(a) *Exemption from U.S. tax*—(1) *Requirements.* Any pension (other than one

paid by the United States or a political subdivision or a local authority thereof to an individual who is a citizen of the United States for the discharge of governmental functions), alimony, or annuity derived from sources within the United States by a nonresident alien individual who is a resident of France and received in a taxable year of the recipient beginning after December 31, 1966, shall be exempt from U.S. tax under the provisions of Article 19 of the convention.

(2) *Definitions*—(i) *Pension.* As used in this paragraph, the term "pension" means periodic payments made after retirement in consideration of past employment or as compensation for injuries received in connection with past employment. The term "pension" does not include retirement pay or pensions paid by the United States or by any State or local authority of the United States which are subject to tax in accordance with the provisions of Article 16 of this convention.

(ii) *Annuity.* The term "annuity" means a stated sum paid periodically at stated times during life, or during a specified number of years, under an obligation to make the payments in return for adequate and full consideration (other than services rendered), but not including retirement pay or pensions paid by the United States or by any State or territory of the United States.

(b) *Exemption from withholding tax*—(1) *Use of letter of notification.* To avoid withholding of U.S. tax at source with respect to pensions, alimony, or annuities which are exempt from U.S. tax in accordance with paragraph (a) of this section, the nonresident alien individual who is a resident of France shall notify the withholding agent by letter in duplicate that the pension, alimony, or annuity is exempt from U.S. tax under Article 19 of the convention. The letter of notification shall be signed by the owner of the income, shall show the name and address of both the payer and the owner of the income, and shall contain a statement that at the time the income is received, the owner is neither a citizen nor a resident of the United States but is a resident of France.

(2) *Manner of filing letter.* The provisions of § 514.23(c)(2) (ii) and (iii) relating to the execution, filing, and effective period of the letter of notification prescribed therein with respect to interest, including its use for the release of excess tax withheld and § 514.23(c)(3) relating to change of circumstances, are equally applicable with respect to the income falling within the scope of this section.

§ 514.26 Income covered by convention.

(a) *Exemption from or reduction in rate of tax*—(1) *Request for ruling.* If a nonresident alien individual who is a resident of France or French corporation or person resident in France for French tax purposes claims or contemplates claiming that an item of income (including income referred to in §§ 514.21 through 514.25) is exempt from, or subject to a reduced rate of, U.S. tax under the convention, such owner of the income may request a ruling to that effect from the Commissioner of Internal Revenue, Washington, D.C. 20224, by filing a statement setting forth all the facts pertinent to a determination of the question.

(2) *Notification of applicant.* As soon as practicable after such information is filed, the Commissioner will determine whether the income concerned qualifies under the convention for exemption from or reduced rate of, U.S. tax and will notify the applicant of his ruling. If income qualifies for such benefit, this notification may also authorize the release, pursuant to § 514.28(a)(2), of excess tax withheld from the income concerned.

(b) *Exemption from, or reduction in rate of, withholding*—(1) *Notification of withholding agent.* If the Commissioner rules that income received by such applicant qualifies for exemption from, or reduction in rate of, U.S. tax under the convention, and the applicant sends a copy of such ruling to the withholding agent, the income designated in such ruling shall be exempt, or subject to a reduced rate of, withholding of U.S. tax unless the Commissioner or the applicant notifies the withholding agent that such income ceases to qualify for such benefit. A duplicate copy of such notification shall be attached to the Form 1042S filed by the withholding agent with respect to the income concerned.

(2) *Change in circumstances.* If, during the period covered by the ruling letter, any fact upon which the ruling letter is based materially changes, the applicant shall immediately notify the withholding agent and the Commissioner of such change.

§ 514.27 Beneficiaries of domestic estate and trust.

A nonresident alien individual who is a resident of France and a beneficiary of a domestic estate or trust shall be entitled to the exemption from, or reduction in rate of, United States tax granted by Articles 9, 10, 11, 13(1)(a), and 19 of the convention with respect to dividends, interest, royalties, and pensions, annuities, and alimony if he otherwise satisfies the requirements for exemption or reduction specified in the articles concerned, to the extent that (a) any amount paid, credited, or required to be distributed by the estate or trust to the beneficiary is deemed to consist of those items and (b) the items so deemed to be included in such amount would, without regard to the convention, be includible in his gross income. However, such beneficiary is not entitled to the exemption from, or reduction in the rate of, U.S. tax granted by such articles to the extent that the trust conduit rules are not applicable to any payment received by the beneficiary such as, for example, a payment made out of the income of a trust established for the support and maintenance of a wife pursuant to a divorce decree. To obtain the exemption from, or reduction in the rate of, withholding of U.S. tax where permitted by this section, the beneficiary must, where applicable, execute and submit to the fiduciary of the estate or trust in the United States the appropriate letter of notification in the form prescribed in § 514.23(c)(2) and (3), modified where necessary to indicate the type of income involved.

§ 514.28 Release of excess tax withheld at source.

(a) *Amounts to be released*—(1) *Tax withheld from dividends*—(i) *Dividends subject to 15-percent rate.* If U.S. tax has been withheld on or after August 11, 1968, at a rate in excess of 15 percent from dividends described in § 514.21(a)(3)(i) received by a nonresident alien individual who is a resident of France or French corporation or person resident in France for French tax purposes whose address at the time of payment was in France, the withholding agent shall release and pay over to the person from whom the tax was withheld an amount which is equal to the difference between the tax so withheld and the tax required to be withheld pursuant to § 514.21(b)(1).

(ii) *Dividends subject to 5-percent rate.* If U.S. tax has been withheld at a rate in excess of 5 percent on or after August 11, 1968, from dividends which qualify for the reduced rate of 5 percent under § 514.21(a)(3)(ii), the withholding agent shall, if so authorized in accordance with § 514.21(a)(3)(iv) release and pay over to the corporation from which the tax was withheld an amount which is equal to the difference between the tax so withheld and the tax required to be withheld pursuant to § 514.21(b)(2)(i).

(2) *Tax withheld from coupon bond interest*—(i) *Substitute ownership certificate.* If U.S. tax has been withheld at a rate in excess of 10 percent on or after August 11, 1968, from coupon bond interest described in § 514.23(c)(1), the owner of the interest shall furnish the withholding agent a Form 1001–F clearly marked "Substitute" and executed in accordance with § 514.23(c). Upon receipt of such substitute Form 1001–F the withholding agent shall release and pay over to the person from whom the tax was withheld an amount which is equal to the difference between the tax so withheld and the tax required to be withheld pursuant to § 514.23(b)(1).

(ii) *Filing and disposition of substitute ownership certificate.* One substitute Form 1001–F shall be filed in duplicate with respect to each issue of bonds and will serve with respect to that issue to replace all Forms 1001 or 1001–F previously filed by the owner of the interest in the calendar year in which the excess tax was withheld and with respect to which the excess is released. Such forms shall be disposed of in accordance with the rules of § 514.23(c)(1)(iii).

(3) *Tax withheld from other income covered by convention.* If the owner of the other income furnishes to the withholding agent the letter of notification prescribed in § 514.24(a)(3) or (b)(4), § 514.25(b)(1), or the authorization for release of tax prescribed in § 514.26(a)(2), and U.S. tax has been withheld at a rate in excess of the rate provided in the convention with respect to payments of income to which such letter of authorization is applicable, made on or after

August 11, 1968, or received in the taxable year of the owner beginning after December 31, 1966 (whichever is applicable), the withholding agent shall release and pay to the person from whom the tax was withheld an amount which is equal to the tax so withheld from such income, or to the difference between the tax so withheld and the tax required to be withheld, as the case may be.

(b) *Amounts not to be released.* The provisions of this section do not apply to any excess tax withheld at the source subsequent to the due date for filing Form 1042.

(c) *Statutory rate.* As used in this paragraph, the term "statutory rate" means the rate of tax (30 percent as of the date of approval of this Treasury decision) prescribed by subchapter A of chapter 3 (relating to the withholding of tax on nonresident alien individuals and foreign corporations) of the Internal Revenue Code as though the convention has not come into effect.

§ 514.29 Refund of excess tax paid to Director of International Operations.

(a) *In general.* Where U.S. tax withheld at the source on items of income covered by the convention is in excess of the tax imposed under subtitle A (relating to the income tax) of the Internal Revenue Code, as modified by the convention, and such withheld amounts have been paid to the Director of International Operations, a claim by the owner of such income for refund of any resulting overpayment may be made under section 6402 of such Code, and the regulations thereunder.

(b) *Form of claim*—(1) *Where return previously filed.* If the owner of the income has previously filed an income tax return with the Internal Revenue Service for the taxable year in which an overpayment has resulted because of the application of the convention, he should make a claim for refund of the overpayment by filing Form 843 or an amended return.

(2) *Where no return previously filed.* If the owner of the income has not previously filed an income tax return with the Internal Revenue Service for the taxable year in which an overpayment has resulted because of the application of the convention, he should make a claim for refund of the overpayment by filing Form 1040NR or Form 1120–F, whichever is applicable, showing the overpayment. Such return will serve as a claim for refund, and it is not necessary for the taxpayer to file Form 843.

(c) *Information required.* If the owner's total gross income (including every item of capital gain subject to tax) from sources within the United States for the taxable year in which such overpayment resulted has not been disclosed in an income tax return filed with the Internal Revenue Service prior to the time the claim for refund is made, such owner shall disclose such total gross income with his claim. In the event that securities are held in the name of a person other than the actual or beneficial owner, the name and address of such person shall be furnished with the claim. In addition to such other information as may be required to establish the overpayment, there shall also be included in such claim for refund:

(1) A statement that, at the time when the items of income were received from which the excess tax was withheld, the owner was neither a citizen nor a resident of the United States but was a resident of France, a French corporation or person resident in France for French tax purposes.

(2) If the owner's claim is based on exemption from, or reduction in rate of, tax for dividends, interest, or royalties, a statement that the owner does not have a permanent establishment in the United States, or, if the owner does have such a permanent establishment, that the holding from which such income was derived was not effectively connected with such permanent establishment.

§ 514.30 Information furnished in ordinary course.

For provisions relating to the exchange of information under Article 30 of the convention, see paragraph (d) of § 1.1461–2 of this chapter.

§ 514.31 Return required when liability not satisfied by withholding.

For action by a nonresident alien individual who is a resident of France or a French corporation or person resident in France for French tax purposes in a case where such individual's or corporation's or person's U.S. income tax liability is not satisfied by withholding of U.S. tax at source, see paragraph (b) of § 1.6012–1 of this chapter and paragraph (g) of § 1.6012–2 of this chapter.

§ 514.32 Effective date.

(a) *In general.* Except as provided in paragraph (b) of this section, the provisions of this Treasury decision shall be effective with respect to the rate of withholding tax, to amounts derived from sources within the United States on or after August 11, 1968, and with respect to all other taxes covered by the convention to amounts received in a taxable year of the recipient beginning after December 31, 1966.

(b) *Withholding of additional French tax.* The provisions of § 514.22 shall be effective with respect to income derived from sources within France on or after August 11, 1968.

Because it is necessary to provide at the earliest practicable date the rules of this Treasury decision respecting exemption from, or reduction in rate of, withholding of U.S. tax, and release of excess tax withheld, it is hereby found that it is impracticable to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitations of section 4(c) of that Act.

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

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

Approved: December 20, 1968.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-50; Filed, Jan. 3, 1969; 8:46 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 20—OCCUPATIONAL TRAINING OF UNEMPLOYED PERSONS

1968 Amendments to Manpower Development and Training Act of 1962

Pursuant to authority contained in section 207 of the Manpower Development and Training Act of 1962 (42 U.S.C. 2587) and Secretary's Order No. 22–68, I hereby amend Title 29, Part 20, of the Code of Federal Regulations as set forth below for the purpose of implementing the 1968 amendments to that act (82 Stat. 1352 et seq.).

Section 4 of the Administrative Procedure Act (5 U.S.C. 553) which requires notice of proposed rules, opportunity for public participation and delay in effective date is not applicable because these rules only relate to public benefits. I do not believe such procedure will serve a useful purpose here. Accordingly, this amendment shall become effective immediately.

1. Paragraphs (a) and (p) of § 20.1 are amended to read as follows:

§ 20.1 Definitions.

* * * * *

(a) "Act" means the Manpower Development and Training Act of 1962, Public Law 87–415, as amended by Public Law 87–729, Public Law 88–214, Public Law 89–15, Public Law 89–794, the Manpower Development and Training Amendments of 1966, Public Law 89–792, and Public Law 90–636.

* * * * *

(p) "State" means a State of the United States, the District of Columbia, Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, or the Virgin Islands.

* * * * *

2. Section 20.2 is amended to read as follows:

§ 20.2 Effective period of program.

No commitment of funds shall be made pursuant to the authority conferred upon the Secretary under title II of the Act after June 30, 1972, unless by Act of Congress the Act is extended beyond that date.

3. Subdivision (i) of § 20.35(a)(1) and subparagraph (2) of § 20.35(a) are amended to read as follows:

§ 20.35 Amount of training allowance.

(a) * * *

(1) *Regular training allowance*—(i) *Basic amount.* Except for persons selected and referred to training in Guam, American Samoa, or the Trust Territory of the Pacific Islands, the basic amount of a training allowance shall be the average of payments of State gross unemployment compensation (including allowances for dependents) for weeks of total unemployment paid by the State in the four-calendar-quarter period preceding the quarter in which the basic amount is computed and shall be payable for weeks of training that begin within the second calendar quarter following the four-calendar-quarter period for which the data are compiled. This amount shall be computed quarterly by dividing the total amount of such payment by the number of weeks of total unemployment compensation. The computed average, if not an exact dollar amount, shall be rounded to the next higher dollar. The basic amount of a training allowance payable to an eligible individual taking training under the Act in Guam, American Samoa, or the Trust Territory of the Pacific Islands, shall be the average of payments of State gross unemployment compensation (including allowances for dependents) for weeks of total unemployment paid by all other States in the four-calendar-quarter period preceding the quarter in which the basic amount is computed, and shall be payable for weeks of training that begin within the second calendar quarter following the period for which the data are compiled.

* * * * *

(2) *Youth training allowances.* Training allowances payable to youth in accordance with § 20.30(d) shall be paid at a weekly rate equal to the average weekly gross unemployment compensation payment (including allowances for dependents) for a week of total unemployment in the State making such payments during the most recent four-calendar-quarter period for which such data are available.

* * * * *

4. Paragraph (a) of § 20.38 is amended to read as follows:

§ 20.38 Reimbursements for unemployment compensation paid by a State or the Railroad Retirement Board.

(a) The Secretary will authorize credit to the railroad unemployment insurance account or the State's account in the Unemployment Trust Fund for the amount of unemployment compensation paid by the State or the Railroad Retirement Board to trainees eligible to receive training allowances under the Act, provided, the maximum amount for which reimbursement will be authorized for youth training allowances may not exceed a rate equal to the average weekly gross unemployment compensation payment (including allowances for dependents) for a week of total unemployment in the State making such payments during the most recent four-calendar-quarter period for which such data are available, and provided further, that whenever an individual eligible for unemployment compensation during a week of training elects to take an increased training allowance in lieu thereof, the total amount which the Secretary will pay as reimbursement or increased training allowance shall not exceed the total amount which he would have paid had the individual drawn his unemployment compensation first.

* * * * *

5. Paragraphs (d) and (e) of § 20.51 are amended to read as follows:

§ 20.51 Reconsideration or review of a determination.

* * * * *

(d) *The Virgin Islands.* In the case of an appeal by an individual from a determination by the agency of the Virgin Islands, the appellant shall be entitled to a hearing and decision in accordance with the procedures governing appeals in 20 CFR Part 609, Subpart D (except §§ 609.34(b), 609.40 to the extent that it provides for judicial review, and 609.46).

(e) *Guam, American Samoa, and the Trust Territory of the Pacific Islands.* In the case of an appeal by an individual from a determination by the agency of Guam, American Samoa, or the Trust Territory of the Pacific Islands, the appellant shall be entitled to a hearing and decision in accordance with procedures governing appeals in 20 CFR Part 609, Subpart D (except §§ 609.33, 609.34(b), 609.40, to the extent that it provides for judicial review, and 609.46). An appeal from a determination made in Guam, American Samoa, or the Trust Territory of the Pacific Islands, which denies or reduces an allowance or other training payment will be heard and decided by a referee appointed by the Secretary.

* * * * *

(Sec. 207, 76 Stat. 29)

Signed at Washington, D.C., this 31st day of December 1968.

STANLEY H. RUTTENBERG,
Assistant Secretary of Labor.

[F.R. Doc. 69–112; Filed, Jan. 3, 1969; 8:52 a.m.]

Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER B—STATEMENTS OF GENERAL POLICY OR INTERPRETATION NOT DIRECTLY RELATED TO REGULATIONS

PART 778—OVERTIME COMPENSATION

Pieceworker and Special Overtime Provisions

Paragraph (e) of 29 CFR 778.602 (33 F.R. 986) is hereby revised as set forth below in order to insure that its text fully reflects the interpretations of the provisions of the Fair Labor Standards Act (29 U.S.C. 201 et seq.) discussed therein which have been adopted by the Department of Labor since the Fair Labor Standards Amendments of 1966 (80 Stat. 830). The revised text provides a more comprehensive statement, with illustrations, of the principles which guide the Department in the application of the overtime pay standards generally applicable under section 7(a) of the Act as affected by those specially applicable under section 7 (b), (c), and (d), in workweeks in which an employer is operating under a partial exemption provided by section 7 (b), (c), or (d) in an establishment for whose employees such exemption is authorized. Also, paragraph (b) of 29 CFR 778.111 (33 F.R. 986) is hereby revised as set forth below, in order to correct the arithmetical example in the paragraph.

The provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553) which require notice of proposed rule making, opportunity for public participation, and delay in effective date are not applicable because these are interpretative rules. I do not believe such procedures will serve a useful purpose here. Accordingly, these revisions shall become effective immediately.

1. The revised § 778.111(b) reads as follows:

§ 778.111 Pieceworker.

* * * * *

(b) *Piece rates with minimum hourly guarantee.* In some cases an employee is hired on a piece-rate basis coupled with a minimum hourly guaranty. Where the total piece-rate earnings for the workweek fall short of the amount that would be earned for the total hours of work at the guaranteed rate, the employee is paid the difference. In such weeks the employee is in fact paid at an hourly rate and the minimum hourly guaranty which he was paid is his regular rate in that week. In the example just given, if the employee was guaranteed $1.90 an hour for productive working time, he would be paid $87.40 (46×$1.90) for the 46 hours of productive work (instead of the $83.60 earned at piece rates). In a week in which no waiting time was involved, he would be owed an additional 95 cents (half time) for each of the 6 overtime hours worked, to bring his total compensation up to $93.10 (46 hours at $1.90 plus 6 hours at 95 cents or 40 hours at $1.90 plus 6 hours at $2.85). If he is paid at a different rate for waiting time, his regular rate is the weighted average of the 2 hourly rates, as discussed in § 778.115.

2. The revised § 778.602(e) reads as follows:

§ 778.602 Special overtime provisions under section 7 (b), (c), and (d).

* * * * *

(e) *Application of section 7(a) in lieu of special provisions.* (1) An employer's agreement with his employees' collective bargaining representative under section 7(b) (1) or (2) must include a provision requiring payment, during the period covered by the agreement, for overtime in excess of 12 hours in a workday or 56 hours in a workweek as specified in sec-

tion 7(b) if the exemption from the general overtime pay requirements of section 7(a) is to apply. See Cabunac v. National Terminals Corp., 139 F. 2d 853.

(2) Under section 7(b)(3) an employee otherwise qualified for the partial exemption in any workweek who does not receive the daily or weekly overtime compensation specified is required to be paid overtime compensation as prescribed in section 7(a).

(3) Under section 7(c) or 7(d), which operate only as partial exemptions from the overtime requirements of section 7(a), the fact that an employee otherwise subject to the exemption works overtime in excess of the specified daily hours on 1 or more days in the workweek will not make the employer liable for any payment at overtime rates if the employee's total hours of work in the workweek are not in excess of the maximum applicable to him under section 7(a). For example, an employee who works two 15-hour days in the workweek (30 hours) is not required to be paid for overtime on either a daily or a weekly basis under the Act. Different rules apply, however, to employees whose hours of work in a workweek exceed the maximum specified in section 7(a). These rules are discussed in subparagraphs (4) and (5) of this paragraph.

(3) Whenever hours in excess of those specified in section 7(a) are worked by an employee in any workweek which has been selected for application of the provisions of section 7(c) or 7(d) to the employees at the establishment by which he is employed as described in § 526.10, § 526.11, or § 526.12 of this chapter (see also §§ 516.18–516.19 of this chapter), such employee, if otherwise qualified for application of section 7(c) or 7(d) to him, must be paid overtime compensation as required by the special standards of the applicable subsection. An employer who chooses to apply the partial overtime exemption provided therein to his operations at a particular establishment must apply the conditions prescribed by the applicable subsection to all his eligible employees, not otherwise exempt, who are employed there. Thus, if an employee otherwise qualified for the partial exemption provided by section 7(c) works three 15-hour days in a workweek selected by the employer for application of such exemption to employees in the establishment where the employee is employed, at least time-and-one-half overtime compensation must be paid him for the 15 hours he has worked in excess of the 10-hour daily standard prescribed in that subsection. The employer, having chosen the particular workweek for application of the exemption to his employees qualified therefor who are engaged in the work of the establishment, cannot avoid liability under the special overtime provisions of section 7(c) through the device of withdrawing his claim of exemption for an individual employee because in such workweek the hours worked by the employee happen to be such that section 7(a), if section 7(c) were not applicable, would be satisfied by the payment of a lesser amount of overtime compensation. Thus, in the example given, the Act and the applicable regulations do not permit the employer to satisfy his overtime obligation by electing to pay for 5 hours of weekly overtime under section 7(a) in lieu of the 15 hours of daily overtime under section 7(c). As stated in the Senate Report (S. Rept. No. 1487, 89th Cong. 2d sess., pp. 15, 16, 31) with respect to the provisions of section 7 (c) and (d), during the workweeks which they specify as "the maximum aggregate period of exemption available to an employer" the statute "will require compensation for hours worked in excess of" the daily or weekly hours specified in the applicable subsection which "must be at least 1½ times the regular rate of pay."

(4) In any workweek in which an employer is operating under such partial exemption at an establishment and in which the overtime compensation due an employee would be greater under section 7(a) than under the special overtime provisions of such partial exemption, a failure by the employer to compensate the employee in accordance with the special provisions leaves the employer liable for the larger amount of overtime compensation required by section 7(a) in that week. For example, if an employee subject to the special overtime provisions of section 7(c) or 7(d) worked 11 hours on 1 day and 8 hours on each of 4 other days for a total of 43 hours in the workweek, failure to pay daily overtime compensation for 1 hour as required by the special provisions would leave the employer liable for an overtime payment for 3 overtime hours under section 7(a). This is so because these partial exemptions from the overtime requirements of section 7(a) are made conditional upon payment of overtime compensation in accordance with the special overtime provisions prescribed for the exemption and an employer who fails to make such payment is accordingly not relieved of his overtime obligation under section 7(a). See Wirtz v. Osceola Farms Co., 372 F. 2d 584 (C.A. 5); Holtville Alfalfa Mills v. Wyatt, 230 F. 2d 298.

(52 Stat. 1060, as amended; 29 U.S.C. 201–219)

Signed at Washington, D.C., this 31st day of December 1968.

CLARENCE T. LUNDQUIST,
Administrator, Wage and Hour and Public Contracts Divisions.

[F.R. Doc. 69-113; Filed, Jan. 3, 1969; 8:52 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 125—MATTER MAILABLE UNDER SPECIAL RULES

PART 136—AIRMAIL

Motor Vehicle Master Keys

In the daily issue of Friday, November 1, 1968 (33 F.R. 16092), the Department published a notice of proposed rule making relating to Public Law 90–560, approved October 12, 1968, which proscribes the mailing of motor vehicle master keys and advertisements therefor. The statute authorizes the Postmaster General to make such exemptions from these prohibitions as he deems necessary. The purpose of the cited notice of proposed rule making was to seek the views of the public as to the need for and propriety of exemptions from the law.

After careful consideration of all comments received the Department has decided to adopt the following regulations setting forth exemptions from the prohibitions of Public Law 90–560. Accordingly, the regulations of the Post Office Department are amended as follows:

I. The content of present § 125.8 *Airmail* is transferred (see amendment below), and new § 125.8 is inserted, reading as follows:

§ 125.8 Motor vehicle master keys.

(a) *Definition.* Motor vehicle master key means any key (other than the key furnished by the manufacturer with the motor vehicle, or the key furnished with a replacement lock, or an exact duplicate of such keys) or manipulation type device designed to operate two or more motor vehicle ignition, door, or trunk locks of different combinations, including any pattern, impression, or mold from which a master key or manipulation device can be made.

(b) *Mailability.* The items defined in paragraph (a) of this section, and any advertising for the sale of any of these items, are nonmailable except when sent to:

(1) Lock manufacturers.

(2) Professional locksmiths.

(3) Motor vehicle manufacturers or dealers.

(4) Federal, State, or local government agencies.

(c) *Endorsement required.* All mailings must be plainly marked on the outside with the statement "Keys—Mailing Complies With P.M. 125.8" in bold block letters.

(d) *Questioned mailings.* When the postmaster at either the office of mailing or the office of address has reason to question whether the addressee qualifies under paragraph (b) of this section to receive a mailing, or whether an item is nonmailable for any other reason, he may require the mailer or addressee to furnish a written explanation of the addressee's eligibility, or of the item's mailability. If the explanation is not satisfactory to the postmaster, he shall forward it with his statement of the pertinent facts to the Classification and Special Services Division, Bureau of Operations, for a ruling.

NOTE: The corresponding Postal Manual section is 125.8.

II. In § 136.2 paragraph (b) is revised, to effect the transfer referred to in the amendment above.

§ 136.2 Classification.

* * * * *

(b) *Articles acceptable.* Any matter acceptable in the domestic surface mail may be sent by airmail, except:

(1) Anything susceptible to damage, or which may be rendered harmful by changes in temperature or atmospheric pressures and not protected against the effects of such changes.

(2) Permanent magnetic materials with unconfined fields.

(3) Matter specifically excluded by appropriate Federal agencies from air shipment.

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NOTE: The corresponding Postal Manual section is 136.22.

(5 U.S.C. 301, 39 U.S.C. 501, 4010)

TIMOTHY J. MAY,
General Counsel.

[F.R. Doc. 69-86; Filed, Jan. 3, 1969; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 4—Department of Agriculture

PROCUREMENT OF CONSTRUCTION

This amendment of the Agriculture Procurement Regulations adds a new Part 4–18, Procurement of Construction, and makes related changes elsewhere in the chapter.

PART 4–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

1. The table of contents entry for Subpart 4–4.53 is revised to read as follows:

Subpart 4–4.53 [Reserved]

2. Subpart 4–4.53, Procurement of Construction, is deleted in its entirety.

PART 4–10—BONDS AND INSURANCE

The table of contents entries for Subpart 4–10.1 is revised to add:

Sec.
4–10.104–1 Construction contracts.
4–10.105–1 Construction contracts.

Subpart 4–10.1—Bonds

1. Subpart 4–10.1 is revised to add a new § 4–10.104–1 as follows:

§ 4–10.104–1 Construction contracts.

When a performance bond is not furnished within the period specified by the terms of the contract, see also § 4–18.5101 (b).

2. Subpart 4–10.1 is revised to add a new § 4–10.105–1, as follows:

§ 4–10.105–1 Construction contracts.

When a payment bond is not furnished within the period specified by the terms of the contract, see also § 4–18.5101(b).

3. The heading of § 4–10.152 is corrected to read:

§ 4–10.152 Review and approval of bonds.

PART 4–18—PROCUREMENT OF CONSTRUCTION

The table of parts is amended by adding new Part 4–18, as follows:

4–18 Procurement of construction.

New Part 4–18 is added to read as follows:

Subpart 4–18.1—General Provisions

Sec.
4–18.107 Specifications.
4–18.110 Liquidated damages.

Subpart 4–18.2—Formal Advertising

4–18.202 Preinvitation notices.
4–18.203 Invitations for bids.
4–18.203–2 Distribution of invitations for bids.
4–18.203–50 Plans and drawings.
4–18.203–51 Schedule of items.
4–18.203–52 Special conditions.
4–18.203–53 Deposit or payment for plans, drawings, and specifications.
4–18.206 Opening of bids.
4–18.206–50 Analyses of bids.
4–18.208 Award.
4–18.250 Preparation of contract forms.

Subpart 4–18.50—Labor

4–18.5001 Rates of wages.
4–18.5002 Nonrebate of wages—Copeland Act.
4–18.5003 Contract Work Hours Standards Act.

Subpart 4–18.51—Contract Administration

4–18.5101 Performance and payment bonds.
4–18.5102 Notice to proceed.
4–18.5103 Changes in construction contracts.
4–18.5104 Differing site conditions.
4–18.5105 Work orders.
4–18.5106 Amendment.
4–18.5107 Equitable adjustment.
4–18.5108 Work progress reports and invoices.
4–18.5109 Extension of contract time.
4–18.5110 Claims arising out of breach contract by the Government.

AUTHORITY: The provisions of this Part 4–18 issued under sec. 205(c), 63 Stat. 309; 40 U.S.C. 486(c).

Subpart 4–18.1—General Provisions

§ 4–18.107 Specifications.

(a) *Preparation.* Specifications for construction contracts are usually prepared in three parts as described in this section although in small contracts they may be combined if appropriate. These specifications generally include only the technical details of the construction contract with administrative provisions being included in the "Special Conditions." The following is suggested as a guide in arranging the specifications for a construction contract:

(1) *General requirements.* These are the specification requirements of a general nature that apply to all items of construction listed in the contract specifications. When an agency is engaged in a regular program of construction, they are usually prepared as standard requirements for all similar construction. General requirements include such items as:

(i) Definitions.

(ii) Interpretations of quantities in the schedule of items.

(iii) Control of work and material.

(iv) Scheduling prosecution and progress of work.

(v) Measurement and payment for work.

(vi) Removal of structures and obstructions.

(vii) Final cleaning up, etc.

(2) *Construction details.* These are the technical specifications for each item listed in the Schedule of Items of the bid invitation and contract. Such construction details should be titled and numbered exactly as the item is to appear in the schedule of items and include the following:

(i) Description of the item of construction.

(ii) Construction methods.

(iii) Method of measurement.

(iv) Basis of payment.

(3) *Supplemental specifications.* When an agency is engaged in a regular program of construction, it is the usual practice to prepare the general requirements and construction details as standard specifications for all recurring construction work. Such standard specifications are usually reproduced in quantity for attachment as necessary to the invitation for bids and contract. For each contract, however, there may be peculiarities of construction that require either deviation from the standard specifications or additions thereto. These are ordinarily included in an attachment called "Supplemental Specifications" which, as the term implies, supplement the standard specifications. Provision should be made in the "General Requirements" that where there is a conflict between the supplemental specifications and other contract specifications, the supplemental specifications shall govern.

(b) *Identification.* The invitation for bids and contract should clearly identify each page of the specifications by title and inclusive page or paragraph numbers as appropriate.

§ 4–18.110 Liquidated damages.

Liquidated damages provisions for construction contracts are contained in the "Termination for Default—Damages for Delay—Time Extensions" clauses of the Standard Contract Forms. See also § 1–8.709 of this title.

Subpart 4–18.2—Formal Advertising

§ 4–18.202 Preinvitation notices.

Notices should also contain the following information: (a) Form of contract to be required, (b) bonds required, (c) amount of deposit or purchase cost to obtain plans, drawings, and specifications, and (d) the invitation number assigned. Standard Form 20 may be used for this notice.

§ 4–18.203 Invitations for bids.

§ 4–18.203–2 Distribution of invitations for bids.

(a) *Selection of bidders.* When information is available in advance of bid solicitation, invitations for bids should be sent only to those prospective bidders who are considered responsible and competent to perform the work required by the bid specifications. Unless debarred or suspended, however, no bidder may be refused an opportunity to bid.

(b) *Mailing lists of prospective bidders.* Those agencies regularly engaged in construction work should assemble a list of prospective bidders classified by specialties, bonding capacity and location of operations. The State Office of the Associated General Contractors of America, Inc., is an excellent source of help in contacting and listing contractors, and in most cases information on equipment ownership, financial standing and general reputation can be secured. When information concerning qualifications of bidders is desired, forms entitled "Experience Questionnaire", "Plan and Equipment Questionnaire", and "Contractor's Financial Statement", should be used to secure this data from the prospective bidder. These forms are available from the Office of Plant and Operations.

§ 4–18.203–50 Plans and drawings.

Plans and drawings should be clearly identifiable by sheet numbers and titles and be so identified in the bid invitation and contract. For general information regarding building codes and standards of design, see section 104–17.451. (Not published in the Code of Federal Regulations.)

§ 4–18.203–51 Schedule of items.

When a single bid price is required, it should be made clear to the bidder that the price is to be entered in the space provided on the Standard Bid Forms. However, in most instances prices may be desired for each integral portion of the job. In such event bidders should be referred to a "Schedule of Items" which will be attached to and made a part of the bid invitation papers by appropriate reference. The schedule of items on which the bidder inserts his bid is prepared by tabulating the items of work correlated with exact item numbers and titles of work descriptions contained in the "Construction Details" of the specifications and showing the estimated quantity of each item of work in a form that will permit the contractor to prepare his bid. The schedule of items or general provisions shall state definitely whether award is on an individual item basis or on an "all or none" basis. When Standard Forms 23 and 23A are to be used for the contract, the schedule of items should be prepared as a separate attachment to the invitation for bids so that it may be easily copied and made a part of the contract.

§ 4–18.203–52 Special conditions.

This section of the invitation for bids and contract for construction should include those conditions which supplement the general provisions of Standard Contract Forms. Special conditions generally include such items as:

(a) Time for completion of work.
(b) Rates of wages.
(c) Bond requirements.
(d) Liquidated damages.
(e) Subcontracting.
(f) Designation of contracting officer's representative, etc.

§ 4–18.203–53 Deposit or payment for plans, drawings, and specifications.

Plans, drawings, and specifications consisting of more than a few sheets are quite expensive; therefore, casual requests should be discouraged. Requiring deposit or payment serves to limit the requests to those firms who have an interest in bidding or as subcontractors. When a deposit is required, the amount of the deposit should not be in excess of the cost of preparation but yet should be kept high enough to discourage promiscuous requests. The bookkeeping required in setting up an account to handle deposits and make refunds may prove burdensome; therefore, an arrangement whereby one set of plans, drawings, and specifications is furnished free of charge to general contractors and additional sets are furnished on a sale basis only, is one way of alleviating the situation. (The successful bidder will be furnished with as many sets of plans, drawings, and specifications as may be necessary for the job or a reasonable number of sets without charge.) One complete set should be displayed in the office issuing the invitation and be made available for inspection by any interested parties. When this method is employed, the following language should appear in the "Notice to Prospective Bidders":

One set of plans, drawings, and specifications will be furnished free, upon application therefor, to general contractors only who can quote on the entire job as required. Additional copies are available at $------ per set. Plans, drawings, and specifications will be on display for examination by interested parties at ----------.

§ 4–18.206 Opening of bids.

§ 4–18.206–50 Analyses of bids.

Methods to be followed in the analysis of bids on construction are the same as those for other types of contracts. (See Subpart 1–2.4 of this title.) Particular care should be taken in analyzing bids for construction work to assure the sufficiency of the bid bond, determine that the low bidder is responsible and qualified to perform the work, that the bid price is reasonable by comparison to the agency cost estimate, and that no exceptions to the bid specifications are taken by the bidder. When there is any doubt as to the bidder's financial ability or experience qualifications, the bidder's bonding company, bank, state office of Associated General Contractors; Small Business Administration (see § 1–1.708–2 of this title), and previous contract employers should be contacted. Bonding companies, particularly, are helpful in resolving questions in this area. Rejection because of insufficient financial ability or experience qualifications should be supported by the opinion of those contacted as above.

§ 1–18.208 Award.

(a) *Availability of funds.* Prior to award of the contract or any subsequent change therein, the contracting officer must have written assurance that sufficient funds are available within the current allotment and that they are reserved for the proposed action.

(b) *Wage rate determinations.* Notice of award must be given within 120 days from the date of the original wage determination or new wage determinations obtained and made a part of the contract before it is awarded unless the determination is extended in accordance with § 5.4a of the regulations of the Secretary of Labor.

(c) *Instructions regarding labor provisions.* (1) Upon award of the contract the successful bidder shall be furnished with a copy of Form AD–372, "Regulations Applicable to Contracts Covering Federally Financed and Assisted Construction and Other Contracts Subject to the Contract Work Hours Standards Act." Form AD–372 is available from the Central Supply Section.

(2) The contractor's attention should particularly be called to the requirement for submission of weekly payrolls and statements with respect to payment of wages. If there is a representative of the contracting officer on the site of the job, responsibility for securing these documents may be delegated to him; otherwise the contractor should be required to mail them direct to the contracting officer.

(d) *Equal opportunity provision.* Upon award of the contract, the contractor shall be furnished posters and directions for their use in accordance with § 1–12.805–3 of this title and § 4–12.805–3 of this chapter.

(e) *Notice of award.* The contractor should be formally notified by letter or other written notice, and requested to furnish performance and payment bonds and to return a copy of the contract properly signed. Upon receipt of properly executed bonds and contract, two copies of the contract, containing all pertinent papers and signed by the contracting officer should be furnished to the contractor, together with instructions regarding labor provisions of the contract; provision for schedule of work, etc.; and any other pertinent advice, such as the name of the authorized representative of the contracting officer.

§ 4–18.250 Preparation of contract forms.

See Subpart 4–16.4 of this chapter.

Subpart 4–18.50—Labor

§ 4–18.5001 Rates of wages.

(a) *Davis-Bacon Act applicability.* The Davis-Bacon Act (40 U.S.C. 276a) requires that the advertised specifications for every contract in excess of $2,000 for the construction, alteration or repair of public buildings or works, including painting or decorating buildings, shall contain a provision stating the minimum

wages and fringe benefits to be paid laborers and mechanics. Applicability of the provisions of the Davis-Bacon law is dependent upon the actual contract price and not upon estimates as to whether the contract work is in excess of $2,000 the statutory minimum, and even though said provisions were included in a contract where the price is less, there is no requirement for compliance therewith, because public officers do not have legal authority to include provisions contrary to law (see 18 Comp. Gen. 394). Whenever it is believed the contract amount may exceed $2,000, provision should be made in the invitation for bids for compliance with the Act. The labor standards provisions of Standard Form 19A are sufficient to require such compliance.

(b) *Requesting wage determinations.* Agencies shall request wage determinations by submitting to the Solicitor of Labor, U.S. Department of Labor, Washington, D.C. 20210, in accordance with section 5.3 of the regulations a completed Department of Labor Form DB–11. These forms are available from Central Supply Section. Requests for wage determinations shall be initiated at least 30 calendar days before advertisement of the specifications or the beginning of negotiations for the contract for which the determinations are sought. The Department of Labor has indicated that exceptions to this requirement will be made only upon a proper showing of need in unusual cases.

(c) *Inclusion of rates in specifications.* Minimum wage rates thus obtained shall be included in the advertised specifications of each invitation when issued. If circumstances require issuance of an invitation prior to availability of the wage determination, a notice shall be included that the applicable wage rates will be furnished by an amendment. Such amendment shall be issued not less than 14 calendar days prior to the bid opening date, which date shall be extended if necessary to cover the 14-day period.

(d) *Use of wage determinations.* Wage determinations expire 120 days after the date thereof, and may not be incorporated in contracts awarded thereafter, unless extended in accordance with section 5.4a of the regulations of the Secretary of Labor. All actions by the Secretary of Labor changing or modifying original wage determinations prior to the award of the contract shall be applicable thereto, except that modifications received by the agency later than 10 days before the opening of bids shall not be effective.

(e) *Apprentice wage rates.* Department of Labor regulations require that invitations to bid on construction contracts in excess of $2,000 include the provision regarding employment of apprentices, Article 3 of Standard Form 19A. Apprentices shall be paid wage rates established in the applicable apprenticeship program. Questions concerning payment of apprentices shall be referred through channels to the Department of Labor.

§ 4–18.5002 Nonrebate of wages—Copeland Act.

The Copeland Act, also known as the "Kick-Back Act" (18 U.S.C. 874) makes it unlawful to prevent anyone employed in the construction, alteration, or repair of buildings or works financed in whole or in part by the United States from receiving the rates of pay legally due. This Act, unlike the Davis-Bacon Act, applies regardless of the contract amount. (See 19 Comp. Gen. 576.) The required contract provision is stated in Clause 5 of Standard Form 19A. (See § 1–16.901–19A of this title.)

§ 4–18.5003 Contract Work Hours Standards Act.

The Contract Work Hours Standards Act (40 U.S.C. 327–330) relates to the 8-hour day, 40-hour week, overtime compensation of laborers and mechanics employed by contractors. The required contract provision is stated in Clause 2 of Standard Form 19A. (See § 1–16.901–19A of this title.)

Subpart 4–18.51—Contract Administration

§ 4–18.5101 Performance and payment bonds.

(a) When performance and payment bonds are received, they should be administratively approved as to form and sufficiency by the contracting officer. See § 4–10.152 of this chapter for instructions on approval and filing of bonds.

(b) If the contractor fails to furnish acceptable performance and payment bonds, the contract should be terminated for default. (See § 1–18.803 of this title.) See also §§ 1–10.104–1(d) and 1–10.105–1(d) of this title.

§ 4–18.5102 Notice to proceed.

When the contract is returned by the contractor, it should be checked for appropriate signatures. Upon approval of the contract and bonds by the contracting officer, the notice to proceed should be issued as provided in the contract. Ordinarily, this will be by letter directing the contractor to proceed with the work within the period of time after date of receipt of the notice to proceed, as stated in the contract. This notice should be sent by registered or certified mail with return receipt in order to determine the starting date of contract time.

§ 4–18.5103 Changes in construction contracts.

(a) *Contract provision.* In accordance with Clause 3 of Standard Form 23A and Clause 1 of Standard Form 19, the contracting officer may at any time, by a written order, make changes in the drawings and/or specifications of the contract, if within the general scope thereof.

(b) *Determination of contract adjustment.* If changes cause an increase or decrease in the contractor's cost of, or in the time required for, performance of the contract, an equitable adjustment in the amount to be paid the contractor and/or in the time of performance shall be made by the contracting officer in accordance with § 4–18.5107.

(c) *Change order.* The change shall be made by means of a written change order which may be by letter or on agency forms. The order shall cite the changes clause of the contract as the basis and authority for ordering the change. As a general rule, the order setting forth the changed work and the adjustment in price and/or time should be issued before commencement of the changed work. Only where time is not available and the changed work must proceed without delay may the change be initiated by a "two-part" change order. Part I will then be issued, setting forth the scope of the change, stating that the contractor is to proceed with the work as changed and that adjustments in contract price and/or time will be made at an early date. Part II would be issued as soon as adequate data is developed to enable making the equitable adjustment. Provision should also be made for receipt and acceptance of the change order(s) by the contractor, including his agreement to the adjustment in contract price and/or time specified therein. No conditions shall be extended by the contracting officer for nonacceptance, such as withholding of otherwise due payments, agreements on items in dispute, etc. Failure to agree on terms of the change shall be handled as a dispute. Prior to issuance of a change order increasing the contract amount, the contracting officer must have written assurance that funds are available and reserved for the proposed action. Also, the surety should be advised of the change, although this is not required by the contract terms.

(d) *Authorized changes.* The cited contract provision includes any structural changes to the total work which can be said to have been fairly and reasonably within the contemplation of the parties at the time the contract was made. It includes nonstructural changes necessary to carry on the work such as changes in sequence of operations, acceleration of work, and changes in Government furnished materials.

(e) *Timeliness.* Contract performance may be suspended or delayed by the contracting officer for a reasonable time, where necessary to work out the details of a proposed change and issue a change order. What is a reasonable time depends upon the extent of the change and other material circumstances. In any event, the contracting officer should proceed with contract changes, and adjustments thereunder, in a manner calculated to minimize any adverse effect on the contractor.

(f) *Disputes.* If the contractor does not agree with the adjustment in the change order, he must nonetheless proceed with the prosecution of the work as ordered. He is allowed a period of 30 days from the date of receipt of the change order by the changes provision of the contract within which to claim further adjustment. However, if the contracting officer determines that the facts justify such action, i.e., that the delay is not prejudicial to the Government, and evidence is available to determine the merits of the claim, he may consider and

adjust any such claim if asserted at any time prior to the date of final payment under the contract. Upon receipt of such a claim, the contracting officer shall consider the facts and make whatever further adjustment in the contract is justified in accordance with the procedures for equitable adjustments stated in § 4–18.5107.

§ 4–18.5104 Differing site conditions.

(a) *Contract provisions.* Clause 4 of Standard Form 23A provides that the contractor shall promptly, and before such conditions are disturbed, notify the Contracting Officer in writing of (1) subsurface or latent physical conditions at the site differing materially from those indicated in the contract, or (2) unknown physical conditions at the site of an unusual nature, differing materially from those ordinarily encountered and generally recognized as inhering in work of the character provided for in the contract. Similar language appears in Clause 1 of Standard Form 19. These standard forms provide that if such conditions cause an increase in the cost of, or in the time required for, performance of any part of the work under the contract, whether or not changed as a result of such conditions, an equitable adjustment in the amount to be paid the contractor and/or in the time of performance shall be made by the contracting officer, unless the contractor fails to give the required notice and the contracting officer does not consider waiver of the notice to be justified.

(b) *What constitutes a differing site condition*—(1) *Misrepresented conditions.* The first category of conditions cognizable under the differing site conditions clause is those physical conditions differing materially from that indicated by the invitation and contract, including all plans, drawings, specifications, logs, charts, and other parts thereof. If the Government intentionally or unintentionally misrepresented what had been found in the course of its site investigative work, or found otherwise, or withheld pertinent information which could have had a substantial bearing on the contractor's bid calculations and the contractor was therefore damaged through his reasonable reliance upon the information provided by the Government, he is entitled to an equitable adjustment. In such a case, the usual contract clauses warning the bidder to inspect the site, and at the same time disclaiming responsibility of the Government for inaccuracy of information supplied, are insufficient to overcome the Government's failure to supply available, accurate information. On the other hand, if the Government shows fairly, honestly, and completely what it has found, the fact that what it does show may not be representative of the conditions later found to exist will not enable the contractor to be relieved because of misrepresentation.

(2) *Unanticipated conditions.* This category of conditions includes those existing at the time the contract was made which were unknown to both parties, and of such unusual nature that a competent contractor would not have anticipated their presence under the circumstances. Relief does not depend upon a comparison of the conditions found with the contract documents, but rather on whether the actual conditions encountered do differ substantially from what a contractor should reasonably have expected, based not only upon the information furnished by the Government, but also upon the conclusions which would reasonably be drawn from generally known conditions of the surrounding area and the nature of the job to be done. Statements in the invitation that the contractor is responsible for informing himself of conditions at the site, or that disclaim responsibility of the Government for unknown conditions cannot detract from the right given the contractor by the Differing Site Conditions Clause to an equitable adjustment if he encounters conditions which he could not reasonably be expected to have foreseen under the circumstances. However, if the bidder is given an opportunity to inspect the site and fails to do so, he cannot obtain relief on the basis of ignorance of conditions of which he could have been warned by a thorough visual inspection. Unusual weather conditions are not considered differing physical conditions within the meaning of this clause.

(c) *Determination of contract adjustment.* Upon receipt of notice of a differing site condition from the contractor, the contracting officer shall promptly investigate the conditions and if he finds that such conditions do so materially differ and cause an increase or decrease in the cost of, or the time required for, performance of any part of the work under the contract, he shall determine and make an equitable adjustment as provided in § 4–18.5107. No claim for adjustment shall be allowed unless the contractor has given written notice of the differing conditions prior to their being disturbed, unless the Government actually knew of the conditions, or where its interests were not prejudiced by failure to give notice at the time required, or where evidence is available to establish the merits of the claim.

(d) *Disputes.* If the contractor does not agree with the adjustment made by the contracting officer, he may so notify the contracting officer, who then shall prepare a finding of fact and make a decision, as provided in § 4–50.104 of this chapter. In accordance with the contract Disputes Clause, the contractor may appeal from the decision of the contracting officer within 30 days from the date of receipt thereof.

(e) *Contract provisions for estimated quantities.* (1) Where quantities of items, such as earth excavation, rock removal, etc., are estimated, consideration should be given to including in the contract a special provision establishing the point at which overruns or underruns of such estimated quantities shall be considered as entitling the Government or the contractor to an equitable adjustment in the contract price. The following language is prescribed for such a provision:

QUANTITY VARIATIONS

(a) Where the quantity of work shown for an item in the schedule of items, including any modification thereof, is estimated, no adjustment of the contract price nor of the performance time shall be made for overruns or underruns which are within twenty-five (25) percent of the estimated quantity of any such item.

(b) For overruns of more than twenty-five (25) percent, the Contracting Officer shall reestimate the quantity for the item, establish an equitable contract price for the overrun of more than twenty-five (25) percent, adjust contract performance time equitably, and modify the contract in writing accordingly; this clause to thereafter be applicable to the total reestimated item quantity.

(c) For underruns of more than twenty-five (25) percent, the Contracting Officer shall determine the quantity for the item, establish an equitable contract price therefor, adjust contract performance time equitably, and modify the contract in writing accordingly.

Additional language may be included limiting application of the provision to major items in the contract.

§ 4–18.5105 Work orders.

The term "work orders" is used for a variety of actions which are within the general scope of the contract, but which do not increase or decrease the amount due under the contract or the time required for its performance. Any situation involving a "Change" or "Differing Site Conditions," as described in §§ 4–18.5103 and 4–18.5104, requires a change order signed by the contracting officer whether or not there is a change in the contract amount or time of performance. Work orders would be used for any situation where it is advisable to direct the contractor in writing to fulfill some contract requirement in a specific way, such as when he ignores verbal directions, or to order performance of work for which a contingent sum is set up in the schedule of items of work and which is not covered by the notice to proceed, or to establish specifications for portions of work which the contract provides shall be at the direction of the engineer, etc. Work orders are a part of the official actions under a contract and as such are to be retained as a part of the contract file.

§ 4–18.5106 Amendment.

All changes in contract work within the general scope contemplated by the contract will be ordered by change orders. When additional work outside the scope of the contract is required, and it is determined that the contractor is the only reasonable source, such additional work may be included in the contract by an amendment in the form of a supplemental agreement which must be signed by the contractor. The contract file must contain a statement adequately supporting the execution of the agreement as being within the exceptions to the statutory advertising requirements.

§ 4–18.5107 Equitable adjustment.

(a) *Authority.* The standard contract clauses such as for "Changes", "Differing Site Conditions", "Disputes", etc., provide for the making of equitable adjustments in contract price and time.

(b) *Determination.* The method of determining the equitable adjustment varies, dependent upon whether work is, or is to be, completed, and upon the adequacy of contractor's accounts, the nature of the work, etc. While rigid rules applicable to all circumstances cannot be given, these are some rules of general application:

(1) The costs that will be reasonably experienced by the contractor should be used. The costs of a more experienced company should not be used as a standard.

(2) Profit is allowable unless the contract provision specifically limits recovery to costs. However, anticipated profit on work deleted may not be included.

(3) Adjustments may be based on fair and reasonable approximations of the costs made by experts.

(4) The mere difference between the originally estimated cost of performance and the actual cost of performing changed work is not of itself an acceptable basis for making the adjustment. What would be reasonable costs of performing the work must be determined.

(5) Adjustments in both time and price should be made concurrently. Any adjustment in contract time is a recognition that cost of performance may be subject to adjustment.

(c) *Documentation.* The final determination of an equitable adjustment, including the basis therefor, must be in writing. Agreement thereto in writing by the contractor must be obtained when the contract requires such agreement. Documented agreement is desirable in any case.

(d) *Disputes.* Failure to agree upon an adjustment in the contract shall be settled in accordance with procedures stated in Subpart 4–50.1 of this chapter.

§ 4–18.5108 Work progress reports and invoices.

As a minimum, the contracting officer should be advised once each month as to the progress of construction work in such terms as to enable him to judge whether satisfactory progress under the contract is being obtained. The work progress report may be in the form of an estimate of work accomplished under each item which, if in appropriate detail, may be used by the contractor as his invoice.

§ 4–18.5109 Extension of contract time.

Extension of contract time may be authorized only when contract general provisions (such as clauses 3, 4 and/or 5 of SF–23A) provide specific authority therefor. When an extension of contract time is requested because of delays due to causes as specified in the contract, the contracting officer shall ascertain the facts and prepare and furnish to the contractor a report of his findings and decision. (See § 1–8.602–3 of this title.)

§ 4–18.5110 Claims arising out of breach of contract by the Government.

(a) Claims by contractors arising out of breach of contract by the Government may not be settled administratively.

(b) If the Contracting Officer determines, based upon the facts surrounding the alleged breach, that responsibility should clearly rest with the Government; and, if the claim is reasonable, just, and agreed to by both parties as to amount, it should be submitted to the General Accounting Office for settlement.

(c) All such claims shall be accompanied by all available evidence and shall extend only to the actual costs incurred which are in excess of the costs which reasonably would have been incurred but for the breach of contract by the Government.

Done at Washington, D.C., this 30th day of December 1968.

ELMER MOSTOW,
Director,
Office of Plant and Operations.

[F. R. Doc. 69–47; Filed, Jan. 3, 1969; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 26]

SOYBEANS

Standards

Pursuant to the administratve procedure provisions of 5 U.S.C. section 553, notice is hereby given that the U.S. Department of Agriculture has under consideration proposed changes in §§ 26.601 (k) and 26.602(b) of the Official Grain Standards of the United States for Soybeans (7 CFR 26.601 et seq.) promulgated under the authority of the U.S. Grain Standards Act (7 U.S.C. 71 et seq. as amended by 82 Stat. 761).

Statement of considerations. This proposed amendment of the soybean standards is issued under authority of the U.S. Grain Standards Act (7 U.S.C. 71 et seq. as amended by 82 Stat. 761) which provides for official standards to designate the level of quality for the voluntary use by producers, buyers, and consumers in the domestic trading of grain and for the mandatory use by exporters in the export trading of grain. Official grading service is provided under this Act upon request of the applicant and payment of a fee to cover the cost of service.

Section 26.601(k) of the Official Grain Standards of the United States for Soybeans provides that the grading factor "damaged kernels" shall include soybeans that are heat-damaged, sprouted, frosted, badly ground-damaged, badly weather-damaged, moldy, diseased, or otherwise materially damaged.

Several years ago the Department instructed inspectors to consider soybeans that contain stink-bug stings as materially damaged kernels. Accordingly, in the official inspection of soybeans the Department includes as materially damaged kernels those soybeans that show evidence of stings by species of Pentatomidae (stink bugs). Widespread increase of such stings in recent years has stimulated research on the nature of the stings and their effect on the quality of soybeans. The available research data shows that the presence of approximately 10 percent of kernels containing stink-bug stings in otherwise sound lots of soybeans caused a decrease of only about 0.25 percent in oil content, an increase of 4½ units in the fat acidity value, and an increase of about 0.5 percent in protein content of the soybeans.

On the basis of the available data, it appears that the adverse effects of the stings are not sufficient to justify the present significance given, in the grade standards for soybeans, to this type of injury. Accordingly, it is proposed that soybeans showing evidence of stings by stink bugs would continue to be considered as damaged soybeans but be assessed only one-fourth of the actual percentage of the soybeans that are stung by stink bug. For example, a sample with 8 percent of injury as a result of stink-bug stings and 2 percent of damage by mold or other causes would be considered to contain a total of 4 percent of damaged kernels (8 percent of stink-bug-stung kernels÷4+2 percent damage by mold or other causes=4 percent total damage). The proposal to assess only one-fourth of the actual percentage for stink-bug injury is based on the apparent small changes in the chemical composition of samples containing up to 10 percent of such injury.

The proposed changes are as follows:

(1) Revise § 26.601(k) to include in the definition for damaged kernels those kernels which have been stung by stink bugs.

(2) Revise § 26.602(b) to provide that the percentage of stink-bug-stung kernels in a lot of soybeans be assessed at the rate of one-fourth of the actual percentage of such kernels in a lot.

The provisions of §§ 26.601(k) and 26.602(b) if amended as proposed would read as follows:

§ 26.601 Terms defined.

* * * * *

(k) *Damaged kernels.* Damaged kernels shall be soybeans and pieces of soybeans which are heat-damaged, sprouted, frosted, badly ground-damaged, badly weather-damaged, moldy, diseased, stink-bug-stung, or otherwise materially damaged.

§ 26.602 Principles governing application of standards.

* * * * *

(b) *Percentages.* All percentages shall be upon the basis of weight. The percentage of splits shall be expressed in terms of whole percents. All other percentages shall be expressed in terms of whole and tenths percents. The percentage of stink-bug-stung kernels in a lot of soybeans shall be assessed at the rate of one-fourth of the actual percentage of such kernels in the lot.

The U.S. Grain Standards Act requires that public notice be given on any amendment of the standards not less than 90 days in advance of the effective date of such amendment. If the proposed changes as set forth herein are adopted, it is intended that the changes be made effective on or about September 1, 1969, the beginning of the new crop.

Public hearings will not be held, but all persons who desire to submit written data, views, or recommendations in connection with these proposals may file the same in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 30 days after the proposal has been published in the FEDERAL REGISTER. All comments filed will be available for public inspection during official hours of business (7 CFR 1.27(b).

Consideration will be given to all written comments filed with the Hearing Clerk and to all other information available to the U.S. Department of Agriculture in deciding on the proposed changes in §§ 26.601(k) and 26.602(b).

Copies of the current soybean standards may be obtained from the Director, Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782, or from any field office of the Grain Division. A list of field offices may be obtained from the above address.

Done at Washington, D.C., this 31st day of December, 1968.

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

[F.R. Doc. 69-81; Filed, Jan. 3, 1969; 8:48 a.m.]

[7 CFR Part 913]

[Docket No. AO-353-A1-RO-1]

GRAPEFRUIT GROWN IN INTERIOR DISTRICT IN FLORIDA

Notice of Reopening of Hearing Regarding Proposed Amendment to Marketing Agreement and Order and Supplemental Notice of Hearing Regarding Proposed Additional Amendment to Marketing Agreement and Order; Correction

In F.R. Doc. 68-15073 appearing at page 18710 of the issue for Wednesday, December 18, 1968, the second paragraph incorrectly states that the supplementary proposals contained therein were submitted by the Growers Administrative Committee, the local administrative agency for the program. The correct name of such agency is the Interior Grapefruit Marketing Committee. Therefore, said second paragraph is hereby corrected to read as follows:

Notice is hereby also given that the amendatory proposals in the notice of July 31, 1968, are supplemented by those hereinafter set forth. The supplemental proposals were submitted by the Interior Grapefruit Marketing Committee, the local administrative agency for the program. None of the amendatory proposals, including those in this supplemental notice, has received the approval of the Secretary of Agriculture.

Dated: December 31, 1968.

G. R. GRANGE,
Acting Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-142; Filed, Jan. 3, 1969; 8:52 a.m.]

[7 CFR Part 945]

[945.326, Amdt. 1]

IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

Limitation of Shipments

Consideration is being given to a proposed amendment of the limitation of shipments regulation (33 F.R. 9531), as hereinafter set forth, which was recommended by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and Order No. 945, both as amended (7 CFR Part 945), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oreg. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with this proposal should file the same in quadruplicate with the Hearing Clerk, Room 112, U.S. Department of Agriculture, Washington, D.C., 20250, not later than 5 days after publication of this notice in the FEDERAL REGISTER. 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)).

The proposed amendment to § 945.326. *Limitation of Shipments* is that effective January 13, 1969, paragraphs (a), (b)(1), (c), the introductory text of (d) and (f) be amended as follows:

§ 945.326 Limitation of shipments.

* * * * *

(a) *Minimum quality requirements*—(1) *Grade.* All varieties: U.S. No. 2, or better grade.

(2) *Size.* (i) Round red varieties: 1⅞ inches minimum diameter.

(ii) All other varieties: 2 inches minimum diameter, or 4 ounces minimum weight.

(iii) When containers of long varieties of potatoes are marked with a count or similar designation they must meet the weight range for the count designation listed below:

Count designation	*Weight range*
Larger than 50 count	15 ounces or larger.
50 count	13–19 ounces.
60 count	11–16 ounces.
70 count	10–15 ounces.
80 count	9–13 ounces.
90 count	8–12 ounces.
100 count	6–10 ounces.
110 count	5–9 ounces.
120 count	4–8 ounces.
130 count	4–8 ounces.
140 count	4–8 ounces.
Smaller than 140 count	4–8 ounces.

The following tolerances, by weight, are provided for potatoes in any lot which fail to meet the weight range for the designated count:

(*a*) 5 percent for undersize; and,

(*b*) 10 percent for oversize.

(3) *Cleanliness*—(i) *Kennebec variety.* Not more than "slightly dirty."

(ii) *All other varieties.* "Generally fairly clean."

(b) *Minimum maturity requirements*—(1) *White Rose variety.* No maturity requirements.

* * * * *

(c) *Special purpose shipments.* (1) The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(i) Certified seed;

(ii) Charity;

(iii) Starch;

(iv) Canning or freezing;

(v) Experimentation;

(vi) Seed pieces cut from stock eligible for certification as certified seed.

(2) The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a) and (b) of this section shall be applicable to shipments of potatoes for each of the following purposes:

(i) Export: *Provided,* That potatoes of a size not smaller than 1½ inches in diameter may be shipped if the potatoes grade not less than U.S. No. 2; and

(ii) Potato chipping: *Provided,* That potatoes of a size not smaller than 1½ inches in diameter may be shipped if the potatoes grade not less than Idaho Utility, or Oregon Utility grade.

(d) *Safeguards.* Each handler making shipments of potatoes for starch, canning or freezing, experimentation, seed pieces cut from stock eligible for certification, export or for potato chipping pursuant to paragraph (c) of this section shall:

* * * * *

(f) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "fairly clean," and "slightly dirty" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. The term "generally fairly clean" means that at least 90 percent of the potatoes in a given lot are "fairly clean". The terms "Idaho Utility grade" and "Oregon Utility grade" shall have the same meanings as when used in the respective standards for potatoes for the respective States. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and Order No. 945, both as amended.

* * * * *

Dated: December 30, 1968.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–82; Filed, Jan. 3, 1969; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 68–CE–10–AD]

AIRWORTHINESS DIRECTIVE

Beech Model 18 Series Airplanes; Withdrawal of Advance Notice of Proposed Rule Making

On July 4, 1968, an advance notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 9712) soliciting comments regarding the proposed amendment of Part 39 of the Federal Aviation Regulations by issuing an airworthiness directive requiring either inspection or reinforcement of the entire lower spar cap on Beech Model 18 Series airplanes.

The advance notice stated that consideration would be given all comments received on or before October 1, 1968. The comment period was later extended to November 9, 1968.

After reviewing and analyzing all comments received, the agency has determined that sufficient justification does not exist for the action proposed. The agency believes that the current required inspections of the lower spar cap specified in existing airworthiness directives are sufficient to maintain an acceptable level of airworthiness. Accordingly, the advance notice of proposed rule making is hereby withdrawn.

Issued at Kansas City, Mo., on December 23, 1968.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69–76; Filed, Jan 3, 1969; 8:48 a.m.]

[14 CFR Part 39]

[Docket No. 68–EA–136]

AIRWORTHINESS DIRECTIVE

Fairchild Hiller Aircraft

The Federal Aviation Administration is considering amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applying to Fairchild Hiller Aircraft.

There have been reports of inverter overvoltage conditions causing the burnout or erratic operation of required instruments located on the pilot and copilot instrument panels on FH–27 and FH–227 type aircraft. The deficiency occurred in aircraft utilizing Lear Siegler inverters incorporating solid state Lear Siegler regulators or Bendix type 4B39 regulators. The proposed airworthiness directive will require installation of overvoltage protection in accordance with appropriate service bulletins or other approved method.

Interested persons are invited to participate in the making of the proposed

rule by submitting written data and views. Communications should identify the docket number and be submitted in duplicate to the Office of Regional Counsel, FAA, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430.

All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before taking action upon the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments will be available in the Office of Regional Counsel for examination by interested parties.

In consideration of the foregoing, it is proposed to issue a new airworthiness directive as hereinafter set forth:

Amend § 39.13 of Part 39 of the Federal Aviation Regulations so as to add the following new airworthiness directive:

FAIRCHILD HILLER. Applies to F-27 and FH-227 Type Airplanes Incorporated Lear Siegler (Jack & Heintz) Inverters P/N F35-5 or P/N F45-10 or P/N 40045-000 with Solid State Regulators Lear Siegler Kit P/N 52-000054 (Regulator P/N 5102-000), or Kit P/N 52-000059 (Regulator P/N 51502-001), or Kit P/N 52-000068 (Regulator P/N 51502-00M), or Bendix Type 4B39 Series Regulators.

Compliance required within the next 500 hours time in service after the effective date of this A.D. unless already accomplished.

To prevent hazards associated with an inverter overvoltage condition causing the burnout or erratic operation of required instruments, accomplish the following:

(a) Install a.c. overvoltage protection in the electrical output of the above inverter(s) which utilize Lear Siegler solid state regulators, P/N 51502-000, or P/N 51502-001, or P/N 51502-00M, in accordance with Lear Siegler Service Bulletin No. 148 dated October 22, 1968, for F-27 aircraft and FH-227 aircraft or later FAA approved revision approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, or equivalent installation approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(b) Install a.c. overvoltage protection in the electrical output of the above inverter(s) which utilize Bendix 4B39 Series regulators in accordance with Bendix Service Bulletin No. R200 dated November 15, 1968, or later FAA-approved revision approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, or equivalent installation, approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(c) Upon request with substantiating data, submitted through an FAA maintenance inspector, the compliance time specified in this A.D., may be increased by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and section 6(c) of the DOT Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on December 24, 1968.

R. M. BROWN,
Acting Director, Eastern Region.

[F.R. Doc. 69-77; Filed, Jan. 3, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-WE-99]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Riverton, Wyo., control zone.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

Frontier Airline personnel are responsible for weather reporting service at Riverton Municipal Airport and the current effective hours of the control zone coincide with the operational hours of Frontier Airline personnel. Since the duty hours of the airline personnel are subject to frequent changes dependent upon seasonal airline schedules, the FAA proposes to utilize the NOTAM to designate the effective hours of the control zone and eliminate the lengthy rule-making process.

In consideration of the foregoing the FAA proposes the following airspace action:

In § 71.171 (33 F.R. 2119) the Riverton, Wyo., control zone is amended by deleting "* * * from 0500 to 2100 hours, local time, daily." and substituting therefor "This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual."

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on December 24, 1968.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-104; Filed, Jan. 3, 1969; 8:51 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-WE-100]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Durango, Colo., control zone.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

Frontier Airline personnel are responsible for weather reporting service at La Plata Field and the current effective hours of the control zone coincide with the operational hours of Frontier Airline personnel. Since the duty hours of the airline personnel are subject to frequent changes dependent upon seasonal airline schedules, the FAA proposes to utilize the NOTAM to designate the effective hours of the control zone and eliminate the lengthy rule-making process.

In consideration of the foregoing the FAA proposes the following airspace action:

In § 71.171 (33 F.R. 2078) the Durango, Colo., control zone is amended by deleting "* * * effective from 0600 to 2200 hours, l.t. daily." and substituting therefor "This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual."

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on December 24, 1968.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-105; Filed, Jan. 3, 1969; 8:51 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-WE-101]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Cody, Wyo., control zone.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

Frontier Airline personnel are responsible for weather reporting service at Cody Municipal Airport and the current effective hours of the control zone coincide with the operational hours of Frontier Airline personnel. Since the duty hours of the airline personnel are subject to frequent changes dependent upon seasonal airline schedules, the FAA proposes to utilize the NOTAM to designate the effective hours of the control zone and eliminate the lengthy rule-making process.

In consideration of the foregoing the FAA proposes the following airspace action:

In § 71.171 (33 F.R. 2072) the Cody, Wyo., control zone is amended by deleting the last sentence and substituting therefor "This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual."

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on December 24, 1968.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-106; Filed, Jan. 3, 1969; 8:51 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-SW-91]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter controlled airspace in the Fort Smith, Ark., terminal area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

(1) In § 71.171 (33 F.R. 2083) the Fort Smith, Ark., control zone is amended to read:

FORT SMITH, ARK.

Within a 5-mile radius of Fort Smith Municipal Airport (lat. 35°20'10" N., long. 94°22'05" W.), within 2 miles each side of the Fort Smith VORTAC 233° radial extending from the 5-mile radius zone to the VORTAC, within 2 miles each side of the Fort Smith ILS localizer east course extending from the 5-mile radius zone to the OM, and within 2 miles each side of the Fort Smith ILS localizer west course extending from the 5-mile radius zone to the Peno Bottoms RBN (lat. 35°19'21" N., long. 94°28'28" W.).

(2) In § 71.181 (33 F.R. 2182) the Fort Smith, Ark., transition area 700-foot portion is amended to read:

FORT SMITH, ARK.

That airspace extending upward from 700 feet above the surface within a 12.5-mile radius of the Fort Smith Municipal Airport (lat. 35°20'10" N., long. 94°22'05" W.), within an 11.5-mile radius of the Fort Smith VORTAC extending clockwise from the 078° to the 155° radials of the VORTAC, within 6 miles northwest and 5 miles southeast of the Fort Smith VORTAC 053° radial extending from the 12.5 and 11.5-mile radius areas to 12 miles northeast of the VORTAC, within 2 miles each side of the Fort Smith VORTAC 239° radial extending from the 12.5-mile radius area to 20 miles southwest of the VORTAC, and within 2 miles each side of the Fort Smith ILS localizer west course extending from the 12.5-mile radius area to 8 miles west of the Peno Bottoms RBN (lat. 35°19'21" N., long. 94°28'28" W.).

The alterations as proposed will provide controlled airspace for aircraft executing new and amended instrument approach procedures at Fort Smith Municipal Airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on December 23, 1968.

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

[F.R. Doc. 69-107; Filed, Jan. 3, 1969; 8:51 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-SW-89]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a transition area at Hilltop Lakes, Tex. The proposed transition area will provide controlled airspace for aircraft executing approach/departure procedures proposed at Hilltop Lakes Airport, Hilltop Lakes, Tex. The proposed transition area extension is based on the Leona VORTAC 258° true radial (250° magnetic).

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (33 F.R. 2137), the following transition area is added:

HILLTOP LAKES, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Hilltop Lakes Airport (lat. 31°04'50" N., long. 96°12'50" W.), and within 2 miles each side of the Leona VORTAC 258° radial extending from the 5-mile radius area to 9 miles west of the VORTAC.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on December 26, 1968.

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

[F.R. Doc. 69-109; Filed, Jan. 3, 1969; 8:51 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-WE-96]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a transition area at McCall, Idaho.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A published instrument approach procedure is not available for McCall Airport, Idaho. In order to provide a limited means of access to the airport under Instrument Flight Rule conditions, a holding pattern is proposed utilizing the McCall, Idaho, VORTAC 344° T (325° M) radial. The holding pattern will permit descent from minimum en route altitudes or higher to the minimum holding altitude of 10,000 feet MSL. If during descent the pilot encounters Visual Flight Rule conditions, he may proceed in VFR conditions to the McCall Airport and/or other airports in the general vicinity.

In consideration of the foregoing the FAA proposes the following airspace action.

In §71.181 (33 F.R. 2137) the following transition area is added:

MCCALL, IDAHO

That airspace extending upward from 9,500 feet MSL within 6 miles west and 9 miles east of the McCall VORTAC 344° and 164° radials extending from 8 miles south to 19 miles north of the VORTAC.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on December 18, 1968.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-110; Filed, Jan. 3, 1969; 8:51 a.m.]

Notices

DEPARTMENT OF STATE

[Public Notice 300]

CHARLES E. BOHLEN

Designation; Order of Succession To Act as Secretary of State

By virtue of the authority vested in me by Executive Order 10839 of September 30, 1959, Mr. Charles E. Bohlen, a Deputy Under Secretary of State, is hereby designated to act as Secretary of State in case of the death, resignation, absence, or sickness of the Secretary of State, the Under Secretary of State, and the Under Secretary of State for Political Affairs.

[SEAL] DEAN RUSK,
Secretary of State.

DECEMBER 17, 1968.

[F.R. Doc. 69-79; Filed, Jan. 3, 1969; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

RICE

Notice of Marketing Quota Referendum for 1969 Crop

Marketing quotas for the crop of rice to be produced in 1969 have been duly proclaimed pursuant to provisions of the Agricultural Adjustment Act of 1938, as amended. Said Act requires a referendum to be conducted within 30 days after the date of the issuance of said proclamation of farmers who were engaged in the production of rice in 1968 to determine whether such farmers are in favor of or opposed to such quotas. Prior to establishing the date for the referendum on the 1969 crop rice, public notice (33 F.R. 15555) was given in accordance with 5 U.S.C. 553. Data, views and recommendations were submitted pursuant to such notice. They have been considered to the extent permitted by law. It is hereby determined that the rice marketing quota referendum under said Act for the 1969-crop of rice shall be held during the referendum period January 20 to 24, 1969, each inclusive by mail ballot in accordance with Part 717 of this chapter (33 F.R. 18345).

Signed at Washington, D.C., on December 31, 1968.

LIONEL C. HOLM,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-87; Filed, Jan. 3, 1969; 8:49 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Dept. Order No. 177-22; Rev. 2]

BUREAU HEADS ET AL.

Delegation of Authority

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950, there is hereby delegated to the head of each bureau, office, service, and division, the authority under the Military Personnel and Civilian Employees' Claims Act of 1964, as amended, to settle and pay claims made by a civilian officer or employee of the Treasury Department, for damage to or loss of personal property incident to his service.

The authority herein delegated to the head of each bureau, office, service, and division, may be redelegated by him to any subordinate officer or employee. The determinations made by the head of a bureau or his designee shall be final and conclusive.

The payment of claims pursuant to this delegation shall be in accordance with regulations issued by the Assistant Secretary for Administration.

Dated: December 27, 1968.

[SEAL] JOSEPH W. BARR,
Secretary of the Treasury.

[F.R. Doc. 69-88; Filed, Jan. 3, 1969; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ADMINISTRATOR AND STAFF ASSISTANT (ADMINISTRATION), LOWER COLORADO OFFICE

Delegation of Authority Regarding Contracts and Leases

Pursuant to the authority contained in BLM 1510.03C, the Administrator and the Staff Assistant (Administration) of the Lower Colorado Office are authorized to:

(1) Enter into contracts with established sources for supplies and services, excluding capitalized equipment, regardless of amount, and

(2) Enter into contracts on the open market for supplies and materials, excluding capitalized equipment, not to exceed $2,500 per transaction ($2,000 for construction): *Provided,* That the requirement is not available from established sources.

FRED J. WEILER,
State Director.

[F.R. Doc. 69-33; Filed, Jan. 3, 1969; 8:46 a.m.]

[Serial No. R 1715]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 26, 1968.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. R 1715, for the withdrawal of lands described below from prospecting, location, entry, and purchase under the mining laws, subject to valid existing rights.

The lands have previously been withdrawn for the San Jacinto Forest Reserve by Presidential Proclamation of February 22, 1897, as amended by Proclamation of February 14, 1907, now the San Bernardino National Forest, and as such have been open to entry under the general mining laws.

The applicant desires the exclusion of mining activity to permit use of such lands as an uncontaminated water source for fire suppression crews in the area, which use is incompatible with mineral development.

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, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

The Department's regulations (43 CFR 2311.1-3(c)) provide that 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 need, to provide for the maximum concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

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.

The lands involved in the application are:

SAN BERNARDINO MERIDIAN, CALIFORNIA

SAN BERNARDINO NATIONAL FOREST

Kenworthy Spring Site

T. 6 S., R. 3 E.,
Sec. 25, SW¼NW¼NE¼SE¼, NW¼SW¼NE¼SE¼, and SE¼NE¼NW¼SE¼.

The area described aggregates approximately 7.50 acres in Riverside County.

WALTER F. HOLMES,
Assistant Land Office Manager.

[F.R. Doc. 69-34; Filed, Jan. 3, 1969; 8:46 a.m.]

[Serial No. N-1818]

NEVADA

Notice of Public Sale

DECEMBER 26, 1968.

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421-1427), 43 CFR Subpart 2243, a tract of land will be offered for sale to the highest bidder at a sale to be held at 1:30 p.m., local time on Wednesday, February 12, 1969, at the Ely District Office, Bureau of Land Management, 130 Pioche Highway, Ely, Nev. 89301. The land is described as follows:

MOUNT DIABLO MERIDIAN, NEVADA

T. 17 N., R. 64 E.,
Sec. 7, NE¼.

The area described contains 160 acres. The appraised value of the tract is $4,800 and the estimated publication costs to be assessed are $12.

The land will be sold subject to all valid existing rights. Reservations will be made to the United States for rights-of-way for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All minerals are to be reserved to the United States and withdrawn from appropriation under the public land laws, including the general mining laws.

Bids may be made by the principal or his agent, either at the sale, or by mail. Bids must be for all the land in the parcel. A bid for less than the appraised value of the land is unacceptable. Bids sent by mail will be considered only if received by the Ely District Office, Bureau of Land Management, Pioche Star Route, Ely, Nev. 89301, prior to 1:30 p.m., on Wednesday, February 12, 1969. Bids made prior to the public auction must be in sealed envelopes, and accompanied by certified checks, postal money orders, bank drafts, or cashier's checks, payable to the Bureau of Land Management, for the full amount of the bid plus estimated publication costs. The envelopes must be marked in the lower left-hand corner "Public Sale Bid, sale N-1818, February 12, 1969".

The authorized officer shall publicly declare the highest qualifying sealed bid received. Oral bids shall then be invited in specified increments. After oral bids, if any, are received, the authorized officer shall declare the high bid. A successful oral bidder must submit a guaranteed remittance, in full payment for the tract and cost of publication, before 3:30 p.m., of the day of the sale.

If no bids are received for the sale tract on Wednesday, February 12, 1969, the tract will be reoffered on the first Tuesday of subsequent months at 1 p.m., beginning March 4, 1969.

Any adverse claimants to the above described land should file their claims, or objections, with the undersigned before the time designated for sale.

The land described in this notice has been segregated from all forms of appropriation, including locations under the general mining laws, except for sale under this Act, from the date of the proposed classification decision. Inquiries concerning this sale should be addressed to the Land Office Manager, Bureau of Land Management, Room 3008, Federal Building, 300 Booth Street, Reno, Nev. 89502, or to the District Manager, Bureau of Land Management, Pioche Star Route, Ely, Nev. 89301.

A. JOHN HILLSAMER,
Acting Manager, Nevada Land Office.

[F.R. Doc. 69-41; Filed, Jan. 3, 1969; 8:46 a.m.]

Office of the Secretary

[Order 2918]

GOVERNMENT OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS

Delimitation of Extent and Nature of Authority

DECEMBER 27, 1968.

Whereas, pursuant to the Trusteeship Agreement between the United States and the Security Council of the United Nations, the United States has undertaken to promote self-government in the Trust Territory of the Pacific Islands; and

Whereas, Department of the Interior Order No. 2876 of January 30, 1964, as amended, set forth the extent and nature of the authority of the Government of the Trust Territory of the Pacific Islands; and

Whereas, Department of the Interior Order No. 2882 of September 28, 1964, as amended, created the Congress of Micronesia and granted legislative authority thereto; and

Whereas, it is appropriate that the two aforesaid basic orders, as amended, be modified in minor particulars, consolidated in one basic order, and reissued, with all amendments therein incorporated,

Now, therefore, the following single basic order respecting the Government of the Trust Territory of the Pacific Islands is issued:

PART I. *Purpose.*

The purpose of this order is to delimit the extent and nature of the authority of the Government of the Trust Territory of the Pacific Islands (hereinafter called "the Trust Territory"), as it will be exercised under the jurisdiction of the Secretary of the Interior (hereinafter called "the Secretary"), pursuant to Executive Order No. 11021 of May 7, 1962, and to prescribe the manner in which the relationships of the Government of the Trust Territory shall be established and maintained with the Congress, the Department of the Interior and other Federal agencies, and with foreign governments and international bodies.

PART II. *Executive authority.*

SECTION 1. The executive authority of the Government of the Trust Territory, and the responsibility for carrying out the international obligations undertaken by the United States with respect to the Trust Territory, shall be vested in a High Commissioner of the Trust Territory and shall be exercised and discharged under the supervision and direction of the Secretary.

The Secretary shall appoint a Deputy High Commissioner, who shall have all the powers of the High Commissioner in the case of a vacancy in the office of High Commissioner or the disability or temporary absence of the High Commissioner.

SEC. 2. The relations of the Government of the Trust Territory with the Congress of the United States on all legislative matters, including appropriations, shall be conducted through the Department of the Interior.

SEC. 3. With freedom to consult directly with the Secretary when necessary, the High Commissioner of the Trust Territory shall normally communicate with the Secretary of the Interior through the Director of the Office of Territories. The High Commissioner shall be responsible for all United States property in the Trust Territory which is required for the operation of the Government of the Trust Territory and for which the Department of the Interior has administrative responsibility. The High Commissioner shall perform such other functions for the Department of the Interior in the Trust Territory as may be delegated to him by the Secretary.

SEC. 4. Initial contact by the Government of the Trust Territory with Federal agencies outside the Department of the Interior on other than routine matters shall be established through the Office of Territories of the Department of the Interior. Once the relationship has been established, direct contact between the Government of the Trust Territory and the Federal agencies concerned may be maintained, in which event the Office of Territories shall be kept informed of significant developments in the relationship.

SEC. 5. Communications of the Government of the Trust Territory with foreign governments and international bodies shall be cleared through the Department of the Interior for transmittal by the Department of State, unless some other procedure is approved by the Secretary of the Interior.

SEC. 6. In exercising his authority the High Commissioner shall obtain prior Secretarial approval of any significant deviation from the budget justification presented to the Congress, and any significant transfer of funds between programs or between administration and construction funds.

PART III. *Legislative authority.*

SECTION 1. *Organization.* The Legislature of the Trust Territory of the Pacific Islands shall be known as the "Congress of Micronesia" and shall consist of two Houses, the Senate and the House of

Representatives. The two Houses shall sit separately except as otherwise provided herein.

When the Congress shall convene, each House shall organize by the election of one of its number as presiding officer and such presiding officer shall be designated by the title of "President of the Senate" or "Speaker of the House of Representatives," as the case may be. When the Congress meets in joint session, the Speaker of the House of Representatives shall preside.

SEC. 2. *Legislative power.* The legislative power of the Congress of Micronesia shall extend to all rightful subjects of legislation, except that no legislation may be inconsistent with—

(a) Treaties or international agreements of the United States;

(b) Laws of the United States applicable to the Trust Territory;

(c) Executive orders of the President of the United States and orders of the Secretary of the Interior; or

(d) Sections 1 through 12 of the Code of the Trust Territory.

No law shall be passed by the Congress imposing any tax upon property of the United States or property of the Trust Territory of the Pacific Islands; nor shall the property of nonresidents be taxed at a higher rate than the property of residents. No import or export levies shall be imposed on goods transported between or among the Districts of the Trust Territory, as described in section 39 of the Code of the Trust Territory, or any political subdivision thereof, and the levy of duties on goods imported into the Trust Territory is hereby reserved to the Congress of Micronesia and the High Commissioner.

SEC. 3. *Powers of the High Commissioner.* At the opening of a legislative session and at any time thereafter the High Commissioner may submit to the Congress and recommend the enactment of legislation.

SEC. 4. *Budget.* Money bills enacted by the Congress of Micronesia shall not provide for the appropriation of funds in excess of such amounts as are available from revenues raised pursuant to the tax laws and other revenue laws of the Trust Territory: *Provided,* That the Secretary of the Interior shall, from time to time, define the term "revenue" as used herein, so as generally to exclude therefrom all sums attributable to user charges or service related reimbursements to the Government of the Trust Territory. Prior to his final submission to the Secretary of the Interior of requests for Federal funds necessary for the support of governmental functions in the Trust Territory, the High Commissioner shall prepare a preliminary budget plan. He shall submit such plan to the Congress of Micronesia in joint session for its review and recommendations with respect to such portions as relate to expenditures of funds proposed to be appropriated by the Congress of the United States. With respect to such portions of the preliminary budget plan, the High Commissioner shall adopt such recommendations of the Congress as he may deem appropriate, but he shall transmit to the Secretary of the Interior all recommendations he has not adopted.

SEC. 5. *Membership.* For the purpose of representation in the Congress, the Trust Territory is divided into six Districts as described in section 39 of the Code of the Trust Territory.

The Senate shall consist of 12 members, who shall be known as "Senators", of which each District shall elect two.

The House of Representatives shall consist of 21 members, who shall be known as "Representatives", and who shall be elected from each District as follows:

In the Mariana Islands District, three;
In the Marshall Islands District, four;
In the Palau District, three;
In the Ponape District, four;
In the Truk District, five;
In the Yap District, two.

Each of the six Administrative Districts shall be subdivided initially into single member election districts of approximately equal population, in such manner as the High Commissioner shall determine, and each such election district shall elect one of the Representatives to which the Administrative District is entitled. Future subdivisions shall be established by law.

Election districts shall be reapportioned every 10 years on the basis of population, but each District (as described in section 39 of the Trust Territory Code), shall be entitled to at least two Representatives. The first such reapportionment shall be made in 1971.

SEC. 6. *Qualification of legislators.* In order to be eligible to election as a member of the Congress a person shall:

(a) Be a citizen of the Trust Territory for at least 5 years;

(b) Have attained the age of 25 years at the time of his election; and

(c) Have been a bona fide resident of the District (as described in section 39 of the Code of the Trust Territory), from which he is elected for at least 1 year next preceding his election.

No person who has been expelled from the Congress for giving or receiving a bribe or for being an accessory thereto, and no person who has been convicted of a felony by any court of the Trust Territory, a court of one of the States of the United States, or any court with the jurisdiction of a district court of the United States, shall sit in the Congress unless the person so convicted has received a pardon restoring his civil rights.

SEC. 7. *Franchise.* The franchise shall be vested in residents of the Trust Territory who are citizens of the Trust Territory and 18 years of age or over. Additional qualifications may be prescribed by the Congress: *Provided,* That no property, language, or income qualification shall ever be imposed or required of any voter, nor shall any discrimination in qualification be made or based upon literacy, tribal custom, or social position, nor upon difference in race, color, ancestry, sex, or religious belief.

SEC. 8. *General elections.* General elections shall be held biennially in each even-numbered year on the first Tuesday following the first Monday in November: *Provided,* That in the event of a natural disaster or other Act of God, the effect of which precludes holding the election on the foregoing date, the High Commissioner, with the approval of the Secretary of the Interior, may proclaim a later election date in the affected election district or districts. All elections shall be held in accordance with such procedures as this order and the laws of the Trust Territory may prescribe. Legislators shall be chosen by secret ballot of the qualified electors of their respective district.

SEC. 9. *Term of office.* Each Senator shall hold office for a term of 4 years.

Representatives shall each hold office for a term of 2 years.

The terms of all members of the Congress shall commence at noon on the third day of January following their election, except as otherwise provided by law.

SEC. 10. *Disqualification of Government officers and employees.* Any person employed by any branch of the Government of the Trust Territory, or any political subdivision thereof, shall be accorded leave without pay, for a period not to exceed 30 days prior to and including the day of the election, for the purpose of seeking election to the Congress. If any such person is elected, he shall resign from his employment with the Government of the Trust Territory, or any political subdivision thereof, prior to the date upon which his term of office commences.

No person serving as a member of a legislative body of any political subdivision of the Government of the Trust Territory shall be eligible, while so serving, to serve as a member of the Congress of Micronesia.

No member of the Congress shall receive any compensation, other than that provided for in this order, from the Government of the Trust Territory or any political subdivision thereof.

SEC. 11. *Sessions.* There shall be a regular session of the Congress held in each year beginning on the second Monday of July and continuing for not to exceed 45 consecutive calendar days. In each odd numbered year there shall also be a regular session of the Congress beginning on the second Monday in January and continuing for not to exceed 15 consecutive calendar days.

The High Commissioner may call special sessions for such period of time and at such time and place, as in his opinion the public interest may require. No legislation shall be considered at any special session other than that specified in the call therefor or in any special message by the High Commissioner to the Congress while in such session.

SEC. 12. *Enacting clause.* The enacting clause of all bills shall be: "Be it enacted by the Congress of Micronesia," and no law shall be enacted except by bill. Bills may originate in either House, and may be amended or altered or rejected by the other.

SEC. 13. *Veto by the High Commissioner.* Every bill passed by the Congress shall, before it becomes a law, be presented to the High Commissioner. If the High Commissioner approves the bill, he shall sign it. If the High Commissioner disapproves the bill, he shall, except as hereinafter provided, return it, with his objections, to the Congress within 10 consecutive calendar days after it shall have been presented to him. If the High Commissioner does not return the bill within such period, it shall be a law in like manner as if he had signed it, unless the Congress by adjournment prevents its return, in which case it shall be a law if signed by the High Commissioner within 30 days after it shall have been presented to him; otherwise it shall not be a law.

When a bill is returned by the High Commissioner to the Congress with his objections, each House may proceed to reconsider it. If the bill is repassed by both Houses of the Congress by a two-third's majority of the entire membership of each House, it shall again be presented to the High Commissioner. If he does not approve it within 20 days, he shall send it together with his comment thereon to the Secretary of the Interior. Within 90 days after its receipt by him, the Secretary of the Interior shall either approve or disapprove the bill. If he approves it, it shall become a law; otherwise it shall not. The foregoing provision shall not preclude the reconsideration by the Congress during either of the 1969 regular sessions of any bill returned by the High Commissioner during the 1968 session.

If any bill presented to the High Commissioner shall contain several items of appropriation of money, he may object to one or more of such items, or any part or parts thereof, while approving the other items or parts of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the item or items, part or parts thereof, to which he objects, and the item or items, part or parts thereof, so objected to shall have the effect of being vetoed.

SEC. 14. *Adjournment.* Neither House may adjourn for more than 2 consecutive days nor may either House adjourn sine die without the concurrence of the other House.

SEC. 15. *Publication of laws.* The High Commissioner shall cause the resolutions and laws to be published within 30 days after they become law, and shall make provision for their distribution to public officials and sale to the public.

SEC. 16. *Procedure*—(a) *Quorum.* A majority of the members of each House shall constitute a quorum of such House for the transaction of business. A smaller number may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as each House may provide.

(b) *Reading of bills—passage.* A bill in order to become a law shall pass two readings in each House, on separate days, the final passage of which in each House shall be by a majority vote of all the members of such House, which vote shall be entered upon the journal.

(c) *Title.* Every legislative act shall embrace but one subject and matters properly connected therewith, which subject shall be expressed in the title; but if any subject shall be embraced in an act which shall not be expressed in the title, such an act shall be void only as to so much thereof as shall not be embraced in the title.

(d) *Certification of bills from one House to the other.* Every bill when passed by the House in which it originated, or in which amendments thereto shall have originated, shall immediately be certified by the presiding officer and sent to the other House for consideration.

(e) *Amendment and revisions by reference.* No law shall be amended or revised by reference to its title only; but in such case the act, as revised, or section or subsection as amended, shall be reenacted and published at full length.

(f) *Language.* All legislative proceedings shall be conducted in the English language: *Provided,* That knowledge of the English language shall not be a qualification for membership in the Congress. Nothing herein shall limit the right of a member to use his native language if he lacks fluency in English, and the Congress shall provide for interpretation into English in such cases.

(g) *Journal.* Each House shall keep a journal of its proceedings, and publish the same in English.

(h) *Public sessions.* The business of the Congress, and of the Committee of the Whole, shall be transacted openly and not in secret session.

(i) *Procedural authority.* The Congress shall be the sole judge of the elections and qualifications of its members, shall have and exercise all the authority and attributes inherent in legislative assemblies, and shall have the power to institute and conduct investigations, issue subpoenas to witnesses and other parties concerned, and administer oaths.

SEC. 17. *Immunity.* No member of the Congress of Micronesia shall be held to answer before any tribunal other than the Congress for any speech or debate in the Congress, and the members shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the sessions of the Congress and in going to and from the same.

SEC. 18. *Compensation and expenses.* Each member of the Congress shall be entitled to receive an annual salary of $3,500, and the President of the Senate and the Speaker of the House of Representatives shall each be entitled to receive an additional $500, all of which amounts shall be payable from funds appropriated by the Congress of the United States, when such funds are appropriated pursuant to estimates submitted by the Secretary of the Interior. Each member shall also be entitled to receive, from funds available to and appropriated by the Congress of Micronesia, travel expenses, an expense allowance, and per diem at the standard Trust Territory Government rates for each day the member is in a travel status to and from sessions of the Congress, while in session, or while on other official legislative business. Per diem shall not be payable to members of the Congress for a regular or a special session when such session is held on the island of their residence. The term "official legislative business" shall mean only legislative business authorized by the Chairman of the pertinent Committee of the Congress of Micronesia and performed by one or more members of that Committee, as designated by the Chairman. Travel shall be performed by the most expeditious and direct means: *Provided,* That compensation, travel, expense allowances, and per diem shall not be allowed in excess of such amounts as may be budgeted therefor.

SEC. 19. *Compensation and expenses, interim provision.* Effective for the period beginning January 1, 1969, and ending June 30, 1969, members and officers of the Congress of Micronesia shall be entitled to compensation, travel expenses, an expense allowance, and per diem at the rates prescribed in section 18 of this order, but all such compensation, travel, expense allowances, and per diem shall be paid from funds available to and appropriated by the Congress of Micronesia.

SEC. 20. *Appointment to new offices.* No member of the Congress shall, during the term for which he was elected or during the year following the expiration of the term for which he was elected, be appointed to any office which was created by the Congress during such term.

SEC. 21. *Vacancies.* Whenever, prior to 6 months before the date of the next general election, a vacancy occurs, the High Commissioner shall call a special election to fill such vacancy. In case of a vacancy occurring within 6 months of the next general election, no special election shall be held and the District Administrator of the District wherein such vacancy arises may fill such vacancy by appointment.

SEC. 22. *Conversion into a unicameral body.* At its July 1969 regular session, the Congress shall convene in joint session to consider whether the bicameral legislature should be continued, or whether the legislature should be converted into a unicameral body. The final recommendation to the High Commissioner shall be adopted by a majority vote, and the recommendation shall be submitted to the High Commissioner and by him to the Secretary of the Interior.

SEC. 23. *Legislative counsel.* The Congress of Micronesia may by joint resolution nominate a legislative counsel of its own choosing. The salary and other benefits available to such legislative counsel shall be established and paid by the Congress of Micronesia. The Congress of Micronesia may make budgetary provision for such supporting staff for the legislative counsel and the legislature as it may deem necessary.

SEC. 24. *Amendment.* This part may be amended only by further order of the Secretary of the Interior. The Congress may, during any regular session, by a two-thirds majority vote of the membership of each House recommend to the

High Commissioner the amendment of any section of this part. The High Commissioner shall transmit such recommendation, together with his own recommendations thereon, to the Secretary of the Interior.

PART IV. *Judicial authority.*

The judicial authority of the Government of the Trust Territory shall be vested in a High Court for the Trust Territory and such other courts as may be established pursuant to law. The Secretary shall appoint the Chief Justice and Associate Justices of the High Court, may make temporary appointments when a vacancy exists, and in addition may appoint temporary judges to serve on the High Court. The judicial authority shall be independent of the executive and legislative powers. Budgetary requests for the territorial judiciary, with supporting justification, shall be drawn up by the Chief Justice of the Trust Territory and submitted for the approval of the Department of the Interior by the High Commissioner of the Trust Territory as a separate item in the annual budget for the Trust Territory. The High Commissioner should call the attention of the Secretary to any question which he may have regarding the budget for the judiciary.

PART V. *General.*

Prior orders. Department of the Interior Order No. 2876 of January 30, 1964, as amended, and Department of the Interior Order No. 2882 of September 28, 1964, as amended, are hereby superseded. Except for Order No. 2902 dated November 15, 1967, as amended, provisions of other prior orders of the Department of the Interior, insofar as they are inconsistent with the provisions of this order, are hereby superseded. Existing laws, regulations, orders, appointments, or other acts in effect immediately prior to the effective date of this order shall remain in effect until they are superseded pursuant to the provisions of this order.

STEWART L. UDALL,
Secretary of the Interior.

DECEMBER 27, 1968.

[F.R. Doc. 69-80; Filed, Jan. 3, 1969; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

SOUTHWEST RESEARCH INSTITUTE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00086-00-78050. Applicant: Southwest Research Institute, 8500 Culebra Road, San Antonio, Tex. 78228. Article: Dichroism accessory for a spectrophotometer, Model CD-HC-S. Manufacturer: Rehovoth Instruments, Ltd., Israel. Intended use of article: The article will be used as an accessory to an existing Cary Model 14 spectrophotometer for the measurement of circular and linear dichroism in the spectral range. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The article is an accessory for use with the Cary Model 14 spectrophotometer, for measuring circular dichroism. We know of no counterpart of this article which is being manufactured in the United States.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations Business and Defense Services Administration.

[F.R. Doc. 69-66; Filed, Jan. 3, 1969; 8:48 a.m.]

SOUTHWEST RESEARCH INSTITUTE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00087-00-78050. Applicant: Southwest Research Institute, 8500 Culebra Road, San Antonio, Tex. 78228. Article: Dichroism accessory for a spectrophotometer, Model CD-HC-S. Manufacturer: Rehovoth Instruments, Ltd., Israel. Intended use of article: The article will be used as an accessory to an existing Cary Model 14 spectrophotometer for the measurement of circular and linear dichroism in the spectral range. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The article is an accessory for use with the Cary Model 14 spectrophotometer, for measuring circular dichroism. We know of no counterpart of this article which is being manufactured in the United States.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-67; Filed, Jan. 3, 1969; 8:48 a.m.]

TEXTILE RESEARCH INSTITUTE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68-00317-65-46040. Applicant: Textile Research Institute, Post Office Box 625, 601 Prospect Avenue, Princeton, N.J. 08540. Article: JEOLCO Model JSM-2 scanning electron microscope, including JSM-RTS goniometer stage, JSM-TED transmitted electron detection device, JSM-F 35 pentagonal prism single lens reflex 35-mm. camera attachment, JEE-4B vacuum evaporator, JEE-RTS rotating and tilting specimen stage for vacuum evaporator. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used in long range basic research and in investigation by graduate students, in the study of chemical physics of surfaces of fibers and related materials and for direct morphological studies of surfaces difficult to replicate for transmission electron microscopy. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was available in the United States within a reasonable delivery time. Reasons: The foreign article was ordered on December 29, 1967, and installed in the applicant's laboratory on February 14, 1968. The only scanning electron microscope available at the time the applicant

placed its order for the foreign article, was the "Ultrascan," manufactured by the K Square Corp. which had begun producing scanning electron microscopes in October 1967. We were informed by K Square Corp. (letter dated Apr. 10, 1968) that its quoted delivery time was 6 months and consequently, the applicant could not have received the domestic instrument prior to June 30, 1968. The foreign article is intended to be used in a research orientation program for graduate students. We find that for these purposes, the difference in delivery times of approximately 4½ months would have significantly impaired the achievement of the program's objectives.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-68; Filed, Jan. 3, 1969; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

ELECTROGEN INDUSTRIES, INC.

Order Suspending Trading

DECEMBER 27, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Electrogen Industries, Inc. (formerly Jodmar Industries, Inc.) (may be known as American Lima 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 December 28, 1968, through January 6, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-35; Filed, Jan. 3, 1969; 8:46 a.m.]

[812-2336]

IOWA BUSINESS DEVELOPMENT CREDIT CORP.

Notice of Filing of Application for Order Declaring Company Exempt From Act

DECEMBER 24, 1968.

Notice is hereby given that Iowa Business Development Credit Corp. ("Applicant"), 630 Liberty Building, Des Moines, Iowa 50309, a corporation organized under the laws of the State of Iowa authorizing and governing the organization and operation of business development corporations, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting Applicant from the provisions of the Act. All interested persons are referred to the applications and the amendments thereto, which are on file with the Commission, for a statement of the representations therein, which are summarized below.

Applicant represents that its primary function is to supply needed capital to Iowa businesses unable to obtain capital from conventional lending sources and that its primary motive is the industrial and commercial expansion of Iowa. Applicant will do business only in Iowa and only with companies doing or proposing to do business in Iowa, although some of the companies may be non-Iowa corporations and also doing business outside of Iowa.

It is represented that investments made by Applicant in the form of loans will be passed on by a Loan Review Committee of not less than three members, at least two of whom shall be members of Applicant's Board of Directors. Loans may be made to any business which can demonstrate to the satisfaction of the Applicant that said business has a satisfactory credit rating, an adequate financial structure to justify the loan (other than sufficient primary collateral) a capable management, adequate facilities, a reasonably promising market for its products, and inadequate primary collateral to obtain a loan in the desired amount from a more conventional financial institution.

Applicant's authorized capital consists of 20,000 shares of capital stock, $50 par value, all of which Applicant proposes to offer for sale to the public at a price of $100 per share. A Registration Statement covering these shares has been filed with the Securities and Exchange Commission and is not yet effective. No commissions, compensation, or expenses will be paid to anyone in connection with the sale of these securities. Applicant represents that it will limit the offering to established firms and corporations which are sophisticated in securities matters and to successful businessmen and others capable of understanding and assuming the risks involved. Purchasers of Applicant's stock will be required to give written representations that they are acquiring the stock with the intention of retaining it and not with the intention of reselling it or with a view to public distribution.

In addition to equity capital, Applicant will rely for funds available for lending upon loans from banks, savings and loan associations, insurance companies, and financial institutions which have become members of Applicant, thereby agreeing to lend a small percentage of their capital assets to Applicant upon call. Applicant expects to pay interest on loans from members at a rate, to be fixed at the time of each call, equal to the prime interest rate in Des Moines, Iowa, plus one-quarter of one percent (.25%). Each call for loan will be prorated among the members in substantially the same proportion that the adjusted loan limit of the member bears to the aggregate of the adjusted loan limits of all members at the time. Applicant has determined that it will not commence business until at least 3,000 shares of stock are sold and applications for membership have been received from financial institutions having an aggregate lending limit of at least $2,400,000.

Applicant represents that memberships will be limited to financial institutions (banking institutions, savings banks, cooperative banks, trust companies, savings and loan associations, insurance companies, or related corporations, partnerships, foundations, or other institutions) licensed to do business in Iowa and engaged primarily in lending or investing funds. Applicant further represents that its members will acquire notes issued to them by Applicant for investment and not with a view to public distribution.

Since Applicant will be engaged in the business of investing and since it proposes to acquire investment securities having a value exceeding 40 percent of its total assets, Applicant is an investment company within the definition of section 3(a)(3) of the Act and is required to register unless exempted pursuant to section 6(c) of the Act.

Applicant states that it was formed to accomplish the public purposes of the Iowa Economic Development Act which are the stimulation and promotion of the business prosperity and economic welfare of the State of Iowa, the encouragement of new industry, and the expansion and rehabilitation of existing businesses and industries throughout Iowa. Applicant further states that neither it nor the holders of its securities are or will be motivated primarily by the prospects of possible profits of Applicant but by the purposes set forth in the Iowa Economic Development Act. Applicant also states that it is subject to examination by the Iowa Development Commission and is required to make reports of its condition not less than annually and is required to furnish such other information as may from time to time be required by the Iowa Development Commission. Applicant states that in view of the foregoing factors registration is not necessary to accomplish the purposes of the Act and that Applicant should be granted an exemption pursuant to section 6(c) of the Act.

Notice is further given that any interested person may, not later than January 21, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant. Proof

of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 69–36; Filed, Jan. 3, 1969; 8:46 a.m.]

OMEGA EQUITIES CORP.

Order Suspending Trading

DECEMBER 27, 1968.

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

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 30, 1968, through January 8, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69–37; Filed, Jan. 3, 1969; 8:46 a.m.]

[812–2371]

CONNECTICUT GENERAL LIFE INSURANCE CO. AND CG VARIABLE ANNUITY ACCOUNT I

Notice of Amended Application for Exemptions

DECEMBER 30, 1968.

The Commission on September 26, 1968, issued a notice (Investment Company Act Release No. 5498) upon application by Connecticut General Life Insurance Co. ("CG Life") and CG Variable Annuity Account I ("Separate Account") (herein collectively called "Applicants"), Hartford, Conn. 06115, for an order pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") exempting Separate Account, a unit investment trust registered under the Act, from the provisions of sections 12(d)(1), 22(d), 22(e), 26(a), 27(c)(1), and 27(c)(2) of the Act. That notice is incorporated herein by reference. On December 13, 1968 Applicants amended their application to include additional requests for exemption from section 22(d) of the Act, which are summarized below. All interested persons are referred to the application on file with the Commission for a statement of the representations therein.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus. This section has been construed as prohibiting variations in the sales load except on a uniform basis.

In connection with the offer of a group variable annuity contract, CG Life will offer a group fixed payment annuity contract. Transfers of accumulated values between such contracts without sales charges will be permitted, not to exceed one transfer from a fixed to a variable annuity contract in each calendar year per participant. In addition, any participant under a group annuity contract (fixed or variable) issued by CG Life which is designed to provide tax-deferred treatment under section 403(b) of the Internal Revenue Code may transfer to a group variable annuity contract similarly qualified, without sales charge. CG Life may, in the future, offer similar transfer rights with respect to contracts participating in Separate Account issued in connection with pension or profit sharing plans qualifying for Federal income tax benefits.

Applicants request exemption from section 22(d) to the extent necessary to permit transfers without a sales charge as described above. Applicants state that in all cases where a transfer is permitted a sales charge will have been paid that is not less than the sales charge with respect to a like amount paid in under the group variable annuity contract.

The variable annuity contracts provide for deductions for sales, administrative and other expenses of 9 percent of the first $1,000 of payments on behalf of each participant and 3 percent of such payments in excess of $1,000. It is intended that the deduction from payments under the variable annuity contracts be reduced on the basis of aggregate amounts paid in to both a variable and a fixed annuity contract which are issued in conjunction with one another. Applicants request an exemption from section 22(d) to the extent necessary to permit a reduction in such deductions on the basis of aggregate contributions, in order to eliminate the possibility of some participants paying higher charges.

The contracts provide that the beneficiary of a deceased person for whom an accumulation account was maintained may elect to have the account value applied to effect a variable annuity for the beneficiary in lieu of payment in a single sum, unless the decedent has provided otherwise. Applicants state that the imposition of a sales charge would tend, in practice, to eliminate such option. Applicants request an exemption from section 22(d) to the extent necessary to permit exercise of such variable annuity option without an additional sales charge.

Notice is further given that any interested person may, not later than January 9, 1969 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Finance Company at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission pursuant to delegated authority.

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

[F.R. Doc. 69–83; Filed, Jan. 3, 1969; 8:49 a.m.]

DUMONT CORP.

Order Suspending Trading

DECEMBER 30, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the Class A and Class B Common Stock of Dumont 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 December 31, 1968, through January 9, 1969, both dates inclusive.

By the commission.

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

[F.R. Doc. 69–84; Filed, Jan. 3, 1969; 8:49 a.m.]

MAJESTIC CAPITAL CORP.

Order Suspending Trading

DECEMBER 30, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Majestic Capital Corp., Encino, Calif., 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 December 31, 1968, through January 9, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-85; Filed, Jan. 3, 1969; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI69-317, etc.]

GETTY OIL CO. ET AL.

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

DECEMBER 20, 1968.

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

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

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-317..	Getty Oil Co., Post Office Box 1404, Houston, Tex. 77001. Attention: Mr. A. M. Mouser.	76	[2] 7	Northern Natural Gas Co. (Eumont Field, Lea County, N. Mex.).	----------	11-29-68	[3] 12-30-68	(Accepted)	----------	----------	
		76	8		$332	11-29-68	[3] 12-30-68	5-30-69	11.7010	[4 5] 13.7596	RI64-711.
	-----do-----	155	[3] 10	-----do-----	----------	12-4-68	[3] 1-4-69	(Accepted)	----------	----------	
		155	11		452	12-4-68	[3] 1-4-69	6-4-69	11.7212	[4 5] 13.7596	RI64-307.
RI69-318..	Pan American Petroleum Corp., Post Office Box 1410, Fort Worth, Tex. 76101. Attention: R. H. Landt, Esquire.	444	6	Natural Gas Pipeline Co. of America (Indian Basin Field, Eddy County, N. Mex.).	39,919	11-18-68	[3] 1-26-69	6-26-69	[7 8] 16.608	[5 6 7] 17.646	
RI69-319..	Forest Oil Corp. (Operator), et al. 1300 National Bank of Commerce Bldg., San Antonio, Tex. 78205. Attention: C. R. Eyster, Esquire.	42	2	Natural Gas Pipeline Co. of America (Loekridge Field, Ward County, Tex.) (RR. District No. 8).	36,000	11-21-68	[3] 12-22-68	5-22-69	[9] 16.4	[3 9 10] 17.5	
	-----do-----	40	1	El Paso Natural Gas Co., (Linterna Field, Pecos County, Tex.) (RR. District No. 8).	18,000	11-21-68	[3] 12-22-68	5-22-69	[11 12] 16.5	[9 9 11] 17.5	
RI69-320..	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	381	3	El Paso Natural Gas Co., (Wilshire (Devonian) Field, Upton County, Tex.) (RR. District No. 7-C).	1,729	11-26-68	[3] 12-27-68	5-27-69	[9] 16.97	[3 9 13] 19.44	
	-----do-----	393	5	Transwestern Pipeline Co. (Gomez Field, Pecos County, Tex.) (RR. District No. 8).	134,400	11-26-68	[3] 12-27-68	5-27-69	[4] 15.84	[3 4] 17.5	
	-----do-----	317	7	El Paso Natural Gas Co. (Gomez Field, Pecos County, Tex.) (RR. District No. 8).	2,438	11-26-68	[3] 12-27-68	5-27-69	[4] 15.91	[3 9] 16.7228	
	-----do-----	325	9	El Paso Natural Gas Co. (Spraberry Field, Glasscock County, Tex.) (RR. District No. 8).	1,385	11-26-68	[3] 12-27-68	5-27-69	14.5	[3 9] 18.243	
	-----do-----	326	10	El Paso Natural Gas Co. (Payton Field, Pecos and Ward Counties, Tex.) (RR. District No. 8).	2,426	11-26-68	[3] 12-27-68	5-27-69	13.69	[3 9 15] 16.7228	
	-----do-----	332	9	El Paso Natural Gas Co. (Headlee Piant, Etor County, Tex.) (RR. District No. 8).	[15] 0	11-26-68	[3] 12-27-68	5-27-69	15.74	[3 9] 18.243	
	-----do-----	213	8	Transwestern Pipeline Co. (Atoka Penn Gas Pool, Eddy County, N. Mex.).	13,120	11-26-68	[3] 12-27-68	5-27-69	[13] 14.72	[3 17] 18.0	
	-----do-----	215	8	Transwestern Pipeline Co. (White City Penn Gas Pool, Eddy County, N. Mex.).	43,680	11-26-68	[3] 12-27-68	5-27-69	[13] 14.88	[3 17] 18.0	
	-----do-----	225	[16] 6	El Paso Natural Gas Co., and Pecos Co. (King Mountain Strawn Field, Upton County, Tex.) (RR. District No. 7-C).	296	11-26-68	[3] 12-27-68	5-27-69	[13 19] 14.61	[3 9] 15.2025	
	-----do-----	120	10	El Paso Natural Gas Co. (Spraberry Field, Reagan County, Tex.) (RR. District No. 7-C).	1,983	11-26-68	[3] 12-27-68	5-27-69	[21] 14.50	[3 3 20] 18.243	
	-----do-----	138	7	West Texas Gathering Co. (Various Fields, Winkler County, Tex.) (RR. District No. 8).	23,465	11-26-68	[3] 12-27-68	5-27-69	[21 22] 14.39	[9 9 22] 18.00	
	-----do-----	143	6	El Paso Natural Gas Co. (Upper and Lower Pennsylvanian Fields, Lea County, N. Mex.).	148	11-26-68	[3] 12-27-68	5-27-69	[21] 15.26	[3 3] 16.50	
	-----do-----	144	5	El Paso Natural Gas Co. (Justis Gas Pool, Lea County, N. Mex.).	3,191	11-26-68	[3] 12-27-68	5-27-69	[21] 14.53	[3 9] 16.50	

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	146	6	El Paso Natural Gas Co. (Various Fields, Andrews County, Tex.) (RR. District No. 8).	$3,253	11-26-68	[5] 12-27-68	5-27-69	[21] 12.810	[5] [6] 15.2025	
	do	194	11	Transwestern Pipeline Co. (McKee Field, Crane County, Tex.) (RR. District No. 8).	51,480	11-26-68	[3] 12-27-68	5-27-69	[21] 14.40	[3] [5] 18.00	
	do	8	10	El Paso Natural Gas Co. (Keystone Ellenburger Field, Winkler County, Tex.) (RR. District No. 8).	421	11-26-68	[3] 12-27-68	5-27-69	[21] 14.46	[5] [9] 16.144	
	do	12	17	El Paso Natural Gas Co. and Pecos Co. (Jack Herbert Gas Field, Upton County, Tex.) (RR. District No. 7-C).	3,217 627	11-26-68 11-26-68	[3] 12-27-68 [3] 12-27-68	5-27-69 5-27-69	[23] [24] 14.13 [24] [25] 12.79	[5] [6] 15.2025 [5] [6] 15.2025	
	do	16	18	El Paso Natural Gas Co. (Various Fields, Lea County, N. Mex.).	35,850	11-26-68	[5] 12-27-68	5-27-69	[25] 14.11	[5] [9] [27] 16.50	
	do	55	9	El Paso Natural Gas Co. and Pecos Co. (Jack Herbert and Willrode Fields, Upton County, Tex.) (RR. District No. 7-C).	2,205	11-26-68	[3] 12-27-68	5-27-69	[25] 14.10	[3] [5] 15.2025	
	do	56	6	El Paso Natural Gas Co. (Crosby-Devonian Pool, Lea County, N. Mex.).	18,088	11-26-68	[3] 12-27-68	5-27-69	[25] 14.12	[3] [5] 16.50	
	do	65	11	El Paso Natural Gas Co. (Spraberry Field, Glasscock County, Tex.) (RR. District No. 8).	1,085	11-26-68	[5] 12-27-68	5-27-69	[25] 14.50	[5] [9] 18.243	
	do	118	10	El Paso Natural Gas Co. (Jalmat Gas Pool, Lea County, N. Mex.).	2,374	11-26-68	[3] 12-27-68	5-27-69	[25] 13.92	[5] [9] [27] 16.50	
	do	231	5	El Paso Natural Gas Co. (North Puckett (Ellenburger) Field, Pecos County, Tex.) (RR. District No. 8).	22,676	11-26-68	[5] 12-27-68	5-27-69	[25] 16.50	[5] [9] 18.2430	
	do	345	6	El Paso Natural Gas Co. (South Santa Rosa Field, Pecos County, Tex.) (RR. District No. 8).	948	11-26-68	[5] 12-27-68	5-27-69	[5] [30] 13.76	[5] [9] [29] 16.7228	
	do	379	2	El Paso Natural Gas Co. (Midway Lane Field, Crockett County, Tex.) (RR. District No. 7-C).	2,260	11-26-68	[5] 12-27-68	5-27-69	[5] 16.50	[3] [5] 17.50	
	do	389	2	Transwestern Pipeline Co. (West Rojo Caballos Field, Pecos and Reeves Counties, Tex.) (RR. District No. 8).	4,325	11-26-68	[3] 12-27-68	5-27-69	[5] 15.77	[5] [31] [32] [33] 17.50	
	do	387	1	Transwestern Pipeline Co. (Halley Field, Winkler County, Tex.) (RR. District No. 8).	8,625	11-26-68	[3] 12-27-68	5-27-69	[3] [36] 16.50	[5] [34] [35] 18.00	
	do	197	15	Transwestern Pipeline Co. (Puckett Devonian Field, Pecos County, Tex.) (RR. District No. 8).	193,860	11-26-68	[3] 12-27-68	5-27-69	[25] [30] 14.37	[5] [9] [27] 18.00	
	do	240	5	El Paso Natural Gas Co. (Fowler-Paddock Gas Field, Lea County, N. Mex.).	245	11-26-68	[5] 12-27-68	5-27-69	[38] 16.33	[5] [9] 16.50	
	do	244	3	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.).	201	11-26-68	[5] 12-27-68	5-27-69	[25] [26] 15.18	[3] [5] 16.0533	
	do	312	4	El Paso Natural Gas Co. (South Andrews Field, Andrews County, Tex.) (RR. District No. 8).	1,890	11-26-68	[3] 12-27-68	5-27-69	[25] [30] 12.81	[5] [9] 15.2025	
	do	342	11	Transwestern Pipeline Co. (Crawar and South Heiner Fields, Crane, Pecos, and Ward Counties, Tex.) (RR. District No. 8).	1,280	11-26-68	[3] 12-27-68	5-27-69	[25] [39] 16.40	[5] [9] 18.00	
					132,620	11-26-68	[3] 12-27-68	5-27-69	[46] 14.51	[5] [9] 18.00	
RI69-321	Gulf Oil Corp. (Operator) et al.	193	22	Transwestern Pipeline Co. (Waha and Worsham Fields, Reeves County, Tex.) (RR. District No. 8).	274,165	11-26-68	[3] 12-27-68	5-27-69	[25] [40] 14.50 [25] [30] 14.73	[5] [9] 18.0 [5] [9] 18.0	
	do	192	12	Transwestern Pipeline Co. (Puckett-Ellenburger Field, Pecos County, Tex.) (RR. District No. 8).	1,875,600	11-26-68	[3] 12-27-68	5-27-69	[25] [41] 8.79	[5] [9] 14.00	
	do	373	6	Transwestern Pipeline Co. (Worsham Bayer (Ellenburger) Field, Reeves County, Tex.) (RR. District No. 8).	257,000	11-26-68	[3] 12-27-68	5-27-69	[5] 14.93	[5] [9] [41] 17.50	
	do	296	5	Transwestern Pipeline Co. (Waha Field, Pecos County, Tex.) (RR. District No. 8).	14,250	11-26-68	[5] 12-27-68	5-27-68	[25] [40] 14.50	[3] [9] 16.00	
	do	382	4	El Paso Natural Gas Co. (Eumont Field, Lea County, N. Mex.).	86	11-26-68	[3] 12-27-68	5-27-69	[25] [30] 12.16	[5] [9] [43] 16.50	
	Gulf Oil Corp.	375	6	Transwestern Pipeline Co. (Waha Field, Pecos and Reeves Counties, Tex.) (RR. District No. 8).	52,440	11-26-68	[3] 12-27-68	5-27-69	[5] 16.12	[5] [9] [32] 17.50	
RI69-322	Warren Petroleum Corp. (Operator), Post Office Box 1589, Tulsa, Okla. 74102. Attention: Eugene C. Alford, Esquire.	50	6	Transwestern Pipeline Co. (Monument Gasoline Plant, Lea County, N. Mex.).	[16] 0	11-27-68	[3] 12-28-68	5-28-69	[25] 14.56	[5] [9] 18.0	
	do	54	6	El Paso Natural Gas Co. (Caliche Gasoline Plant, Lea County, N. Mex.).	30,000 642	11-27-68 11-27-68	[3] 12-28-68 [3] 12-28-68	5-28-69 5-28-69	[44] [45] 16.98 [40] [44] 14.79	[5] [9] 18.0 [5] [9] 18.0	
	do	56	10	El Paso Natural Gas Co. (Tatum Gasoline Plant, Lea County, N. Mex.).	1,988 34,532	11-27-68 11-27-68	[3] 12-28-68 [3] 12-28-68	5-28-69 5-28-69	[25] [45] 16.58 [25] [40] 14.44	[5] [9] 18.0 [5] [9] 18.0	
	do	28	10	El Paso Natural Gas Co. (Monument Gasoline Plant, Lea County, N. Mex.).	680 491,040	11-27-68 11-27-68	[3] 12-28-68 [5] 12-28-68	5-28-69 5-28-69	[46] 15.16 [25] [40] 13.02	[5] [9] 15.50 [5] [9] 15.50	

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
	Warren Petroleum Corps. (Operator)	30	11	El Paso Natural Gas Co. (Saunders Gasoline Plant, Lea County, N. Mex.).	2,150 277,200	11-27-68 11-27-68	[3] 12-28-68 [3] 12-28-68	5-28-69 5-28-69	[44] 17.14 [26 40] 14.92	[9 9] 18.0 [9 9] 18.0	
	----do----	43	15	El Paso Natural Gas Co. (Waddel Gasoline Plant, Crane County, Tex.) (R.R. District No. 8).	1,239 1,093,795	11-27-68 11-27-68	[3] 12-28-68 [3] 12-28-68	5-28-69 5-28-69	[28 40] 16.74 [26 40] 14.71	[9 9] 18.1164 [9 9] 18.1164	
	----do----	44	8	El Paso Natural Gas Co. (Eunice Gasoline Plant, Lea County, N. Mex.).	40 553,409	11-27-68 11-27-68	[3] 12-28-68 [3] 12-28-68	5-28-69 5-28-69	[25 45] 16.66 [25 40] 14.51	[9 9] 18.0 [9 9] 18.0	
R169-323	Warren Petroleum Corp.	52	3	Northern Natnral Gas Co. (Yates Gasoline Plant, Pecos County, Tex.) (RR. District No. 8).	285	11-27-68	[3] 12-28-68	5-28-69	14.5	[9 9] 15.0	
	----do----	55	12	El Paso Natural Gas Co. (South Fullerton Gasoline Plant, Andrews County, Tex.) (RR. District No. 8).	727	11-27-68	[3] 12-28-68	5-28-69	15.19	[9 9] 18.0997	
	----do----	22	12	El Paso Natural Gas Co. (Slaughter Gasoline Plant, Hockley County, Tex.) (RR. District No. 8).	21,628	11-27-68	[3] 12-28-68	5-28-69	[25] 14.50	[9 9] 18.1046	
	----do----	42	14	El Paso Natural Gas Co. (South Fullerton Gasoline Plant, Andrews County, Tex.) (RR. District No. 8).	727	11-27-68	[3] 12-28-68	5-28-69	[25] 15.19	[9 9] 18.0997	
	----do----	45	8	El Paso Natural Gas Co. (Denton Gasoline Plant, Lea County, N. Mex.).	1,117	11-27-68	[3] 12-28-68	5-28-69	[28] 14.51	[9 9] 18.0	

[2] Supplemental agreement dated Oct. 25, 1968, amends pricing provisions to provide for 13.8456-cent rate at 15.025 p.s.i.a. (13.5 cents at 14.65 p.s.i.a.) for fourth 5-year period and a 1.0255973 cents at 15.025 p.s.i.a. (1 cent at 14.65 p.s.i.a.) increase every 5 years thereafter or should the FPC prescribe a higher applicable area ceiling rate than the current contract rate, then the contract rate shall be increased to equal such higher rate and during such time the higher rate is being paid the 0.5-cent compression charge shall be waived.
[3] The stated effective date is the effective date requested by Respondent.
[4] Renegotiated rate increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] Periodic rate increase.
[7] Subject to a downward B.t.u. price adjustment for B.t.u. content below 1,038.
[8] Initial rate.
[9] Increase from applicable area ceiling rate to contract rate.
[10] Subject to 0.10-cent charge by buyer for dehydration.
[11] Subject to estimated 1.4875-cent downward B.t.u. adjustment and 2.1-cent downward quality adjustment.
[12] Authorized initial rate is the applicable area base rate of 16.5 cents adjusted for quality or the contract rate whichever is lower.
[13] Includes 1.44 cents per Mcf upward B.t.n. adjustment.
[14] Subject to 0.10 cent treating charge by buyer and 0.6 cent per Mcf downward B.t.u. adjustment.
[15] Subject to 0.5 cent per Mcf compression charge by buyer for gas requiring compression—tax reimbursement not applicable to amounts deducted for compression.
[16] No sales are being made at the present time.
[17] "Fractured" increase. Contract provides for 21.8 cents per Mcf, plus tax reimbursement.
[18] Previous rate reduced to applicable area ceiling rate by order issued Aug. 9, 1968, implementing Opinion Nos. 468 and 468-A.
[19] Applicable only to residue gas derived from new gas-well gas.
[20] Includes 0.243 cent per Mcf tax reimbursement.
[21] Previous rate reduced to applicable area ceiling rate by order issued Aug. 9, 1968, implementing Opinion Nos. 468 and 468-A.
[22] Exclusive of acreage added by Supplement No. 6, which has a current effective rate of 17.64 cents per Mcf.
[23] Pertains to acreage added by Supplement No. 14.
[24] Applicable to residue gas not derived from new gas-well gas.
[25] Previous rate reduced to applicable area ceiling rate by order issued Aug. 9, 1968, implementing Opinion Nos. 468 and 468-A.
[26] Applicable to residue gas not derived from new gas-well gas (original dedicated acreage).
[27] Subject to compression charge of 0.4467 cent per Mcf.
[28] Applicable to residue gas derived from new gas-well gas.
[29] Subject to compression charge of 0.5 cent per Mcf.
[30] Applicable to old gas-well gas.
[31] "Fractured" rate increase, Respondent is contractually due 18.50 cents per Mcf.
[32] Subject to treating cost deduction of 0.56 cent per Mcf and downward B.t.u. adjustment of 1.07 cents per Mcf.
[33] Subject to a downward B.t.u. adjustment of 0.67 cent per Mcf.
[34] "Fractured" rate increase, Respondent is contractually due 20.50 cents per Mcf.
[35] Subject to an upward and downward B.t.u. adjustment.
[36] Area base rate unadjusted for quality discrepancies, if any. (Time requirement for submission of quality statement has not expired.)
[37] Subject to downward B.t.u. adjustment at 0.04 cent per Mcf.
[38] Applicable to new gas-well gas.
[39] Applicable to residue gas not derived from new gas-well gas.
[40] Applicable to residue gas not derived from new gas-well gas.
[41] Subject to upward and downward B.t.u. adjustment.
[42] Subject to treating cost deduction of 0.56 cent per Mcf and downward B.t.u. adjustment of 1.07 cents per Mcf.
[43] Subject to compression charge of 0.4467 cent per Mcf for gas delivered which must be compressed.
[44] Initial rate for additional acreage added by Supplement Nos. 4 and 5—previous rate for all other acreage reduced to applicable area ceiling rate by order issued Aug. 9, 1968, implementing Opinion Nos. 468 and 468-A.
[45] Applicable to residue gas derived from new gas-well gas.
[46] Applicable to mixed gas—93 percent old gas—well gas; 7 percent casinghead gas.

Concurrently with the filing of its renegotiated rate increases, Getty Oil Co. (Getty) submitted two supplemental agreements dated October 25, 1968, designated as Supplements Nos. 7 and 10 to its FPC Gas Rate Schedule Nos. 76 and 155, respectively, which provide the basis for Getty's rate increases. We believe that it would be in the public interest to accept for filing Getty's supplemental agreements to become effective on December 30, 1968, and January 4, 1969, the proposed effective dates, but not the proposed rates contained therein which are suspended as hereinafter ordered.

All of the producers' proposed increased rates and charges relate to sales in the Permian Basin Area and exceed the just and reasonable rates established by the Commission in Opinion No. 468, as amended, and should be suspended for 5 months as ordered herein.

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

The Commission finds:

(1) Good cause has been shown for accepting for filing the supplemental agreements filed by Getty, as set forth above, and for permitting such supplements to become effective on December 30, 1968, and January 1, 1969, the proposed effective dates.

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

The Commission orders:

(A) Supplements Nos. 7 and 10 to Getty's FPC Gas Rate Schedules Nos. 76 and 155, respectively, are accepted for filing and permitted to become effective on December 30, 1968 (Supplement No. 7), and January 4, 1969 (Supplement No. 10), the proposed effective dates.

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

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

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspen-

sion 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 February 15, 1969.

By the Commission.

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

[F.R. Doc. 69-8; Filed, Jan. 3, 1969; 8:45 a.m.]

[Docket No. RI69-316]

PAN AMERICAN PETROLEUM CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

DECEMBER 20, 1968.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge 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 a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its 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, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its 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 supplement to the rate schedule filed by Respondent 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 Respondent shall 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 a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding 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 February 14, 1969.

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	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI69-316..	Pan American Petroleum Corp., Post Office Box 3092, Houston, Tex. 77001. Attention: K. M. Nolen, Esquire.	[1] 362	2	Valley Gas Transmission, Inc. (Luby and Petronilla Fields, Nueces County, Tex.) (R.R. District No. 4).	$46,751	11-14-68	[2] 1-1-69	[3] 1-2-69	[6 7] 15.5	[4 5 6] 16.0	

[1] Contract dated after Sept. 28, 1960, the date of issuance of General Policy Statement No. 61-1 and the proposed rate does not exceed area initial rate ceiling.
[2] The stated effective date is the effective date requested by Respondent.
[3] The suspension period is limited to 1 day.
[4] "Fractured" rate increase. Contractually due 16.5 cents per Mcf as of Nov. 1, 1968.
[5] Pressure base is 14.65 p.s.i.a.
[6] Subject to a downward B.t.u. adjustment.
[7] Permanently certificated initial rate.

Although Pan American Petroleum Corp.'s (Pan American) proposed rate does not exceed the 16 cents per Mcf initial in-line price prescribed under Opinion No. 478, it does exceed the 14 cents per Mcf area increased rate ceiling. Since the contract involved was executed after September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, we conclude that Pan American's proposed 16 cents per Mcf rate should be suspended for 1 day from January 1, 1969, the proposed effective date.

[F.R. Doc. 69-9; Filed, Jan. 3, 1969; 8:45 a.m.]

[Docket No. CP69-175]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

DECEMBER 23, 1968.

Take notice that on December 16, 1968, Arkansas Louisiana Gas Co. (Applicant), Post Office Box 1734, Shreveport, La. 71102, filed in Docket No. CP69-175 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities, and for a certificate of public convenience and necessity authorizing the construction and operation of other facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks to construct and operate the following facilities:

(1) Approximately 29.3 miles of 30-inch loop line in East Oklahoma and Northwest Arkansas, referred to as "Line O Loop—Phase I";

(2) Approximately 13.4 miles of 30-inch loop line in West Arkansas, referred to as "Line BT-1A Loop";

(3) Approximately 33 miles of 10-inch line in North Central Arkansas, referred to as "Line JM-30";

(4) Approximately 0.8 mile of 12-inch line in Central Arkansas, referred to as "Line BM-28";

(5) Approximately 22.2 miles of 30-inch loop line in East Oklahoma, referred to as "Line O Loop—Phase II";

(6) Approximately 16.7 miles of 30-inch line to replace a 16-inch line in West Arkansas, referred to as "Line BT-1 Replacement";

Applicant also requests permission and approval to abandon a compressor station in Yell County, Ark., referred to as "Chambers Compressor Station".

Applicant states that the proposed construction is necessary to meet increased demand requirements of Applicant's own distribution plants and main line customers. Applicant further states that the proposed abandonment is necessary due to decreasing availability of peak gas supply from Applicant's older supply sources in North Louisiana and East Texas.

Total estimated cost of the proposed construction is $18,185,750. Financing will be provided from cash on hand and short-term loans until included in a long-term financing issue at a later date.

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) and the regulations under the Natural Gas Act (§ 157.10) on or before January 17, 1969.

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 this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-20; Filed, Jan. 3, 1969; 8:45 a.m.]

[Docket No. CP69-171]

CASCADE NATURAL GAS CORP.

Notice of Application

DECEMBER 24, 1968.

Take notice that on December 13, 1968, Cascade Natural Gas Corp. (Applicant), 222 Fairview Avenue North, Seattle, Wash. 98109, filed in Docket No. CP69-171 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations thereunder for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct during the calendar year 1969 and operate various field facilities for the connection of additional supplies of gas in fields in the State of Colorado.

Applicant states that the proposed facilities are necessary to enable Applicant to act with reasonable dispatch in connecting new gas supplies in various producing areas generally coextensive with its system.

Total estimated cost of the proposed facilities is $900,000, with the total cost of gas-purchase facilities for any single project to be installed during the calendar year 1969 not to exceed $350,000. Financing will be provided from cash on hand, cash generated from normal operations, and from financing to be negotiated.

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) and the regulations under the Natural Gas Act (§ 157.10) on or before January 17, 1969.

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 this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-21; Filed, Jan. 3, 1969; 8:45 a.m.]

[Docket No. CP69-176]

COLORADO INTERSTATE GAS CO.

Notice of Application

DECEMBER 26, 1968.

Take notice that on December 16, 1968, Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (Applicant), Post Office Box 1087, Colorado Springs, Colo. 80901, filed in Docket No. CP69-176 an application pursuant to section 7(b) and section 7(c) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities, to construct and operate other facilities, and to sell and deliver natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests authority to construct and operate approximately 10.4 miles of 24-inch and 12¾-inch pipeline and two meter stations connecting Applicant's existing field pipelines to the proposed Alamo Chemical Co. (Alamo) Plant near the town of Fritch, Tex. Applicant also seeks permission and approval to retire the Loften-Holmes Meter Station and a major portion of the Fritch Meter Station on the field lines between Applicant's Sanford Compressor Station and its Panhandle Field Compressor No. 6. Applicant seeks authority to replace the aforementioned stations by the construction of a new meter station to be known as the Texas NGPL Meter Station for measuring volumes delivered to Natural Gas Pipeline Company of America (NGPL).

Applicant also proposes to make a direct field sale to Alamo of natural gas for the extraction of helium and certain liquefiable hydrocarbons. Estimated peak day sales volumes would be 14,000 Mcf, and annual sales, excluding helium extracted, are estimated at 4,625,000 Mcf.

Applicant states that the proposed sale would contribute to the conservation of helium, a vital natural resource.

Total estimated cost of the proposed facilities is $728,097. Financing will be obtained from funds on hand, funds from operations, or short-term bank loans.

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) and the regulations under the Natural Gas Act (§ 157.10) on or before January 20, 1969.

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 this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-22; Filed, Jan. 3, 1969; 8:45 a.m.]

[Docket No. CP69-174]

EL PASO NATURAL GAS CO.

Notice of Application

DECEMBER 24, 1968.

Take notice that on December 16, 1968, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP69-174 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the sale and delivery of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to sell and deliver on a firm basis, pursuant to a limited-term agreement, a minimum average of 100,000 Mcf of natural gas per day each year to Natural Gas Pipeline Company of America (Natural) beginning upon receipt of au-

thorization and continuing through calendar year 1971. The agreement further provides that during the calendar years 1972 and 1973, the parties shall use their best efforts to deliver and receive quantities of gas not to exceed an average of 75,000 Mcf per day or a maximum of 100,000 Mcf in 1 day. During the calendar years 1969 through 1971, Applicant may be required to deliver up to 125,000 Mcf to Natural in any one day. Applicant may also be required to deliver amounts in excess of 125,000 Mcf during 1969 to 1971, but such excess amounts will be subject to the availability of gas at the designated delivery point.

The application states that the delivery point of all quantities is to be at the outlet flange of a side valve to be installed by Applicant at a mutually agreeable point on Applicant's 20-inch Lockridge Field to Waha Plant pipeline in sec. 80, Block 34, H&TC Survey, Ward County, Tex.

Applicant states that the proposed sale and sale and delivery will enable it to dispose of a portion of a temporary excess supply of gas and will thereby reduce prepayment obligations.

Total estimated cost of the proposed construction at the point of delivery is $12,368. Financing will be provided from working funds.

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) and the regulations under the Natural Gas Act (§ 157.10) on or before January 17, 1969.

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 this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-23; Filed, Jan. 3, 1969; 8:45 a.m.]

[Docket No. CP68-123]

GAS BOARD OF TOWN OF WEST JEFFERSON, ALA., AND SOUTHERN NATURAL GAS CO.

Notice of Petition To Amend

DECEMBER 24, 1968.

Take notice that on November 12, 1968, The Gas Board of the town of West Jefferson and the town of West Jefferson, Ala. (Applicants) filed in Docket No. CP68-123 a petition to amend the order of the Commission issued in said docket December 18, 1967, which order directed the Southern Natural Gas Co. (Respondent) to establish physical connection of its facilities with facilities proposed to be constructed by The Gas Board of the town of West Jefferson, Ala. (the Board) and to sell and deliver to the Board up to 591 Mcf of natural gas daily for resale and distribution by the Board to the town of West Jefferson, Ala. (the Town) and the surrounding area.

Specifically, the petition requests amendment of said order to substitute authorization of gas service to the Town in lieu of the Board and to extend the time to August 1, 1969, within which the Town must be prepared to receive gas service.

The petition states that the proposed change is required because the U.S. Department of Housing and Urban Development, the purchaser of the bonds proposed to be issued to finance the cost of the gas distribution system, has insisted that the Town itself, rather than the Board, finance, construct, own, and operate the gas distribution system.

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) and the regulations under the Natural Gas Act (§ 157.10) on or before January 20, 1969.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-24; Filed, Jan. 3, 1969; 8:45 a.m.]

[Docket No. RI69-324, etc.]

PAN AMERICAN PETROLEUM CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

DECEMBER 23, 1968.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

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 February 17, 1969.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

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

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-324..	Pan American Petroleum Corp., Security Life Bldg., Denver, Colo. 80202, Attention: Frank Houck, Esq.	378	15	El Paso Natural Gas Co. (Kutz Pictured Cliffs Field West, San Juan County, N. Mex., San Juan Basin).	$16	11-22-68	1-1-69	6-1-69	[1] 12.2295	[2] 13.2501	RI66-157.
	....do....	382	8	El Paso Natural Gas Co. (Bisti Gallup Field, Lower, San Juan County, N. Mex., San Juan Basin).	91	11-22-68	1-1-69	6-1-69	13.0	[2] 15.2869	
	....do....	387	5	El Paso Natural Gas Co. (Ignatio Field, La Plata County, Colo.).	.....	11-22-68	1-5-69	6-5-69	14.0074	15.0083	
RI69-325..	Pan American Petroleum Corp. (Operator) et al.	397	4	El Paso Natural Gas Co. (Gallup Field, San Juan and Rio Arriba Counties, N. Mex., San Juan Basin).	2,200	11-22-68	1-1-69	6-1-69	13.0	14.0	
RI69-324..	Pan American Petroleum Corp.	400	6	El Paso Natural Gas Co. (Tocito Dome Field, San Juan County, N. Mex., San Juan Basin).	.....	11-22-68	1-1-69	6-1-69	13.0	18.0	
	....do....	405	3	....do....	14,940	11-22-68	1-1-69	6-1-69	13.0	15.0	
	....do....	411	3	El Paso Natural Gas Co. (Ute Dome, Paradox Field, San Juan County, N. Mex., San Juan Basin).	146,250	11-22-68	1-1-69	6-1-69	11.75	15.0	
	....do....	469	5	El Paso Natural Gas Co. (Blanco Mesaverde Field, San Juan County, N. Mex., San Juan Basin).	1,902	11-22-68	1-1-69	6-1-69	13.0	[1] 14.2678	
RI69-325..	Pan American Petroleum Corp. (Operator) et al.	484	5	El Paso Natural Gas Co. (Basin Dakota Field, San Juan County, N. Mex., San Juan Basin).	309	11-22-68	1-1-69	6-1-69	13.0	[3] 15.0619	
RI69-325..	....do....	485	7	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex., San Juan Basin.	309	11-22-68	1-1-69	6-1-69	13.0	15.0619	R165-468.
	....do....	508	3	....do....	300	11-22-68	1-1-69	6-1-69	13.0	14.0	
RI69-324..	Pan American Petroleum Corp.	517	6	....do....	1,523	11-22-68	1-1-69	6-1-69	13.0	[2] 14.2693	
RI69-326..	Roy L. Cook, 1116 Bank of New Mexico Bldg., Albuquerque, N. Mex. 87101.	4	4	South Union Gathering Co., Basin Dakota Field, San Juan County, N. Mex., San Juan Basin.	466	11-27-68	1-1-69	6-1-69	14.0578	15.0	
RI69-327..	Skelly Oil Co. (Operator) et al., Post Office Box 1650, Tulsa, Okla. 74102, Attention: R. J. Dent.	33	6	Kansas-Nebraska Natural Gas Co., Inc., Logan County, Colo.	301	11-27-68	12-28-68	5-28-69	13.7424	14.6585	G-17060.
RI69-328..	R&J Drilling Co., Inc. (Operator) et al., 1775 Broadway, New York, N.Y. 10019.	4	3	South Union Gathering Co., Basin Dakota Field, San Juan County, N. Mex., San Juan Basin.	3,000	11-27-68	1-1-69	6-1-69	14.0	15.0	RI65-213.

All of the above rates are stated at a pressure base of 15.025 p.s.i.a.

[1] Includes partial reimbursement for full 2.55 percent New Mexico Emergency School Tax.

[2] Includes partial reimbursement for full 2.55 percent New Mexico Emergency School Tax and 0.015 percent increase in New Mexico Conservation Tax.

[3] Includes partial reimbursement for .55 percent increase in New Mexico Emergency School Tax.

Pan American Petroleum Corp. (Pan American) proposes that its increased rates contained in Supplement Nos. 15, 8, 5, and 6 to its FPC Gas Rate Schedule Nos. 378, 382, 469, and 517, respectively, include partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax. El Paso Natural Gas Co. (El Paso) the purchaser under each of said rate schedules, has customarily filed a protest to proposed rate increases including such tax reimbursement if the proposed reimbursement relates to a higher tax increase than 0.55 percent. El Paso concedes that the New Mexico tax legislation in question effected a higher tax of at least 0.55 percent, but it questions whether or not the new legislation effected a tax increase in excess of 0.55 percent. Consequently, we find that the hearings upon each of said proposed changes in rate shall concern itself with the contractual basis for the rate filing, as well as the statutory lawfulness of Pan American's proposed increased rate and charge.

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

[F.R. Doc. 69-27; Filed, Jan. 3, 1969; 8:46 a.m.]

[Docket No. CP69-179]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

DECEMBER 26, 1968.

Take notice that on December 18, 1968, Panhandle Eastern Pipe Line Co. (Applicant), Post Office Box 1642, Houston, Tex. 77001, filed in Docket No. CP69-179 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing an increase in the volume of natural gas delivered to an existing customer, Michigan Gas Storage Co. (MGS), for resale in its authorized delivery area, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to increase its Annual Contracted Volume delivered under its CS-1 Rate Schedule to MGS from 49,945,000 Mcf of natural gas to 51,945,000 Mcf. The parties have agreed that it would be desirable to increase the annual volume of gas received and that no change is to be made in the daily contract demands and no new facilities are required.

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) and the regulations under the Natural Gas Act (§ 157.10) on or before January 22, 1969.

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 this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-25; Filed, Jan. 3, 1969; 8:45 a.m.]

[Dockets Nos. RI69-329, RI69-330]

UNION PRODUCING CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

DECEMBER 24, 1968.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Com-

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

mission jurisdiction, as set forth in Appendix A hereof.

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 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 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 January 31, 1969.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting 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	Cents per Mcf: Proposed increased rate
RI69-329	Union Producing Co., 900 Southwest Tower, Houston, Tex. 77002.	210	18	United Gas Pipe Line Co., Sugar Creek Field, Clairborne Parish, La. (N).	$12,307	11-27-68	12-31-68	1-1-69	13.05076	14.07636
RI69-330	Union Producing Co. (Operator) et al.	208	22	United Gas Pipe Line Co., Sligo Field, Bossier Parish, La. (N).	54,356	11-27-68	12-31-68	1-1-69	[1 2 3] 12.5252	[1 2 3] 13.5508
						11-27-68	12-31-68	1-1-69	[1 3 4] 12.0252	[1 3 4] 13.0508
						11-27-68	12-27-68	12-28-68	[5] 13.0252	[5] 14.0508

All rates shown at 15.025 p.s.i.a.

[1] United deducts 0.75 cent per Mcf from rate shown for compressing gas.

[2] Rate includes 1.5 cents per Mcf tax reimbursement.

[3] Rate applicable to production under rate schedule except that produced on Barksdale Air Force Base.

[4] Rate includes 1-cent tax reimbursement for "deficient wells".

[5] Rate applicable to production on Barksdale Air Force Base.

The proposed rate increase from 13.0252 cents to 14.0508 cents per Mcf of natural gas under Union Producing Co.'s (Union) FPC Gas Rate Schedule No. 208 exceeds the 14 cents per Mcf base increased rate ceiling applicable to sales as set forth in the Commission's statement of general policy, No. 61-1, § 2.56 of the rules of practice and procedure, but it does not exceed the 15.75 cents per Mcf increased rate ceiling normally applicable when tax reimbursement is added to the base rate ceiling. The sale involved here, however, is of gas produced on Federal lands, and is, therefore, not subject to State tax. In these circumstances we conclude that the proposed rate should be suspended for 1 day as ordered herein.

The other proposed increased rates here do not exceed the applicable increased rate ceiling set forth in the Commission's statement of general policy No. 61-1 (supra) but are suspended for 1 day, as ordered herein, because the seller and buyer are affiliates.

[F.R. Doc. 69-28; Filed, Jan. 3, 1969; 8:46 a.m.]

[Docket No. CP69-169]

WESTERN GAS INTERSTATE CO.

Notice of Application

DECEMBER 24, 1968.

Take notice that on December 11, 1968, Western Gas Interstate Co. (Applicant) Fidelity Union Tower, Dallas, Tex. 75201, filed in Docket No. CP69-169 an application pursuant to Executive Order No. 10485 dated September 3, 1953, for a Presidential permit authorizing the construction and connection of facilities at the international boundary for the exportation of natural gas to the Republic of Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct at the international boundary of the United States and the Republic of Mexico the following facilities:

A 2-inch natural gas line in Dona Ana County, N. Mex., commencing at a point of connection with El Paso Natural Gas Co.'s 4½-inch O.D. El Paso Brick Co. pipeline and extending therefrom in a southeasterly direction 125 feet, thence in a southerly direction parallel with and approximately 200 feet west of the boundary line between the States of Texas and New Mexico, 1,150 feet to a point on the international boundary line between the United States and Mexico, together with related metering facilities immediately adjacent to such international boundary.

The aforementioned facilities will connect with the facilities of Gas Natural de Juarez, S.A. Del Norte Natural Gas Co. will lease, maintain, and operate Applicant's proposed facilities, and will be the exporter of natural gas to Gas Natural de Juarez, S.A. Del Norte has filed for a Presidential permit and for authorization under section 3 of the Natural Gas Act in Dockets Nos. CP69-166 and CP69-167.

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 January 17, 1969.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-26; Filed, Jan. 3, 1969; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

NATIONAL INSTITUTES OF HEALTH

Statement of Organization, Functions, and Delegations of Authority

This amendment to the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare reflects the implementation of the Reorganization Orders of Secretary Wilbur J. Cohen of March 13, 1968 (33 F.R. 4894), April 1, 1968 as amended (33 F.R. 5426, 6891), and July 1, 1968 (33 F.R. 9909), with respect to the organization of the National Institutes of Health as an operating agency of the Department. Part 9 of the Department's Statement for the National Institutes of Health (33 F.R. 11789) is revised as set forth below. Those provisions in Part 4 (Public Health Service) of the Department's Statement of Organization, Functions, and Delegations of Authority which are inconsistent with

the provisions of the new Part 9 are revoked herewith.

SECTION 9–A *Mission.* The National Institutes of Health provides leadership and direction to programs designed to improve the health of the people of the United States through the following activities:

(1) Conducts and supports research in the causes, diagnosis, prevention, and cure of diseases of man, in the processes of human growth and development, in the biological effects of environmental contaminants, and in related sciences and supports the training of research personnel, and construction of research facilities, and the development of other research resources.

(2) Administers programs to meet health manpower requirements for the nation, primarily through the support of education and training, and to give general support to institutions engaged in education and research in the health field.

(3) Directs programs for the collection, dissemination, and exchange of information in medicine and health, including the development and support of medical libraries and the training of medical librarians and other health information specialists.

(4) Administers Federal standards and licensing activities controlling the safety, purity, and potency of certain viruses, serums, toxins, and analogous products sold in interstate commerce.

SEC. 9–B *Organization.* The National Institutes of Health is administered by the Director of the National Institutes of Health, under the direction of the Assistant Secretary for Health and Scientific Affairs. The agency consists of the following major components with functions as indicated:

OFFICE OF THE DIRECTOR

Office of the Director and Deputy Director. Provides leadership and direction to the programs and activities of the National Institutes of Health.

Office of the Deputy Director for Science. (1) Advises the Director, NIH, on science policy; (2) functions for the Director in resolving policy problems with the Directors of Institutes and Divisions, and (3) reviews and makes recommendations to the Director on the programs and plans of these Institutes and Divisions.

Office of the Associate Director for Extramural Research and Training. (1) Advises the Deputy Director for Science and provides guidance to the Institutes and Divisions on the extramural research and training programs of the NIH; (2) directs the operations of the Division of Research Grants; and (3) coordinates grants policy for the whole of NIH, and represents the NIH to the Office of the Secretary on overall grants policy.

Division of Research Grants. (1) Provides staff support services for NIH in formulating grants and awards policies and procedures; (2) assigns research grant applications to initial review groups and Bureaus, research Institutes and Divisions; (3) provides for the scientific review of applications; (4) collects, stores, retrieves, and analyzes management and program data needed in the management of extramural programs; and (5) reviews and analyzes the character and direction of research and training supported through NIH grants and the resources involved in providing such support.

Office of the Associate Director for Direct Research. (1) Advises the Deputy Director for Science and provides guidance to the Institutes and Divisions on the intramural and collaborative research programs of the NIH; and (2) directs the operations of the Division of Research Services.

Division of Research Services. Provides centralized instrumentation and maintenance, library, medical arts, photography, translating, animal production and care, new construction, plant maintenance, environmental, landscaping, and other scientific, technical and engineering services to NIH.

Office of the Associate Director for Clinical Care Administration. Advises the Director, NIH, and the Deputy Director for Science on policies relating to clinical care administration.

Office of the Associate Director for Program Planning and Evaluation. (1) Advises the Director on program plans and policies and on legislative proposals; (2) evaluates the programs of the operating organizations of the NIH and makes recommendations thereon to the Director; and (3) directs staff functions relating to program development, program analysis, resources analysis, and legislative liaison.

Office of Program Analysis. (1) Analyzes and interprets operating and planning data relating to NIH activities, programs and policies; (2) develops systems and methods for conducting appropriate NIH program reviews and special studies; and (3) collaborates with other NIH and DHEW agencies in studying the impact of NIH programs on the training and utilization of biomedical personnel, the impact of other programs on the activities and future plans of NIH, and the impact on NIH of proposed legislation.

Office of Resources Analysis. (1) Provides systematic, continuing analysis of current biomedical research expenditures, facilities, manpower, institutions, and other critical resources; (2) develops interrelated projections of these biomedical research requirements and resources; and (3) assesses NIH policies, long-range plans, and current program projections, within the context of national needs and resource capabilities.

Office of Legislative Analysis. (1) Identifies, analyzes, and reports on legislative developments relevant to NIH programs and activities; (2) assesses the need for and proposes changes in the statutory base of NIH activities; (3) plans and develops new legislative proposals; (4) coordinates and controls NIH congressional communications; and (5) provides NIH liaison on legislative matters with the Department, Congress, and other bodies.

Office of the Associate Director for Administration. (1) Advises the Director on administration and management; (2) provides agency-wide leadership and guidance in all phases of management; and (3) directs staff and service functions in the areas of budget and financial management, personnel management, management policy and review, and general administration.

Office of Financial Management. (1) Advises the Director, NIH, and his staff and provides leadership and direction for NIH financial management activities; (2) develops policies and instructions for budget preparation and presentation; (3) collaborates with the Office of the Associate Director for Programing, Planning, and Evaluation in the development and implementation of the long-range program and financial plan under the Program Planning Budgeting System (PPBS); (4) provides guidance and coordination on the financial and related aspects of grants management, negotiates and settles hospitalization rates for grants and contracts, furnishes financial advice to contracting officers, and participates in the formulation, coordination, and implementation of grant and award regulations, policies, and procedures; (5) directs allocation of funds and manages a system of fund and budgetary controls; (6) directs planning and implementation of fiscal systems and procedures and provides accounting services; (7) provides a central grant accounting and financial reporting point for all DHEW grants to educational and nonprofit institutions.

Office of Personnel Management. (1) Advises the Director, NIH, and his staff on personnel management; (2) directs central personnel management services; (3) provides NIH leadership and planning on policy development, manpower planning, recruitment, employee development, salary administration, and other personnel functions; (4) makes studies and recommendations to top management at NIH for new or redirected personnel efforts and policies.

Office of Management Policy and Review. As the principal NIH staff office for organization and management: (1) Advises on management and administrative policy; (2) provides advice and assistance on organization, systems, procedures, management controls, records, and other management matters; (3) makes management studies, participates in studies by ad hoc groups, evaluates studies of NIH made by outside organizations, and prepares management reports; (4) plans and organizes a management survey and review program throughout NIH; (5) develops recommendations to the Associate Director for Administration, and the head of the organization surveyed for improving the system of management controls; (6) provides data processing services to other components of the Office of the Associate Director for Administration and advice on systems analysis to top management; (7) serves as liaison on ADP policy with the Office of the Secretary; and (8) conducts a management program covering directives, forms, reports, record retention, microfilming,

equipment, and other aspects of paperwork management.

Office of Administrative Services. (1) Provides central management services in a number of administrative areas including (a) research contracts, (b) property, procurement, and supply management, (c) protection and safety of NIH employees and property, (d) control of traffic and parking on NIH grounds, (e) communications, space planning, and transportation, (f) housekeeping services, and (g) printing and reproduction; and (2) develops and implements policies and procedures in these areas.

Office of Information. (1) Plans, directs, and coordinates the information programs and activities of the NIH; (2) advises Director, NIH, on policy matters pertaining to information and communication activities and develops policies and overall plans for the guidance of the several components of NIH; (3) identifies public information needs and supports special efforts to meet these needs; and (4) provides for orderly and expeditious processing and dissemination of informational materials.

NATIONAL CANCER INSTITUTE

Conducts, administers, and coordinates a program of research related to the cause, prevention, diagnosis, and treatment of cancer; for this purpose, makes grants-in-aid for research, training, traineeships, and fellowships, and publishes related information.

NATIONAL EYE INSTITUTE

(1) Conducts, fosters, and coordinates research on the causes, prevention, diagnosis, and treatment of blinding eye diseases and visual disorders, including research and training in the special health problems and requirements of the blind and in the basic and clinical sciences relating to the mechanism of the visual function and preservation of sight; and (2) administers a program of research and training grants and awards, especially against the main causes of blindness and loss of visual function and for the improvement of the condition of the visually deprived.

NATIONAL HEART INSTITUTE

(1) Fosters, conducts, and coordinates research and training on the causes, prevention, diagnosis and treatment of diseases of the heart and circulation; (2) provides grants-in-aid for cardiovascular research and teaching; (3) provides training and instruction in the research and clinical aspects of heart diseases; and (4) collects and disseminates information on cardiovascular diseases.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

Administers programs of research, grants-in-aid for research, training grants and awards, and career and fellowship awards in allergy, infectious, and related diseases.

NATIONAL INSTITUTE OF ARTHRITIS AND METABOLIC DISEASES

Administers programs of research, grants-in-aid for research, training grants and awards, and career and fellowship awards in arthritis and metabolic and related diseases.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

(1) Conducts, fosters, and coordinates research relating to maternal health, child health, and human development, including research in special health problems and requirements of mothers and children or aged persons, and in the fundamental sciences relating to the process of human growth, development, and prenatal development; (2) provides grants to public or private institutions and individuals for research and training, provides fellowships to individuals; and (3) collects and disseminates information on research and findings in the area of child health and human development.

NATIONAL INSTITUTE OF DENTAL RESEARCH

Conducts and supports basic, clinical, and applied research and research training in the causes, diagnosis, prevention, and cure of oral diseases and disorders: (1) Conducts intramural laboratory, clinical, and field research; (2) supports dental and medically related research and research training by assisting individuals, universities, institutions, and agencies through grants-in-aid for research projects, training, fellowships, and dental research institutes; (3) conducts and supports collaborative and developmental research programs aimed at specific dental problems where major advance seems clearly possible; (4) disseminates and supports dissemination of research findings and related information.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

Administers, fosters, and supports programs of research, research training, and research fellowships in the general or basic medical sciences and related natural or behavioral sciences which have significance for a number of other institutes, are outside the general area of responsibility of any other institute, and will benefit by administration from a single point.

NATIONAL INSTITUTE OF NEUROLOGICAL DISEASES AND STROKE

(1) Conducts, fosters, and coordinates research on the causes, prevention, diagnosis, and treatment of neurological and sensory disorders and related fields; (2) administers a program of research grants, training grants, and awards; and (3) with the Division of Chronic Disease Programs, HSMHA, collects and disseminates information related to neurological and sensory disorders.

CLINICAL CENTER

(1) Provides patient facilities and services, other than physician care, for clinical investigations in the Clinical Center; (2) conducts research in clinical care, hospital administration, and related areas; and (3) supervises residency and other training programs.

JOHN E. FOGARTY INTERNATIONAL CENTER FOR ADVANCED STUDY IN THE HEALTH SCIENCES

(1) Provides the facility for the assembly of scientists and leaders in the biomedical, behaivoral, and related fields for discussion, study, and research relating to the development of science internationally as it pertains to health and its implications and applications for the future; (2) furthers international cooperation and collaboration in the life sciences through its research programs, conferences, and seminars; (3) provides postdoctoral fellowships for training in the United States and abroad and promotes senior scientist exchanges between the United States and other countries; (4) coordinates the NIH activities and functions generally concerned with the health sciences at an international level; and (5) serves as a focal point for foreign visitors to the National Institutes of Health.

DIVISION OF BIOLOGICS STANDARDS

(1) Administers regulation of biological products used in the District of Columbia and in interstate commerce; and (2) prepares biological products for its own use and for use by other Federal and private agencies and organizations engaged in medicine when such products are not available commercially. In carrying out these functions, cooperates with other PHS organizations, governmental and international agencies, volunteer health organizations, universities, individual scientists, nongovernmental laboratories, and manufacturers of biologicals.

DIVISION OF COMPUTER RESEARCH AND TECHNOLOGY

Plans and conducts an integrated computer research and service program in support of the NIH mission. In fulfilling this responsibility, the Division: (1) Provides professional programing, computational and automatic data processing capability to meet NIH program needs; (2) conducts theoretical and applied research in mathematical statistics, mathematics, and other (physical and life) sciences; (3) provides resources for research, development, and consultation for the design and implementation of project-supporting computer systems; (4) Provides scientific and administrative direction in the formulation of NIH-wide policies, standards, methods, and procedures on computation and automatic data processing activities; and (5) Participates in the analysis of requirements, design, and development of auto-

matic data processing systems to make effective use of advanced techniques and equipment.

DIVISION OF ENVIRONMENTAL HEALTH SCIENCES

(1) Conducts, fosters, and coordinates research on the biological effects of chemical, physical, and biological substances present in or introduced into the environment, to (a) develop understanding of the mechanism of action of such substances, (b) provide the scientific basis for evaluating their extent and severity on a national scale; and (c) diagnose, define, and develop methods for treatment; (2) makes related grants for research, research training, traineeships, and fellowships; and (3) disseminates appropriate information.

BUREAU OF HEALTH PROFESSIONS EDUCATION AND MANPOWER TRAINING

The Bureau is responsible for the administration and support of programs to meet health manpower requirements through education and training and to give general support to institutions engaged in education and research in the health field. It provides national leadership and coordination in support of programs for health manpower and the development of institutions for the education and training of health personnel, and maintains continuing relationships with national, State, and local, official and voluntary agencies, organizations, and institutions working in these areas.

Specifically, the Bureau administers grants and loans and conducts operations which (1) promote and support the extension and improvement of the educational processes in the nation in increasing the supply and improving the quality of health manpower, (2) provide health research resources and facilities for educational and other institutions, (3) promote, extend, and improve dental and nursing services, particularly as they relate to education and training programs, and (4) prevent and control dental diseases and disorders.

It also assesses current and future health manpower supply and requirements; develops and supports studies of the utilization and distribution of health manpower, particularly as they affect education and training; and serves as a clearinghouse for information on health manpower needs, resources, education, training, and utilization.

Office of the Director. (1) Provides leadership, direction, evaluation, and coordination to the overall Bureau and to the Bureau programs in health manpower and institutional development; (2) provides a national focus for and coordinates external NIH relationships in these areas; (3) assesses current and future national requirements and resources for manpower in the health occupations and for educational programs and facilities, and designs legislative proposals to meet needs in these areas; (4) conducts, promotes, and supports studies on health manpower supply requirements, educational programs, and facilities; (5) provides a focus for international health manpower activities involving the United States; (6) guides and supports divisional program management; (7) provides central program planning, information, and management services to the Bureau; and (8) provides technical guidance and coordination to Bureau activities in the DHEW regional organization.

Division of Educational and Research Facilities. (1) Administers and supports construction grant programs to meet the need for facilities in biomedical research, education and communications; (2) maintains liaison with program organizations, coordinating budget and program plans with those organizations; and (3) provides grantee institutions and other Federal agencies a single source within NIH for information, guidance, and assistance on policies and procedures governing NIH facilities and construction program.

Division of Health Manpower Educational Services. (1) Administers grant, loan, and operational programs to support Bureau activities for the education and training of personnel in the health occupations; (2) provides related consultation, evaluation, information, policy and procedural and other services; (3) administers the Bureau's Health Manpower Intelligence Center; and (4) conducts and supports activities to develop and demonstrate educational communications methods, techniques, and systems.

Division of Research Resources. Administers those extramural programs which (1) provide broad support for institutional, regional or national programs to meet health research needs; (2) provide resources and facilities for multidisciplinary research programs of nonprofit institutions conducting health-related research; (3) support programs for specialized research resources centers; and (4) provide general support for research and research training programs at universities and other institutions.

Division of Nursing. (1) Provides a focus for nursing manpower, education, and related activities; (2) administers and supports programs to augment and improve nursing education and research directed to the improvement of the nursing services and resources of the country; (3) serves as the primary unit within the Department for information and guidance concerning all aspects of nurse manpower, nurse training, and nurse practice; and (4) maintains a continuing review of national and international nursing activities.

Division of Dental Health. (1) Provides a focus for dental manpower, education and related activities; and (2) administers and supports programs to (a) increase the supply and improve the education and utilization of the nation's dental manpower, particularly through education and training programs, (b) extend and improve the utilization of dental services and resources, (c) prevent and control dental diseases and disorders, and (d) coordinate these with related activities in Federal, State, and local governmental agencies and voluntary and other organizations.

Division of Physician Manpower. (1) Provides a focus for physician manpower, education, and related activities; and (2) administers programs to increase the supply and improve the education and effectiveness of physician manpower.

Division of Allied Health Manpower. (1) Provides a focus for allied health manpower, education, and related activities; (2) administers and supports grant and operational programs to increase the supply, and to improve the education and effectiveness of manpower in allied community, clinical, research, and environmental health occupations; (3) coordinates these with related activities nationwide and especially with the Health Services and Mental Health Administration, the Social and Rehabilitation Service, and the Office of Education, DHEW, and the Department of Labor.

NATIONAL LIBRARY OF MEDICINE

The National Library of Medicine: (1) Assists the advancement of medical and related sciences through the collection, dissemination, and exchange of information important to the progress of medicine and health; (2) serves as a national medical information resource for medical education, research, and service activities of Federal and private agencies, organizations, institutions, and individuals; (3) publishes and distributes guides to medical literature and audiosvisual materials in the form of catalogs, indexes, and bibliographies; (4) develops, produces, and disseminates audiovisual materials and systems and other aids to medical education, research, and practice; (5) supports the translation and publication of biomedical literature; (6) provides support for medical library development and for training of biomedical librarians and other health information specialists; (7) conducts and supports research in techniques and methods for recording, storing, retrieving, and communicating health information; and (8) provides technical consultation services and research assistance.

Office of the Director. (1) Directs and coordinates library activities; (2) advises the Director, NIH, on policy relating to the management and control of biomedical communication media; (3) studies, identifies, and defines needs in biomedical communications; and (4) provides the secretariat for the NLM Board of Regents.

Lister Hill National Center for Biomedical Communications. (1) Designs, develops, implements, and manages a Biomedical Communications Network; (2) assists the biomedical community in identifying and developing products and services for dissemination through the network; (3) develops networks and information systems to improve health education, medical research, and the delivery of health services; (4) applies technology to the improvement of biomedical communications; (5) represents DHEW in Federal activities related to biomedical communications activities; and (6) serves as the focal point in the Department for development and coordi-

nation of biomedical communications, systems, and network projects.

Office of the Associate Director for Extramural Programs. (1) Administers programs to augment and strengthen the health sciences libraries of the nation and to improve biomedical communications through grants to, or contracts with, non-Federal and private institutions; (2) analyzes and evaluates extramural programs in relation to program objectives and national needs to achieve balanced and effective support; and (3) provides grants management, grants processing, and administrative management services.

Research and Training Division. (1) Supports the conduct of research and development projects to: (a) Gain a better understanding of the production, processing, and communication patterns of information in the biomedical and related sciences, (b) identifies the needs that institutions and workers in the health sciences have for this information, and (c) applies this new knowledge to the development of more efficient and effective communications modalities; (2) supports research projects in the history of life sciences; (3) supports training projects to increase the availability of medical librarians and health communications specialists, and makes awards to individuals in the form of traineeships and fellowships for advanced training and research in health information; (4) makes special awards to qualified scientists for the purpose of preparing comprehensive studies and critical reviews of the literature; and (5) provides secretariat services and staff assistance to advisory committees in these program areas.

Resources Division. (1) Coordinates programs of grants for augmenting the basic resources of health science libraries throughout the country; (2) administers programs of grants for developing a national system of regional medical libraries; and (3) provides secretariat services and staff assistance to advisory committees in these program areas.

Publications and Translations Division. (1) Supports through grants and contracts the preparation and publication of translations, indexes, bibliographies, abstracts, and other publications to increase the availability and facilitate the utilization of published information in the health sciences; and (2) provides secretariat services and staff assistance to advisory committees in the program area.

Office of the Associate Director for Library Operations. (1) Administers the Library's direct operations; (2) analyzes and evaluates direct operations in relation to program needs; and (3) plans and administers a national biomedical library network.

Technical Services Division. (1) Recommends policy on scope and coverage of the collection; (2) acquires and catalogs materials for the collection; (3) develops and maintains national and international publication exchange relationships; (4) publishes catalogs of the Library's acquisitions and holdings; and (5) performs studies directed toward mechanization and automation of technical services.

Reference Services Division. (1) Provides reference services, assistance, and facilities; (2) administers the interlibrary loan program; (3) maintains, circulates, and preserves the Library's collection; (4) provides photographic and photocopying services; and (5) operates a graphic image storage and retrieval program.

Bibliographic Services Division. (1) Analyzes and indexes for publication the literature of medicine and allied sciences; (2) prepares research bibliographies on special subjects; (3) analyzes and prepares requests for special bibliographies for computer processing; (4) develops recurring bibliographic services; (5) develops and produces Index Medicus and related publications; and (6) develops and maintains the medical subject heading authority list.

History of Medicine Division. (1) Acquires, organizes, and services the historical source materials of the Library; (2) performs research in the history of medicine; (3) contributes to historical studies by publishing catalogs, bibliographies, and other aids to medical-historical scholarship; and (4) collects, catalogs, and controls the Library's historical collection of pictorial materials including films, prints, photographs, slides, and paintings.

Office of the Associate Director for Specialized Information Services. (1) Coordinates the development and operation of specialized information services throughout the NLM; (2) plans, develops, and operates a national toxicological information system, and (3) develops and administers a program to organize and analyze published information on the effects of drugs and chemicals on man, and prepares special bibliographies and reports on that subject.

Office of the Associate Director for Audiovisual-Telecommunications. (1) Plans, directs, coordinates, and evaluates a national program in biomedical audiovisual and telecommunications; and (2) provides program management support for the National Medical Audiovisual Center.

National Medical Audiovisual Center. (1) Operates the central facility in the Public Health Service for the development, production, distribution, evaluation, and utilization of motion pictures, videotapes, and other audiovisual forms; (2) coordinates a comprehensive audiovisual program for the Service to assure maximum responsiveness and economy of funds and manpower; (3) provides consultation and assistance in the development of specialized audiovisual activities; (4) encourages the production, dissemination, and utilization of medical films and other audiovisuals in the schools for health professions and elsewhere; (5) operates a national clearinghouse and archival program; and (6) acts as a national and international film and videotape center for the distribution and exchange of biomedical audiovisuals.

SEC. 5–C *Delegations of authority.* The order of succession and delegations of authority to the Director, and related matters are indicated below:

Order of succession. During the absence or disability of the Director or in the event of a vacancy in that office, the first official listed below who is available shall act as Director, except during a planned period of absence for which a different order has been specified under (2) below:

(1) (a) Deputy Director.

(b) Deputy Director for Science.

(2) For a planned period of absence, the Director may specify a different order of succession.

Delegations of authorities. The Director shall continue to exercise all of the authorities given to him under the April 1, 1968, Redelegation by the Assistant Secretary for Health and Scientific Affairs (33 F.R. 5426) as amended May 1, 1968 (33 F.R. 6891). All delegations or redelegations to any officers or employees of the National Institutes of Health which were in effect immediately prior to the effective date hereof continue in effect in them or their successors.

WILBUR J. COHEN,
Secretary.

DECEMBER 26, 1968.

[F.R. Doc. 69–18; Filed, Jan. 3, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

GENERAL AVIATION AND AIR CARRIER DISTRICT OFFICES, INDIANAPOLIS, IND.

Notice of Consolidation

Notice is hereby given that on or about January 1, 1969, the General Aviation and Air Carrier District Offices, located at FAA Building No. 1, Municipal Airport, Post Office Box 41525, will be consolidated into one office called a Flight Standards District Office No. 61. There will be no change in address or services offered to the public. This information will be reflected in the appropriate FAA Organizational Statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Kansas City, Mo., on December 20, 1968.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69–111; Filed, Jan. 3, 1969; 8:51 a.m.]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50–295, 50–304]

COMMONWEALTH EDISON CO.

Notice of Issuance of Provisional Construction Permits

Notice is hereby given that, pursuant to the Initial Decision of the Atomic

Safety and Licensing Board, dated December 24, 1968, the Director of the Division of Reactor Licensing has issued Provisional Construction Permits Nos. CPPR–58 and CPPR–59 to the Commonwealth Edison Co., for the construction of two pressurized water nuclear reactors, designated as Zion Station Units 1 and 2, on the applicant's Zion Station site on the west shore of Lake Michigan in Zion, Lake County, Ill., approximately 6 miles north-northeast of Waukegan, Ill., and 8 miles south of Kenosha, Wis. The reactors are each designed for initial operation at approximately 3250 megawatts (thermal).

A copy of the Initial Decision is on file in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 26th day of December 1968.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 69–19; Filed, Jan. 3, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18659]

BUFFALO-TWIN CITIES NONSTOP SERVICE INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled investigation is assigned to be held on January 23, 1969, at 10 a.m., e.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Greer M. Murphy.

In order to facilitate the conduct of the conference interested parties are instructed to submit to the examiner and other parties on or before January 17, 1969, (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., December 31, 1968.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69–93; Filed, Jan. 3, 1969; 8:50 a.m.]

[Docket No. 20492]

EXECAIRE AVIATION LTD.

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on January 10, 1969, at 10 a.m., e.s.t., in Room 805, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., December 30, 1968.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 69–94; Filed, Jan. 3, 1969; 8:50 a.m.]

[Docket No. 18650; Order 68–12–156]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Charges to Apply at U.S. Airports

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 31st day of December 1968.

By Order 68–11–136, dated November 29, 1968, the Board deferred approval of an IATA agreement which would amend air freight terminal charges to be applied at U.S. airports. The agreement was adopted pursuant to IATA Resolution 512b, which provides that such charges shall be negotiated by local agreement among the carriers serving the airports of the country involved.

In deferring action, the Board found that there was no apparent basis upon which to conclude that the charges were unreasonable, but allowed a period of 15 days for the submission of comments by interested parties. No comments have been received, and we are herein making final our approval of this agreement.

Acting pursuant to sections 102, 204 (a), and 412 of the Act, the Board does not find the subject agreement to be adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That:

Agreement CAB 20630 be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69–98; Filed, Jan. 3, 1969; 8:50 a.m.]

[Docket No. 20411; order 68–12–153]

MOHAWK AIRLINES, INC.

Order Providing for Further Proceedings in Accordance With Expedited Procedures

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of December 1968.

On October 25, 1968, Mohawk Airlines, Inc. (Mohawk), filed an application pursuant to Subpart M of Part 302 of the Board's procedural regulations requesting an amendment of its certificate of public convenience and necessity for Route 94 to permit nonstop service between Boston and Buffalo/Niagara Falls, nonstop service between Buffalo/Niagara Falls and Cleveland, and one-stop service between Boston and Cleveland, all without subsidy eligibility. Mohawk is authorized to serve Boston on segments 3, 4, 5, and 7, Buffalo/Niagara Falls on segments 1 and 3, and Cleveland on segment 5.[1]

American Airlines, Inc., and The Flying Tiger Line Inc., have filed statements requesting that the Board dismiss Mohawk's application.

Upon consideration of the foregoing, we do not find that Mohawk's application is not in compliance with, or is inappropriate for processing under the provisions of Subpart M. Accordingly, we order further proceedings pursuant to the provisions of Subpart M, §§ 302.1306–302.1310, with respect to Mohawk's application.

Accordingly, it is ordered:

1. That the application of Mohawk Airlines, Inc., in Docket 20411 be and it hereby is set for further proceedings pursuant to Rules 1306–1310 of the Board's procedural regulations; and

2. That this order shall be served upon all parties served by Mohawk in its application.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69–99; Filed, Jan. 3, 1969; 8:50 a.m.]

[Docket No. 20019]

MOHAWK CHICAGO ENTRY CASE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on January 16, 1969, at 10 a.m., e.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Louis W. Sornson.

In order to facilitate the conduct of the conference interested parties are instructed to submit to the examiner and other parties on or before January 13, 1969, (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., December 31, 1968.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69–95; Filed, Jan. 3, 1969; 8:50 a.m.]

[Docket No. 19505]

SKY COURIER, INC., ET AL.

Notice of Prehearing Conference Regarding Approval of Control and Interlocking Relationships

Notice is hereby given that a prehearing conference in the above-entitled

[1] The on-segment portions of this application, Boston-Buffalo/Niagara Falls nonstop service and Boston-Cleveland one-stop service, were stayed pending further order of the Board to permit simultaneous consideration of both the on-segment and off-segment portions of this application. Order 68–11–12, Nov. 4, 1968.

matter is assigned to be held on January 17, 1969, at 10 a.m., e.s.t., in Room 630, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Edward T. Stodola.

Dated at Washington, D.C., December 31, 1968.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-96; Filed, Jan. 3, 1969; 8:50 a.m.]

[Docket No. 20541]

TRANSPORTES AEREOS DE CARGA, S.A. (TRANSCARGA)

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on January 14, 1969, at 10 a.m., e.s.t., in Room 630, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner John E. Faulk.

Dated at Washington, D.C., December 31, 1968.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-97; Filed, Jan. 3, 1969; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

U.S. ATLANTIC AND GULF-RED SEA AND GULF OF ADEN RATE AGREEMENT

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. William L. Hamm, Secretary, U.S. Atlantic and Gulf-Red Sea and Gulf of Aden Rate Agreement, 25 Broadway, New York, N.Y. 10004.

Agreement No. 8630-4, among the member lines of the U.S. Atlantic and Gulf-Red Sea and Gulf of Aden Rate Agreement, modifies the basic agreement by amending Article 1 thereof to permit the members to extend their present service in the Red Sea and Gulf of Aden trades to include all ports in the Gulf of Suez and the Red Sea.

Dated: December 27, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-48; Filed, Jan. 3, 1969; 8:46 a.m.]

FEDERAL TRADE COMMISSION

MERCHANDISE WHICH HAS BEEN SUBJECTED TO PREVIOUS USE ON TRIAL BASIS AND SUBSEQUENTLY RESOLD AS NEW

Enforcement Policy

The Commission is concerned with an apparently prevalent practice of marketers of a variety of products who offer for resale merchandise which has been used by prospective purchasers on a trial basis and which upon return of the merchandise is replaced in inventory for resale as new. Such merchandise, which may have been refurbished, is offered for sale without any disclosure of previous use.

The practice is particularly prevalent where sellers of a product utilize mail order solicitations, usually through mail order firms or large and nationally known credit card organizations.

The range of products offered to the public is wide, including such items as household furniture, typewriters, calculators, pool tables, power tools, hand tools, tape recorders, ballpoint pens, cameras, label marking kits, phonograph records, and portable radios.

Common to many of the solicitations is an offer to the prospective buyer to furnish for a specified time, frequently at no charge, the item of merchandise for inspection and use during the trial period. If the customer chooses not to purchase, he is permitted to return the item, usually to the manufacturer, at no charge. It is a common practice in such solicitations for the marketers of the merchandise returned after trial use to "refurbish" such product and replace it in the firm's inventory for resale as new. The term "refurbish" appears to be a common characterization by marketers of the operation performed upon returned merchandise. It could simply mean that the merchandise is inspected and if no damage or noticeable wear is evident in the working parts, or no blemishes or scratches appear on the surface of the item it is returned to inventory for resale. The term may also incorporate a process of cleaning, or other operations which create a like new appearance, prior to replacement in inventory.

Such failure to disclose the prior use of merchandise enables marketers, including mail order retailers, to deceive and mislead the consuming public as to the condition of the merchandise purchased. It is extremely difficult for the public to be aware that it is purchasing anything but a new product, since the merchandise, especially after refurbishment, has all the surface appearances of new, unused merchandise.

Failure to disclose material facts relevant to a purchaser's decision to buy or not to buy has been held to constitute an unfair and deceptive practice.[1]

The Commission has recognized the mischief inherent in the resale of merchandise as new after it has been placed in the possession and use of customers, without disclosing such prior use on resale.[2]

In addition, the Commission under its guidance procedures has focused attention on the problem of marketing used merchandise without appropriate disclosure of such fact through the promulgation of trade practice rules for several industries. Guidelines were established which provide for disclosure of the fact that products have been previously used.

Furthermore, the essential inequity of this practice become evident when manufacturers of competing product lines who clearly disclose that merchandise has been previously used, or do not offer such merchandise for sale as new, are placed in a disadvantageous competitive posture.

ENFORCEMENT POLICY AND IMPLEMENTATION PROCEDURE

The Commission wishes to make clear its future enforcement policy with respect to disclosure by marketers of merchandise that has been the subject of previous use by virtue of trial offers to prospective customers.

First, the Commission has consistently held that the consuming public has a preference for new or unused products as compared to those which have been previously used. The Commission therefore feels that knowledge on the part of a purchaser of the fact that merchandise being offered for sale has been previously subjected to trial use is relevant to a customer's decision as to whether or not to purchase the product.

[1] Royal Oil Corporation v. F.T.C., 262 F. 2d 741 (4th Cir. 1959) VIS & D 477; Mohawk Refining Corporation v. F.T.C., 263 F. 2d 818 (3d Cir. 1959) cert. den. 361 U.S. 814, VI S & D 522; Kerran v. F.T.C., 265 F. 2d 246 (10th Cir. 1959) cert. den. 361 U.S. 818, VIS & D 533.

[2] The repossession of sewing machines and the representation on resale that such repossessed machines were new or demonstrators or floor samples was the subject of a consent order prohibiting such practice. Docket 6685, Singer Manufacturing Company, 53 FTC 967. Similarly, consent orders were obtained which inhibited the failure to disclose that vacuum cleaners sold as new were previously rented, were exchanged items or were repossessed, Docket 7259, James Bugg Trading As Kirby Center of Washington, 55 FTC 1094; or that electric shavers sold as new were composed in whole or in part of previously used materials, Docket 6543, Shick, Inc., 54 FTC 114.

The fact that returned merchandise is refurbished to a "good as new" condition does not warrant a failure to disclose prior use. Substitution of a used product for a new one without disclosing such fact is unlawful even though a qualitative equivalence is shown.[3]

Second, merchandise which has been previously used on a trial basis and then returned should not be offered for resale by marketers, including importers, distributors, or retailers, or their agents, without clear and conspicuous disclosure of such fact in all the marketers' advertising, sales promotional literature and invoices concerning the product, on the container in which the products are packed and, if the product has been refurbished or otherwise has the appearance of being new, on the product with sufficient permanency as likely to remain thereon until sale to the ultimate consumer.

Further, it is suggested that marketers maintain adequate inventory control records that reflect the disposition of returned merchandise. Maintenance of inventory control records will enable them to demonstrate that returned merchandise was not replaced in inventory and resold without disclosing the fact of its previous use to purchasers.

Mail order houses and credit card organizations promoting the sale of merchandise, through their extensive mail advertising capabilities, share responsibility for any deceptive advertising disseminated by them when the deceptive nature of the advertising is known or should have been known to them. This is especially true where they participate in the preparation of deceptive advertising.[4]

The Commission intends to examine all complaints brought to its attention involving the marketing of merchandise which has been previously used on a trial basis without clear and conspicuous disclosure of such fact, in the light of the principles set forth above.

The Commission wishes to make clear, however, that this policy applies only to merchandise that has been used, and not to merchandise that has merely been inspected but not used.

Issued: December 31, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-62; Filed, Jan. 3, 1969; 8:47 a.m.]

[3] "* * * the public is entitled to buy what it chooses. A manufacturer may not surreptitiously substitute his judgment for that of the purchaser as to the article to be purchased, even if the manufacturer's judgment is equal or even superior to that of the dealer or the customer. If this were not so, the substituted judgment of the manufacturer would always prevail over the will of the dealer or customer and the provision of the statute prohibiting unfair and deceptive practices would be emasculated." Mohawk Refining Corporation v. F.T.C., supra note 1, at 821.

[4] Doherty, Clifford, Steers & Shenfield, Inc. v. F.T.C., 392 F. 2d 921 (6th Cir. 1968), CCH Vol. 5, Par. 72, 397; Carter Products, Inc. v. F.T.C., 323 F. 2d 523 (5th Cir. 1963), VII S & D 794. See also Colgate-Palmolive Company v. F.T.C., 326 F. 2d 517 (1st Cir. 1963), VII S & D 824, rev'd. on other grounds, 380 U.S. 374, VII S & D 1152; Joseph Winkler & Co., 46 F.T.C. 107.

INTERSTATE COMMERCE COMMISSION

[Notice 268]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 30, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70895. By order of December 11, 1968, the Transfer Board approved the transfer to Arthur S. Nelson, doing business as Nelson Brothers Transfer, Geneva, Ill.; of certificate in No. MC-20750, issued July 23, 1941, to Walter F. Nelson, doing business as Nelson Brothers Transfer, Geneva, Ill.; authorizing the transportation of: General commodities, with the usual exceptions, over a regular route, between Chicago, Ill. and Geneva, Ill. Joseph Radovich, 312 West State Street, Geneva, Ill. 60134; attorney for applicants.

No. MC-FC-70909. By order of December 12, 1968, the Transfer Board approved the transfer to William R. Kemerling and George H. Kemerling, doing business as Kemerling Brothers, Post Office Box 364, Gillette, Wyo., of the certificate of registration No. MC-114083 (Sub-No. 1) issued July 9, 1965, to Hugh Grant, doing business as Hugh Grant Hauling, Post Office Box 550, Mills, Wyo., evidencing a right to engage in transportation in interstate or foreign commerce solely within the State of Wyoming, authorizing the transportation of light oil field equipment and supplies, between points and places within the counties of Fremont, Hot Springs, Washakie, Johnson, Natrona, and Converse, Wyo., and from and to points and places within said counties to and from points and places in the State of Wyoming, all shipments either to originate or terminate within said counties.

No. MC-FC-70945. By order of December 16, 1968. The Transfer Board approved the transfer to Marshall A. Coburn, doing business as Coburn Moving & Storage, 115 Northview Street, Narrows, Va., of the operating rights in certificate No. MC-37828 issued September 25, 1961, to A. W. Coburn, doing business as Coburn Transfer & Storage, 115 Northview Street, Narrows, Va., authorizing the transportation of: Scrap iron, coal, household goods, building materials and lumber, farm produce and livestock, between points in Virginia and West Virginia.

No. MC-FC-70948. By order of December 16, 1968, the Transfer Board approved the transfer to Miracle Transportation Corp., Jersey City, N.J., of permits Nos. MC-128044 (Sub-No. 1) and MC-128044 (Sub-No. 2) issued January 11, 1967, and March 25, 1968, to H. J. Tensen, doing business as Par Troy Transportation, Parsippany Troy Hills, N.J., authorizing the transportation of aquariums, uncoated, and aquarium parts, accessories, and supplies from Pine Brook, N.J., to points in North Carolina, Tennessee, Georgia, Alabama, Florida, Louisiana, Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Missouri, Nebraska, Minnesota, Oklahoma, Ohio, Pennsylvania, Wisconsin, and a specified portion of Texas. B. Bruce Freitag, 245 Cornelison Avenue, Jersey City, N.J. 07302; attorney for transferee. Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102; attorney for transferor.

No. MC-FC-70966. By order of December 16, 1968, the Transfer Board approved the transfer to Buck's Express Service, Inc., a Michigan Corporation, Detroit, Mich., of certificate No. MC-120527 (Sub-No. 3), issued June 4, 1964, to Rudolph Sztanyo and Charles A. Vecellio, a partnership, doing business as Buck's Express Service, Detroit, Mich., authorizing the transportation of: General commodities, with usual exceptions, between Willow Run Airport, Ypsilanti, Mich., Wayne Major Airport, Romulus, Mich., and Detroit City Airport, Detroit, Mich., on the one hand, and, on the other, points in Macomb, St. Clair, and Sanilac Counties, Mich. Mr. Frank J. Kerwin, Jr., Eames, Petrillo, Wilcox, and Nelson, 900 Guardian Building, Detroit, Mich. 48266; attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-52; Filed, Jan. 3, 1969; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction 25, Amdt. 2]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO. ET AL.

Car Distribution

Upon further consideration of Car Distribution Direction No. 25 (The Atchison, Topeka and Santa Fe Railway Co.; Chicago, Burlington & Quincy Railroad Co.; Northern Pacific Railway Co.) and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 25 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., January 12, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 29, 1968, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 27, 1968.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-53; Filed, Jan. 3, 1969; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction 20, Amdt. 2]

LEHIGH VALLEY RAILROAD CO. ET AL.

Car Distribution

Upon further consideration of Car Distribution Direction No. 20 (Lehigh Valley Railroad Co.; The Chesapeake and Ohio Railway Co.; Chicago and North Western Railway Co.; Great Northern Railway Co.) and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 20 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., January 12, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 29, 1968, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 27, 1968.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-54; Filed, Jan. 3, 1969; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction 24; Amdt. 2]

PENN CENTRAL CO. ET AL.

Car Distribution

Upon further consideration of Car Distribution Direction No. 24 (Penn Central Co.; Chicago, Burlington & Quincy Railroad Co.; Northern Pacific Railway Co.) and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 24 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., Januray 12, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 29, 1968, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 27, 1968.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-55; Filed, Jan. 3, 1969; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction No. 23; Amdt. 2]

READING CO. ET AL.

Car Distribution

Upon further consideration of Car Distribution Direction No. 23 (Reading Co.; Western Maryland Railway Co.; Norfolk and Western Railway Co.; Chicago, Rock Island and Pacific Railroad Co.; Great Northern Railway Co.) and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 23 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., January 12, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 29, 1968, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 27, 1968.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-56; Filed, Jan. 3, 1969; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 31, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41531—*Cotton, cotton linters and related articles from Flour Bluff, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-9126), for interested rail carriers. Rates on cotton, cotton linters and cottonseed hull fiber or shavings, in carloads, as described in the application, from Flour Bluff, Tex., to points in Official (including Illinois), southern, southwestern, western trunk line territories and Canada.

Grounds for relief—Market competition.

Tariff—Supplement 111 to Southwestern Freight Bureau, agent, tariff ICC 4576.

FSA No. 41532—*Iron or steel articles to Fern, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-9137), for interested rail carriers. Rates on iron or steel articles, in carloads as described in the application, from specified points in Official (including Illinois), southern, southwestern, and western trunk line territories to Fern, Tex.

Grounds for relief—Market competition.

Tariff—Supplement 91 to Southwestern Freight Bureau, agent, tariff ICC 4753.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-89; Filed, Jan. 3, 1969; 8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 30, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41528—*Anhydrous ammonia from, to and between western points.* Filed by Western Trunk Line Committee, agent (No. A-2575), for interested rail carriers. Rates on anhydrous ammonia, in tank carloads, as described in the application, from, to and between points in western trunk line, and southwestern territories.

Grounds for relief—Market competition; modified short line distance formula and grouping.

Tariffs—Supplement 264 to Western Trunk Line Committee, agent, ICC A-4411, and five other schedules named in the application.

FSA No. 41529—*Ammonium nitrate between points in western trunk line territory.* Filed by Western Trunk Line Committee, agent (No. A-2574), for interested rail carriers. Rates on ammonium nitrate, in carloads, as described in

the application, between points in western trunk line territory.

Grounds for relief—Market competition, modified short line distance formula and grouping.

Tariff—Supplement 62 to Western Trunk Line Committee, agent, tariff ICC A-4656.

FSA No. 41530—*Class and commodity rates from and to Port Everglades, Fla., Kemco, N.C., and North Wateree, S.C.* Filed by O. W. South, Jr., agent (No. A6074), for interested rail carriers. Rates on property moving on class and commodity rates between Fort Everglades, Fla., Kemco, N.C., and North Wateree, S.C., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New stations and grouping.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-90; Filed, Jan. 3, 1969; 8:49 a.m.]

[Notice 755]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 31, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

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

MOTOR CARRIERS OF PROPERTY

No. MC 59264 (Sub-No. 45 TA), filed December 26, 1968. Applicant: SMITH & SOLOMON TRUCKING COMPANY, a corporation, How Lane, New Brunswick, N.J. 08903. Applicant's representative: H. Burstein, 160 Broadway, New York, N.Y. 10038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ordnance and quartermaster supplies* for the U.S. Government, between points in New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Maine, Pennsylvania, Delaware, Maryland, Virginia, District of Columbia, New Hampshire and Vermont, for 150 days. Supporting shipper: Headquarters, Department of The Army, Office of The Judge Advocate General, Washington, D.C. 20310. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 59609 (Sub-No. 9 TA), filed December 20, 1968. Applicant: HARRY CROW & SON, INC., 1808 52d Street, Kenosha, Wis. 53140. Applicant's representative: Gordon Crow (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste and scrap materials*, in bulk, between points in Illinois, Indiana, and Wisconsin, for 150 days. Supporting shipper: The Babcock & Wilcox Co., Tubular Products Division, 3839 West Burnham Street, Milwaukee, Wis. 53215 (Charles J. Rynski, Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 66562 (Sub-No. 2323 TA), filed December 23, 1968. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. Applicant's representative: John H. Engel, 2413 Broadway, Kansas City, Mo. 64108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* moving in express service, in interstate or foreign commerce, over regular routes and serving specified points as follows: Between Forest, Miss., and Canton, Miss., serving the intermediate point of Carthage, Miss.; from Forest, over Mississippi Highway 35 to intersection with Mississippi Highway 16, thence over Mississippi Highway 16 to intersection with Interstate Highway 55, thence over Interstate Highway 55 to Canton, and return over the same route. Restrictions: The service to be performed shall be limited to that which is auxiliary to or supplemental of express service of the Railway Express Agency, Inc. Shipments transported shall be limited to those moving on through bills of lading or express receipts. Permission to tack requested: Applicant requests that the authority for the proposed operations, if granted, be construed as an extension, to be joined, tacked, and combined with REA's existing authority in MC 66562 and subs thereunder, thereby negating the restrictions against tacking or joinder customarily placed upon temporary authority, for 180 days. Supporting shippers: There are approximately 11 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Anthony Chiusano, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 66562 (Sub-No. 2324 TA), filed December 23, 1968. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. Applicant's representative: John H. Engle, 2413 Broadway, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* moving in express service, in interstate or foreign commerce, over regular routes and serving specified points as follows: Between St. Louis, Mo., and Nashville, Tenn., serving the intermediate and/or off-route point of Clarksville, Tenn.; from St. Louis over Interstate Highway 55 to intersection with U.S. Highway 50 Bypass, thence over U.S. Highway 50 Bypass to intersection with Illinois Highway 3, thence over Illinois Highway 3 to intersection with Illinois Highway 146, thence over Illinois Highway 146 to intersection with U.S. Highway 45, thence over U.S. Highway 45 to intersection with U.S. Highway 68, thence over U.S. Highway 68 to intersection with U.S. Alternate Highway 41, thence over U.S. Alternate Highway 41 to Nashville, Tenn., and return over the same route. Restrictions: The service to be performed shall be limited to that which is auxiliary to or supplemental of express service of the Railway Express Agency, Inc. Shipments transported shall be limited to those moving on through bills of lading or express receipts. Permission to tack requested: Applicant requests that the authority for the proposed operations, if granted, be construed as an extension, to be joined, tacked, and combined with R E A's existing authority in MC 66562 and subs thereunder, thereby negating the restrictions against tacking or joinder customarily placed upon temporary authority, for 150 days. Supporting Shippers: Ale Beadees, Traffic Manager, Cane Sloare Co., Nashville Tenn.; Frank Lusky, Vice President, Francis Lusky Co., Nashville, Tenn.; Ernestine N. Kersey, Traffic Manager, Baird Ward Printing Co., Nashville, Tenn., and Charles B. Shanks, Distribution Manager, Acme Boot Co., Clarksville, Tenn. Send protests to: District Supervisor Anthony Chiusano, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 103993 (Sub-No. 366 TA), filed December 26, 1968. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Bill R. Privitt (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, from points in Franklin County, Va., to points in North Carolina, Tennessee, Virginia, and West Virginia, for 180 days. Supporting shipper: Fleetwood Homes of Virginia, Inc., Post Office Box 100, Highway 40 West, R.F.D. 4, Rocky Mount, Va. 24151. Send protests to: District Supervisor J. H. Gray, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 115092 (Sub-No. 7 TA), filed December 23, 1968. Applicant: WEISS TRUCKING, INC., Post Office Box O, Vernal, Utah 84078. Applicant's representative: William S. Richards, Walker Bank Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude oil*, from points in Sweetwater and Carbon Counties, Wyo., to pipeline receiving station at or near Rangely, Colo., for 180 days. Supporting shipper: Pan American Petroleum Corp., Security Life Building, Denver, Colo. 80202. Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 116077 (Sub-No. 256 TA), filed December 26, 1968. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Houston, Tex. 77023. Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: J. C. Browder (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sulphur*, in bulk, in tank vehicles, from Chacahoula, La., to Donner, La., for 180 days. NOTE: Applicant does not intend to tack authority with presently authorized routes. Supporting shipper: U.S. Oil of La., Ltd., Post Office Box 430, Thibodaux, La. 70301. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 123922 (Sub-No. 16 TA), filed December 23, 1968. Applicant: CHARTER BULK SERVICE, INC., 80 Doremus Avenue, Newark, N.J. 07105. Applicant's representative: John T. Hildemann (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, between Bayonne, Carteret, Kearny, Lodi, and Newark, N.J.; Brooklyn, N.Y.; and Philadelphia, Pa., on the one hand, and on the other, those points in Pennsylvania, Ohio, Maryland, and West Virginia which are within 150 miles of Monongahela, Pa.; Ferndale, Trenton, Mich.; and Chicago, Ill., for 180 days. Supporting shippers: W. C. Somerville, Director of Traffic, Celanese Corp., 522 Fifth Avenue, New York, N.Y. 10036; Kentile Floors Inc., 58 Second Avenue, Brooklyn, N.Y.; George J. Vandenberg, Traffic Manager, The Dow Chemical Co., 2030 Abbott Road Center, Midland, Mich. 48640; Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 124796 (Sub-No. 43 TA), filed December 23, 1968. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Avenue, Post Office Box 1257, City of Industry, Calif. 91747. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Floor mats and runners*, from the plantsite of Roberts Consolidated Industries at Industry, Calif., to points in Alabama, Arizona, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Utah, and Wisconsin, for 180 days. Supporting shipper: Roberts Consolidated Industries, Inc., 600 North Baldwin Park Boulevard, City of Industry, Calif. 91747. Send protests to: District Supervisor John E. Nance, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 128733 (Sub-No. 3 TA), filed December 23, 1968. Applicant: W & W FEED SERVICE, INC., Box 310, Arlington, Tenn. Applicant's representative: John Paul Jones, 189 Jefferson Avenue, Memphis, Tenn. 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients* (except fats and oils), from points in Shelby County, Tenn., to points in Arkansas, Mississippi, and Missouri for 120 days. Supporting shipper: The Quaker Oats Co., Merchandise Mart Plaza, Chicago, Ill. (Mr. N. J. Meinhardt, Distribution Department). Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 390, Federal Office Building, 167 North Main, Memphis, Tenn. 38103.

No. MC 129264 (Sub-No. 7 TA), filed December 26, 1968. Applicant: CHARLES E. WOLFE, doing business as EVERGREEN EXPRESS, 410 North 10th Street, Billings, Mont. 59101. Applicant's representative: J. F. Meglen, Post Office Box 1581, Billings, Mont. 59103. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Tires, tubes, and rubber products*, from Dayton, Ohio, to Billings, Rudyard, Great Falls, Darby, Mont.; Rapid City, S. Dak.; and Spokane, Wash., and *rejected shipments* on return movements, for the account of B.L.M. Tire, Inc., 2307 Fourth Avenue North, Billings, Mont. 59101, for 180 days. Supporting shipper: B.L.M. Tire, Inc., 2307 Fourth Avenue North, Billings, Mont. 59101. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 133357 TA, filed December 23, 1968. Applicant: THOMAS VINCENT MILLER, doing business as T. V. MILLER TRANSPORT, 9024 Old Branch Avenue, Clinton, Md. 20735. Applicant's representative: John Guandolo, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, and wallboard*, from Baltimore, Md., to the District of Columbia and points in Prince William, Loudoun, Fairfax, Arlington Counties, Va., and Richmond, Fredericksburg, Milford, Alexandria, Falls Church, and Fairfax, Va. and from Alexandria, Va., to points in Frederick, Montgomery, Prince Georges, and Charles Counties, Md., for 180 days. Supporting shippers: Dale Lumber Co., Inc., 217 Gordon Road, Falls Church, Va.; Lowe's of Vienna, 143 Maple Avenue East, Vienna, Va.; Curtis Lumber & Plywood Terminal, Inc., Post Office Box 1267, Alexandria, Va.; Alger-Bloch, Inc., 7758 Wisconsin Avenue, Bethesda, Md. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, D.C. 20423.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-91; Filed, Jan. 3, 1969; 8:50 a.m.]

[Notice 269]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 31, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70787. By order of December 11, 1968, the Transfer Board, on reconsideration, approved the transfer to Webb Trucking, Inc., Marlow Heights, Md., of the operating rights in certificates Nos. MC-7550, MC-7550 (Sub-No. 8), MC-7550 (Sub-No. 10), and MC-7550 (Sub-No. 11) issued September 9, 1949, June 3, 1960, May 11, 1962, and April 16, 1963, respectively, to William H. Webb, Marlow Heights, Md., authorizing the transportation of building materials, gypsum products, gypsum filler, gypsum ground, land plaster, plaster retarder, plaster or stucco accelerator, lime, plaster, blocks, planks, slabs, or tile, plastering compound, crushed limestone, limestone dust in dump vehicles, slag in dump vehicles, and brick, except refractory and fire brick, from and to, or between, points as specified in Maryland, New York, Pennsylvania, Virginia, and the District of Columbia. Becker & Silberberg, 1001 Pennsylvania Building, Washington, D.C. 20004, attorneys for applicants.

No. MC-FC-70970. By order of December 12, 1968, the Transfer Board approved the transfer to Southern Alaska Fast Freight, Inc., Ketchikan, Alaska, of the operating rights in certificate No.

MC–125712 (Sub-No. 2) issued February 28, 1966, to Marine Overland Refrigerated Express, Inc., Ketchikan, Alaska, authorizing the transportation of (1) general commodities, except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, and (2) agricultural commodities, as defined in section 203(b)(6) of the Act when transported in the same vehicle and at the same time as the commodities set forth in (1) above, between points in Washington (except those in Mason, Kitsap, Clallam, and Jefferson Counties, Wash.) on the one hand, and, on the other, Juneau, Alaska, and points on Revillagigedo Island, Alaska. George Kargianis, 609 Norton Building, Seattle, Wash. 98104, attorney for applicants.

No. MC–FC–70978. By order of December 12, 1968, the Transfer Board approved the transfer to Fitchett Truck Lines, Inc., Portland, Oreg., of the operating rights in certificate No. MC–128625 issued April 3, 1967, to Allied Truck, Inc., Portland, Oreg., authorizing the transportation of household goods, as defined by the Commission, between points in Multnomah and Clackamas Counties, Oreg., on the one hand, and, on the other, points in Multnomah and Clackamas Counties, Oreg., and points in Klickitat, Skamania, Clark, Cowlitz, Lewis, and King Counties, Wash., and lumber mill products, forest products, agricultural commodities, seed, and machinery, between points in Multnomah and Clackamas Counties, Oreg., on the one hand, and, on the other, points in Klickitat, Skamania, Clark, Cowlitz, Lewis, and King Counties, Wash. John W. Brugman, 1004 Jackson Tower, 806 Southwest Broadway, Portland, Oreg. 97205, attorney for applicants.

No. MC–FC–70980. By order of December 16, 1968, the Transfer Board approved the transfer to E. Richard Webb, doing business as E. R. Trucking Co. Special, Milford, Del., of certificate in No. MC–41330, issued March 17, 1943, to Charles R. Jackson, 313 Main Street, Bridgeville, Del. 19733, authorizing the transportation of agricultural commodities, holly wreaths, canned goods, and other specified commodities, excluding household goods and commodities in bulk, from, to, or between specified points and areas in Maryland, Delaware, Virginia, District of Columbia, Pennsylvania, New York, Massachusetts, New Jersey, Connecticut, and Rhode Island. M. Bruce Morgan, 201 Azar Building, Glen Burnie, Md. 21061, attorney for transferee.

No. MC–FC–70981. By order of December 16, 1968, the Transfer Board approved the transfer to Frank Avila, Jr., doing business as Avila Trucking, 23072 Avenue 216, Lindsay, Calif., of the certificate in No. MC–35180, issued October 6, 1949 and No. MC–35180 (Sub-No. 3), issued November 12, 1963, to Rodgers Lee Moore, doing business as Moore's Transfer, Post Office Box 823, Porterville, Calif., authorizing the transportation of various specified commodities to, from, and between points in the State of California.

No. MC–FC–70984. By order of December 19, 1968, the Transfer Board approved the transfer to Watsontown Trucking Co., a corporation, Watsontown, Pa., a portion of the operating rights of certificate No. MC–108412, issued March 24, 1958, to West Branch Trucking Co., a corporation, Watsontown, Pa., authorizing the transportation of: Brick, floor and structural tile, brick chips, and brick and shale granules from Watsontown, Pa., to points in Delaware, New Jersey, Connecticut, Maryland, Virginia, New York, and the District of Columbia. John M. Musselman, Rhoads, Sinon & Reader, 400 North Third Street, Harrisburg, Pa., attorney for applicants.

No. MC–FC–70912. By order of December 19, 1968, the Transfer Board approved the transfer to Everett Lowrance, Inc., New Orleans, La., of the operating rights in certificates Nos. MC–118159, MC–118159 (Sub-No. 2), MC–118159 (Sub-No. 3), MC–118159 (Sub-No. 4), MC–118159 (Sub-No. 6), MC–118159 (Sub-No. 8), MC–118159 (Sub-No. 11), MC–118159 (Sub-No. 20), MC–118159 (Sub-No. 23), MC–118159 (Sub-No. 27), MC–118159 (Sub-No. 28), MC–118159 (Sub-No. 31) corrected, MC–118159 (Sub-No. 32), MC–118159 (Sub-No. 33), MC–118159 (Sub-No. 34), MC–118159 (Sub-No. 36), MC–118159 (Sub-No. 37), MC–118159 (Sub-No. 38), MC–118159 (Sub-No. 40), MC–118159 (Sub-No. 42), MC–118159 (Sub-No. 45), and MC–118159 (Sub-No. 46) issued February 13, 1963, September 17, 1962, June 8, 1961, November 6, 1962, March 19, 1962, December 6, 1963, March 5, 1964, August 16, 1966, December 30, 1965, July 3, 1967, July 3, 1967, December 22, 1966, August 14, 1967, February 1, 1968, March 4, 1968, August 7, 1968, December 27, 1967, September 6, 1967, January 30, 1968, November 5, 1968, October 28, 1968, and October 17, 1968, respectively, to Everett Lowrance, New Orleans, La., authorizing the transportation, over irregular routes, of bananas, frozen potatoes and frozen potato products, frozen fruit juices and fruit concentrates, canned juice and beverages, canned citrus products, prepared foodstuffs, candy, confectionery products, snack foods, meats and meat products and articles distributed by meat packinghouses, wheat bran and wheat shorts, animal feed, glassware, glass containers, plastic containers, plasticware, paper boxes and containers, waxes, petrochemicals, and petroleum products from specified points in Alabama, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi; North Dakota, Oklahoma, and Texas to points in numerous States, varying as to commodities transported, and frozen pies and bakery goods from Tulsa, Okla., to points in the United States except Alaska and Hawaii. David D. Brunson, Post Office Box 671, Oklahoma City, Okla. 73102, attorney for applicants.

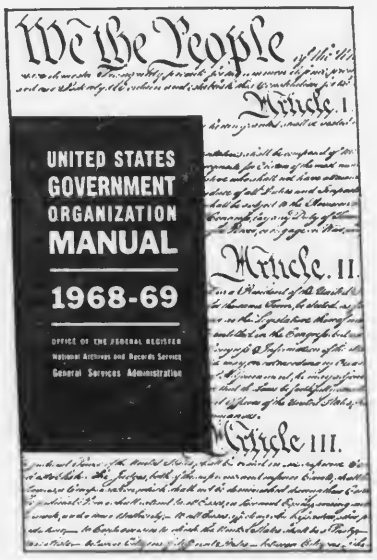
No. MC–FC–70915. By order of December 23, 1968, the Transfer Board approved the transfer to Edward's Motor Lines, Inc., Westport, Mass., of a portion of the operating rights in certificate No. MC–3717, issued May 21, 1952, to J. Coyle, Inc., South Boston, Mass., authorizing the transportation of: General commodities, with certain exceptions between Rockport, Mass., and Warren, R.I., serving intermediate points and certain named off-route points; and, between Boston, Mass., and points within 10 miles of Boston, between Boston, Mass., and points within 10 miles of Boston, on the one hand, and, on the other, points in Massachusetts, and between Providence, R.I., on the one hand, and, on the other, points in a specified part of Massachusetts. Mary E. Kelley, 10 Tremont Street, Boston, Mass. 02108, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–92; Filed, Jan. 3, 1969; 8:50 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—JANUARY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during January



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