FEDERAL REGISTER

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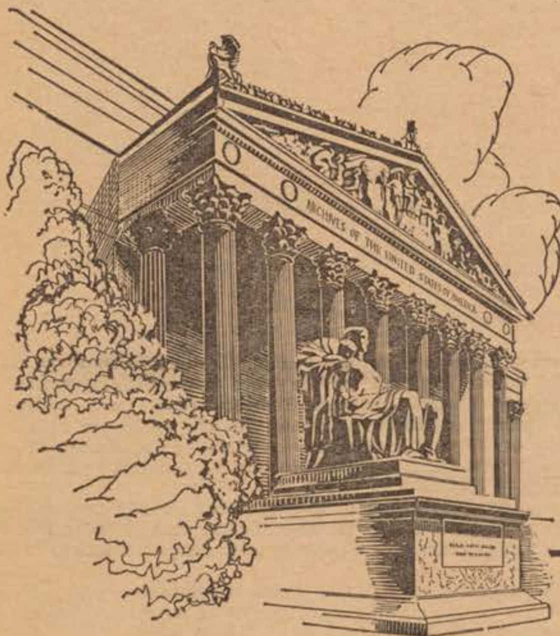

Current White House Releases

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(Codification Guide)

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1968, and specifies how they are affected.

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Title 3—THE PRESIDENT

Executive Order 11386

PRESCRIBING ARRANGEMENTS FOR COORDINATION OF THE ACTIVITIES OF REGIONAL COMMISSIONS AND ACTIVITIES OF THE FEDERAL GOVERNMENT RELATING TO REGIONAL ECONOMIC DEVELOPMENT, AND ESTABLISHING THE FEDERAL ADVISORY COUNCIL ON REGIONAL ECONOMIC DEVELOPMENT

WHEREAS the proper discharge of Federal responsibilities under the Appalachian Regional Development Act of 1965 (79 Stat. 5, 40 U.S.C. App.) and the Public Works and Economic Development Act of 1965 (79 Stat. 552, 42 U.S.C. 3121 *et seq.*), as amended by Public Law 90-103, 81 Stat. 257, requires that the participation of the Federal Government in regional development activities be effectively coordinated;

WHEREAS the President is required by the Appalachian Regional Development Act of 1965 to provide effective and continuing liaison between the Federal Government and the Appalachian Regional Commission;

WHEREAS the Secretary of Commerce has responsibility under the Public Works and Economic Development Act of 1965 for Federal economic development activities designed to alleviate conditions of substantial and persistent unemployment and underemployment in economically distressed areas and regions of the Nation;

WHEREAS the Secretary of Commerce is directed by the Public Works and Economic Development Act of 1965 to coordinate the Federal Cochairmen appointed to regional commissions established before or after the date of that Act;

WHEREAS the Secretary of Commerce is required by the Public Works and Economic Development Act of 1965 to provide effective and continuing liaison between the Federal Government and each regional commission established under Title V of that Act; and

WHEREAS the Secretary of Commerce has been Chairman of the President's Review Committee for Development Planning in Alaska, established to provide general direction and guidance to the Federal Field Committee for Development Planning in Alaska, established by Executive Order No. 11182, dated October 2, 1964:

NOW, THEREFORE, by virtue of the authority vested in me by the Appalachian Regional Development Act of 1965, the Public Works and Economic Development Act of 1965, and section 301 of Title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. *Functions of the Secretary of Commerce.* The Secretary of Commerce shall—

(a) Provide the effective and continuing liaison required by section 104 of the Appalachian Regional Development Act of 1965 and by section 503(c) of the Public Works and Economic Development Act of 1965 between the Federal Government and each regional commission established under those Acts, and between the Federal Government and the Federal Field Committee for Development Planning in Alaska (hereinafter referred to as "the Field Committee").

(b) Obtain a coordinated review within the Federal Government of plans and recommendations submitted by the commissions and the Field Committee.

(c) Provide guidance and policy direction to the Federal Cochairmen and the Chairman of the Field Committee with respect to their Federal functions.

(d) Promote the effective coordination of the activities of the Federal Government relating to regional economic development.

(e) In carrying out the functions set forth in section 1 (a), (b), (c), and (d) the Secretary of Commerce shall—

(1) Review the regional economic development plans and programs submitted to him by the Federal Cochairmen, budgetary recommendations, the standards for development underlying those plans, programs and budgetary recommendations, and legislative recommendations; and advise the Federal Cochairmen of the Federal policy with respect to those matters, and where appropriate, submit recommendations to the Director of the Bureau of the Budget.

(2) Review and advise the Chairman of the Field Committee with respect to the tentative plans and recommendations of the Field Committee, and receive and consider the final plans and recommendations of the Field Committee and transmit them to the heads of interested Federal departments and agencies and to the President.

(3) Resolve any questions of policy which may arise between a Federal Cochairman and a Federal department or agency in the implementation of regional development programs.

(4) Appoint a Special Assistant and other staff as required to assist him in carrying out these functions.

SEC. 2. *Establishment of the Council.* (a) There is hereby established the Federal Advisory Council on Regional Economic Development, hereinafter referred to as "the Council."

(b) The Council shall be composed of the following members: The Secretary of Commerce, who shall be the Chairman of the Council (hereinafter referred to as "the Chairman"), the Secretary of Agriculture, the Secretary of the Army, the Secretary of Health, Education, and Welfare, the Secretary of Housing and Urban Development, the Secretary of the Interior, the Secretary of Labor, the Secretary of Transportation, the Director of the Office of Economic Opportunity, the Administrator of the Small Business Administration, the Federal Cochairman of the Appalachian Regional Commission, such Federal Cochairman as are appointed by the President under authority of Title V of the Public Works and Economic Development Act of 1965, and the Chairman of the Field Committee.

(c) Whenever matters within the purview of the Council may be of interest to heads of Federal departments or agencies not represented on the Council under section 2(b) of this order, the Chairman may consult with the heads of such departments and agencies and may invite them to participate in meetings and deliberations of the Council.

(d) The Council shall meet at the call of the Chairman.

SEC. 3. *Functions of the Council.* The Council shall assist the Secretary of Commerce in carrying out the functions set forth in section 1 of this order, and shall, as requested by the Secretary of Commerce—

(a) Review proposed long-range economic development plans prepared by the regional commissions and the Field Committee.

(b) Recommend desirable development objectives and programs for such regions and Alaska.

(c) Review proposed designations of additional economic development regions under Title V of the Public Works and Economic Development Act of 1965.

(d) Review Federal programs relating to regional economic development, develop basic policies and priorities with respect to such programs, and recommend administrative or legislative action needed to stimulate and further regional economic development.

(e) Review proposed department or agency regional economic development plans.

(f) Recommend surveys and studies needed to assist the Secretary of Commerce and the Council in carrying out their functions.

SEC. 4. *Responsibilities of Participating Federal Agencies.* (a) Each Federal department and agency the head of which is referred to in section 2(b) of this order shall, as may be necessary, furnish assistance to the Council in accordance with the provisions of section 214 of the Act of May 3, 1945 (59 Stat. 134, 31 U.S.C. 691).

(b) The head of each such Federal department or agency shall designate an Assistant Secretary or equivalent level official who shall have primary and continuing responsibility for the participation and cooperation of that department or agency in regional economic development as required by this order.

(c) The head of each such Federal department or agency shall keep the Secretary of Commerce and the Council informed of all proposed regional economic development plans of his department or agency.

(d) The head of each such Federal department or agency shall, consonant with law and within the limits of available funds, cooperate with the Council and with the Secretary of Commerce in carrying out their functions under this order. Such cooperation shall include, as may be appropriate, (1) furnishing relevant available information, (2) making studies and preparing reports, (3) in connection with the development of programs, priorities, and operations of the department or agency, giving full consideration to any plans and recommendations for the economic development of the various regions, including recommendations made by the Council, and (4) advising on the work of the Council as the Chairman may from time to time request.

SEC. 5. *Responsibilities of the Federal Cochairmen and the Chairman of the Field Committee.* The Federal Cochairmen, and the Chairman of the Field Committee as appropriate, shall—

(a) Maintain continuing liaison with the Secretary of Commerce with respect to the activities of the regional commissions and the Field Committee.

(b) Adhere to general Federal policies affecting regional economic development that are established by the Secretary of Commerce.

(c) Inform the appropriate Federal departments and agencies of programs and projects to be considered by the commissions, and attempt to obtain a consensus within the Federal Government through consultation with appropriate Federal agency representatives before casting a vote on any such matter.

(d) Represent the participating Federal departments and agencies in connection with the activities of the regional commissions.

(e) Submit to the Secretary of Commerce regional economic development plans and programs of the regional commissions, budgetary recommendations, legislative recommendations, and progress reports, as requested by the Secretary of Commerce, on the activities of the regional commissions.

(f) Submit reports required by section 304 of the Appalachian Regional Development Act of 1965 and by section 510 of the Public Works and Economic Development Act of 1965 to the Secretary of Commerce for review prior to transmittal to the President or the Congress.

SEC. 6. *Appalachian Program.* (a) Funds appropriated pursuant to sections 201 and 401 of the Appalachian Regional Development Act of 1965 shall be available to the Federal Cochairman of the Appalachian Regional Commission for the purposes of carrying out that Act.

(b) The Federal Cochairman of the Appalachian Regional Commission is delegated the functions conferred upon the President by sections 214(a), 302(a), and 302(c) of the Appalachian Regional Development Act of 1965, which shall be exercised by him in accordance with the provisions of this order.

SEC. 7. *Construction.* Nothing in this order shall be construed as subjecting any function vested by law in, or assigned pursuant to law to, any Federal department or agency, to the authority of the Council or the Secretary of Commerce, or as abrogating or restricting any such function in any manner.

SEC. 8. *Definition.* Except as the context may otherwise require, any reference herein to any Act, or to any provision of any Act, shall be deemed to be a reference thereto as amended from time to time.

SEC. 9. *Prior Executive Orders.* (a) Executive Order No. 11182, as amended, is hereby further amended as follows:

(1) By changing the heading of the order so as to read as follows: "ESTABLISHING THE FEDERAL FIELD COMMITTEE FOR DEVELOPMENT PLANNING IN ALASKA".

(2) By striking the words "the Housing and Home Finance Administrator" from section 1(b) and by inserting in lieu thereof the words "the Secretary of Housing and Urban Development, the Director of the Office of Economic Opportunity".

(3) By substituting the following for subsection (a) of section 2:

"(a) Subject to the general direction and guidance of the Secretary of Commerce, the Field Committee shall serve as the principal instrumentality for developing coordinated plans for Federal programs which contribute to economic and resources development in Alaska and for recommending appropriate action by the Federal Government to carry out such plans."

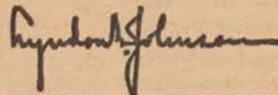
(4) By striking from sections 3(e) and 3(f) the words "Review Committee" and by inserting in lieu thereof the words "Secretary of Commerce".

(5) By revoking Part II. The President's Review Committee for Development Planning in Alaska, established by that Part, shall be deemed to be hereby abolished.

(6) By redesignating Part III and section 31 thereof as Part II and section 21, respectively.

(7) By redesignating Part IV and sections 41, 42, and 43 as Part III and sections 31, 32, and 33, respectively, and by striking from the redesignated section 33 the words "and the Review Committee".

(b) The Federal Development Committee for Appalachia, established by Executive Order No. 11209 of March 25, 1965, is hereby abolished and that order is hereby revoked.



THE WHITE HOUSE,
December 28, 1967.

[F.R. Doc. 68-111; Filed, Jan. 2, 1968; 10:37 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3110 is amended to show that the Schedule A exception covering 25 professional, technical, and administrative positions to staff the program under the Law Enforcement Assistance Act of 1965 has been extended from December 31, 1967, to June 30, 1968, and its coverage limited to grades GS-9 through 15. Effective on publication in the FEDERAL REGISTER, subparagraph (4) of paragraph (a) of 213.3110 is amended as set out below.

§ 213.3110 Department of Justice.

(a) *General.* * * *

(4) Until June 30, 1968, 25 professional, technical, and administrative positions at grades GS-9 through 15 to staff the program under the Law Enforcement Assistance Act of 1965.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-58 Comp., p. 218)

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

[F.R. Doc. 68-68; Filed, Jan. 2, 1968; 8:49 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER D—REGULATIONS UNDER THE POULTRY PRODUCTS INSPECTION ACT

PART 81—INSPECTION OF POULTRY AND POULTRY PRODUCTS

Increase in Hourly Rate for Overtime and Holiday Inspection Service

Under authority contained in the Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.), the U.S. Department of Agriculture hereby amends the Regulations Governing the Inspection of Poultry and Poultry Products (7 CFR Part 81, as amended) as set forth below.

Statement of considerations. The amendment increases the hourly rate from $6.60 per hour to $7 per hour for overtime and holiday inspection service under the Act.

These changes are necessary due to recent general salary increases of Federal employees and the increase in other costs related to furnishing such service.

The amendment is as follows:

Sections 81.170, 81.171, and 81.172 are hereby amended by deleting the figure "$6.60" and substituting in lieu thereof "$7."

The Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.) and the regulations promulgated thereunder require that the cost of overtime and holiday inspection service be paid for by the applicant or user of the service. The facts upon which are based the determination as to the level of fees and charges necessary to cover these costs are not available to the industry, but are peculiarly within the knowledge of the Department. Therefore, public rule making would not result in the Department receiving additional information on this matter. For the sake of uniformity of accounting, these changes in fees and charges should become effective January 1, 1968. Accordingly, under 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Issued at Washington, D.C., this 29th day of December 1967, to become effective on January 1, 1968.

R. K. SOMERS,
Deputy Administrator, Consumer Protection.

[F.R. Doc. 68-74; Filed, Jan. 2, 1968; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

PART 1483—WHEAT AND FLOUR

Subpart—Flour Export Program—Cash Payment (GR-346) Terms and Conditions

DETERMINATION OF RATES

The purpose of issuing this document is to make a correction to Amendment 12 of Revision I of the Terms and Conditions of the Flour Export Program—Cash Payment (GR-346) which appeared Saturday, April 22, 1967, in 32 F.R. 6342 of the FEDERAL REGISTER. The amendment to § 1483.221 is corrected to read as follows:

Section 1483.221 *Determination of Rates* paragraph (e) is amended by deleting in the fifth sentence the words "and/or commission" and changing in the sixth sentence the words "if within this period an acceptable price and commission, if any, are submitted" to read "if within this period an acceptable price is submitted * * *".

Effective date: This correction shall become effective upon filing of this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on December 26, 1967.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 68-48; Filed, Jan. 2, 1968; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter III—Consumer and Marketing Service (Meat Inspection), Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Pursuant to the statutory authorities cited below the fees relating to inspection are hereby amended due to increased cost resulting from the Postal Revenue and Federal Salary Act of 1967 (Pub. Law 90-206).

PART 307—FACILITIES FOR INSPECTION

Section 307.4 is amended to read as follows:

§ 307.4 Overtime work of meat inspection employees.

The management of an official establishment, an importer, or an exporter desiring to work under conditions which will require the services of an employee of the Division on any Saturday, Sunday, or holiday, or for more than 8 hours on any other day, shall, sufficiently in advance of the period of overtime, request the inspector in charge or his assistant to furnish inspection service during such overtime period, and shall pay the Administrator therefor $7 per hour to reimburse the Service for the cost of the inspection services so furnished. It will be administratively determined from time to time which days constitute holidays.

(34 Stat. 1264, sec. 306, 46 Stat. 689; 19 U.S.C. 1306, 21 U.S.C. 89)

PART 340—SPECIAL SERVICES RELATING TO MEAT AND OTHER PRODUCT

Section 340.7(c) is amended to read as follows:

§ 340.7 Fees and charges.

* * * * *

(c) The fees to be charged and collected for service under the regulations in this part shall be at the rate of $6.60 per hour for base time, $7 per hour for overtime including Saturdays, Sundays, and holidays, and $7.80 per hour for laboratory service, to cover the costs of the service and shall be charged for the time required to render such service, including but not limited to the time required for the travel of the inspector or inspectors in connection therewith during the regularly scheduled administrative workweek.

* * * * *

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624)

PART 355—CERTIFIED PRODUCTS FOR DOGS, CATS, AND OTHER CARNIVORA; INSPECTION, CERTIFICATION, AND IDENTIFICATION AS TO CLASS, QUALITY, QUANTITY, AND CONDITION

Section 355.12 is amended to read as follows:

§ 355.12 Charge for service.

The fees to be charged and collected by the Administrator shall be $6.60 per hour for base time, $7 per hour for overtime including Saturdays, Sundays, and holidays, and $7.80 per hour for laboratory service to reimburse the Service for the cost of the inspection services so furnished.

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624)

It has been determined that in order to cover these increased costs of the Service, the hourly fee charges in connection with the performance of the services must be increased as soon as practicable as provided for herein. The need for the increase and the amount thereof are dependent upon facts within the knowledge of the Consumer and Marketing Service. Therefore, under 5 U.S.C. 553, it is found that notices and other public procedure with respect to this amendment are impracticable and unnecessary and good cause is found for making the amendment effective less than 30 days after its publication in the FEDERAL REGISTER.

This amendment shall become effective December 31, 1967, with respect to all Federal meat inspection services rendered on and after that date.

Done at Washington, D.C., this 29th day of December 1967.

R. K. SOMERS,
Deputy Administrator,
Consumer Protection.

[F.R. Doc. 68-75; Filed, Jan. 2, 1968; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 8617, Amdt. 39-538]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corporation Model BAC 1-11 200 and 400 Series Airplanes

Warped or otherwise damaged nonreturn valves located in the APU air delivery duct on Model 200 and 400 Series BAC 1-11 airplanes have been found in service. Tests conducted by the manufacturer of the BAC 1-11 airplane indicate that the use of engine bleed air together with bleed air from the open APU air delivery valve can result in a reversal of air flow through the APU compressor if the nonreturn valve in the APU air delivery line is jammed open or otherwise failed. Under these conditions high temperatures can occur in the airframe air plenum chamber. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to establish limitations for the operation of the APU system on BAC 1-11 airplanes and to require modifications of the APU system.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation regulations is amended by adding the following new airworthiness directive:

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

Compliance required as indicated unless already accomplished.

To prevent heat damage or possible fire in the airframe plenum of the auxiliary power unit (APU) installation, perform the following unless already accomplished:

(a) In order to continue use of the APU on the ground, comply with the following or comply with paragraph (b) within the next 50 hours' time in service after the effective date of this AD:

(1) Visually check the fiberglass surround of the APU intake on the fuselage immediately behind the intake grill for evidence of heat discoloration. If evidence of heat is present, remove the nonreturn valve located in the APU air delivery duct Part No. 525180 and replace with a serviceable Part No. 525180 or modified Part No. 13981300.

(2) Install a placard adjacent to the APU control panel in clear view of the pilot or amend the airplane flight manual limitations section 2, to read as follows: "Close APU air delivery valve when starting an engine from an external supply or by cross-feeding air from an operating engine. Close APU air delivery valve and shut down APU for takeoff and flight operations." When all actions required by paragraph (b) are accomplished, the placard should be removed or the foregoing amendment to the airplane flight manual should be deleted.

(3) Remove all APU plenum chamber soundproofing.

(b) Before further operational use of the APU in flight, accomplish the following:

(1) Remove nonreturn valve Part No. 525180 located in the APU air delivery duct and replace with nonreturn valve Part No. 13981300 in accordance with British Aircraft Corporation Service Bulletin PM 3254 or later ARB-approved issue, or FAA-approved equivalent.

(2) Perform the following modifications in accordance with British Aircraft Corporation Service Bulletin 53-PM3148 or later ARB-approved issue, or FAA-approved equivalent:

(i) Install additional fireproof, stainless steel skin over existing light alloy outer skin on top of the fuselage, between Stations 936 and 958 to isolate the APU plenum chamber from the fin structure.

(ii) Replace the light alloy wall separating the APU plenum chamber from the hydraulic compensator unit compartment by installing a stainless steel wall enlarging the hydraulic compensator box and replacing light alloy structural parts with stainless steel.

(iii) Install revised spring loaded door in the bulkhead at Station 936 and modify the hydraulic compensator drain box and drain outlet.

(3) Install sealing plates around the control guard, located above the rudder power control units, and over the hole in the fin rear spar, to provide restriction to the airflow into the fin in accordance with British Aircraft Service Bulletin 55-PM3177 or later ARB-approved issue, or FAA-approved equivalent.

(4) Install an additional bimetallic temperature sensor in parallel with the existing mercury sensor in the circuitry for controlling the electrically actuated primary temperature valve located in the low-pressure bleed flow duct to the heat exchanger, in accordance with British Aircraft Corporation Service Bulletin 21-PM2780A, or FAA-approved equivalent, or install Graviner bimetallic sensor in accordance with BAC Modification 21-PM-2545 Part A or later ARB-approved issue, or FAA-approved equivalent.

(5) Perform a magnetic check to identify "felt metal" jet pipe installed on the APU manufactured from type "430" stainless steel post PM 209 in accordance with British Aircraft Corporation Service Bulletin 49-A-PM3313 or later ARB-approved issue, or FAA-approved equivalent. Thoroughly inspect the jet pipes thus identified for cracks adjacent to the weld. Replace cracked pipes with serviceable pipes manufactured from 430 or 347 material or FAA-approved equivalent. Jet pipes identified as manufactured from "430" stainless steel and found by inspection to be in a serviceable condition, may continue in operation provided that the inspection is performed thereafter at intervals not to exceed 160 hours' time in service. Type "430" jet pipes must be removed from service upon accumulating 3,000 hours' time in service after the effective date of this AD.

(6) Add a new paragraph at the end of section 2 of page 15 of the BAC 1-11 airplane flight manual entitled "APU Supply and Air Conditioning" reading as follows:

"The following limitations on the use of the APU air supply and integrated air system shall be observed so that at no time is air from either engine and from the APU being delivered simultaneously into a common duct.

PAR. 1. Whenever an engine is being started by air from an external supply or by cross-feeding air from the other engine, the APU air delivery value shall be closed.

PAR. 2. When air is being supplied from the APU, both air-conditioning master valves must be selected to the APU position.

PAR. 3. When the air-conditioning master valves are selected to the open position, the APU air delivery valve must be closed after opening the first valve.

PAR. 4. If it is desired to feed the APU air supply into the No. 1 system, the air cross-feed valve and the No. 1 engine isolation valve must be closed.

PAR. 5. If it is desired to feed the APU air supply into the No. 2 system only, then both engine isolation valves must be closed, in which case the air cross-feed valve will be open."

NOTE: British Aircraft Corporation Flight Manual Advance Amendment Bulletins No. 8 for 400 Series and No. 10 for 200 Series airplanes, both dated December 15, 1967, cover this subject.

This amendment becomes effective January 3, 1968.

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

Issued in Washington, D.C., on December 28, 1967.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 68-52; Filed, Jan. 2, 1968; 8:49 a.m.]

[Docket No. 8616, Amdt. 47-6]

PART 47—AIRCRAFT REGISTRATION

Temporary Authority To Operate Extension of Validity Period

The purpose of this amendment to Part 47 of the Federal Aviation Regulations is to relax and clarify § 47.31(b) by making the temporary authority to operate without registration valid for 90 days, rather than for 30 days, after the application is signed.

After an applicant submits an Application for Aircraft Registration under §§ 47.31 (a) and (b) requires him to carry the second duplicate copy (pink) in the aircraft as temporary authority to operate it without registration. This authority is valid until the date the applicant receives the Certificate of Aircraft Registration, or until the date the FAA denies the application, but in no case for more than 30 days after the date the applicant signs the application. If the FAA neither issues the certificate nor denies the application within 30 days, it issues the applicant a letter of extension.

Issuing a letter of extension, whenever the FAA is unable to complete processing an Application for Aircraft Registration within 30 days, places a considerable administrative burden on the agency. Several factors may combine to prevent final FAA action within 30 days, including variations in the rate at which applications are received, defective applications, and mechanical problems. To substantially reduce or eliminate the present administrative burden, the FAA is amending § 47.31(b) to make the temporary authority to operate valid for 90, rather than 30, days. Also, § 47.31(b) is clarified to reflect the fact that the temporary authority to operate only authorizes operation "without registration" under section 501(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1401(a)).

Finally, the FAA is adding new § 47.31 (c) that makes the new 90-day validity period applicable to each application signed after October 5, 1967. This transitional provision eliminates the need to issue letters of extension to applicants whose applications were signed less than 90 days before the effective date of this amendment, and provides them with temporary authority to operate for what remains of the 90-day period. Applicants whose applications were signed 90 days, or more, before the effective date of this amendment will be issued letters of extension, if the FAA has not taken final action. New § 47.31(c) also allows the applicant to change the notation on obsolete FAA Form 8050-1 from 30 to 90 days. This will enable the FAA to exhaust its supply of those forms.

This amendment imposes no additional burden on any person and relieves a restriction in Part 47 of the Federal Aviation Regulations. Therefore, I find that, under section 553 of Title 5, United States Code, notice and public procedure are unnecessary and this amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, effective January 3, 1968, Part 47 of the Federal Aviation Regulations is amended by amending § 47.31(b), and by adding a new § 47.31(c), to read as follows:

§ 47.31 Application.

* * * * *

(b) After he complies with paragraph (a) of this section, the applicant shall carry the second duplicate copy (pink) of the Application for Aircraft Registration, FAA Form 8050-1, in the aircraft as temporary authority to operate it without registration. This temporary authority is valid until the date the applicant receives the certificate of the Aircraft Registration, FAA Form 8050-3, or until the date the FAA denies the application, but in no case for more than 90 days after the date the applicant signs the application. If by 90 days after the date the applicant signs the application, the FAA has neither issued the Certificate of Aircraft Registration nor denied the application, the FAA Aircraft Registry issues a letter of extension that serves as authority to continue to operate the aircraft without registration while it is carried in the aircraft. This paragraph does not apply to an application under § 47.37 for registration of an aircraft last previously registered in a foreign country.

(c) Paragraph (b) of this section applies to each application submitted under paragraph (a) of this section, and signed after October 5, 1967. If, after that date, an applicant signs an application and the second duplicate copy (pink) of the Application for Aircraft Registration, FAA Form 8050-1, bears an obsolete statement limiting its validity to 30 days, the applicant may strike out the number "30" on that form, and insert the number "90" in place thereof.

(Secs. 313(a), 501, 1001, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1401, 1481)

Issued in Washington, D.C., on December 26, 1967.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 68-13; Filed, Jan. 2, 1968; 8:45 a.m.]

[Airspace Docket No. 67-CE-101]

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

Alteration of Transition Area; Correction

On November 8, 1967, a final rule was published in the FEDERAL REGISTER (32 F.R. 15524), F.R. Document 67-13177, which altered the Indianapolis, Ind., transition area. In this redesignation, a portion of the 700 foot floor transition area was erroneously described as "within 2 miles each side of the Indianapolis, Ind., VORTAC 262° radial". The correct radial should have been the "Indianapolis, Ind., VORTAC 082° radial." Action is taken herein to make this correction.

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

In consideration of the foregoing, the redesignation of the Indianapolis, Ind., transition area, as set forth in F.R. Document 67-13177, is corrected effective immediately as follows: "within 2 miles each side of the Indianapolis, Ind., VORTAC 262° radial" is deleted and "within 2 miles each side of the Indianapolis, Ind., VORTAC 082° radial" is substituted therefor.

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

Issued in Kansas City, Mo., on December 14, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 68-14; Filed, Jan. 2, 1968; 8:45 a.m.]

[Airspace Docket No. 67-WA-37]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to delete the phrase "and the Anchorage Oceanic Control Area" from the King Salmon, Alaska, transition area description.

Effective February 29, 1968, the Anchorage Oceanic Control Area boundary will be realigned so that it will not overlap the King Salmon transition area. Therefore, reference to the Anchorage

Oceanic Control Area in the King Salmon transition area description will no longer be necessary and will be deleted hereby.

Since this action is editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 29, 1968, as hereinafter set forth.

In § 71.181 (32 F.R. 2148, 487, 3048, 14891, 16482) the King Salmon, Alaska, transition area is amended by deleting "and the Anchorage Oceanic Control Area."

(Sec. 307(a), 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510; E.O. 10854; 29 F.R. 9565)

Issued in Washington, D.C., on December 22, 1967.

H. B. HELMSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-15; Filed, Jan. 2, 1968; 8:45 a.m.]

[Airspace Docket No. 67-EA-112]

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

Designation of Control Zone

On page 15119 of the FEDERAL REGISTER for November 1, 1967, the Federal Aviation Administration published proposed regulations which would designate a part-time control zone for Ohio State University Airport, Columbus, Ohio.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

Subsequent to the publication of the notice it has been determined that a control tower at the airport will be opened and functioning on December 15, 1967. This will permit the effecting of the control zone and permit instrument approaches with clearances to land. It is desirable that such approaches and landings be protected from the 700-foot transition area to the ground.

For the reason stated above, the Administrator finds that good cause exists for making this amendment effective on less than 30 days notice.

In view of the foregoing, the proposed regulations are hereby adopted effective upon publication in the FEDERAL REGISTER.

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

Issued in Jamaica, N.Y., on December 14, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to designate a Columbus Ohio Control Zone, Columbus, Ohio (Ohio State University Airport), described as follows:

COLUMBUS, OHIO (OHIO STATE UNIVERSITY AIRPORT)

Within a 5-mile radius of the center 40°-04'45" N., 83°04'20" W., of Ohio State University Airport, Columbus, Ohio, and within 2 miles each side of the Ohio State University RBN (40°04'47" N., 83°04'54" W.) 273° bearing extending from the Ohio State University 5-mile radius zone to 7 miles west of the RBN, excluding that portion within the control zone designated as Columbus, Ohio, control zone. This control zone shall be effective from 0700 to 2300 hours, local time, daily.

[F.R. Doc. 68-16; Filed, Jan. 2, 1968; 8:45 a.m.]

[Airspace Docket No. 67-SW-58]

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

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Alva, Okla., transition area.

On November 7, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 15492) stating the Federal Aviation Administration proposed to designate controlled airspace in the Alva, Okla., terminal area to accommodate proposed instrument approach/departure procedures.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. No information was provided to indicate the designation of a transition area at Alva, Okla., would adversely affect other aircraft operations in the vicinity.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 29, 1968, as herein set forth.

In § 71.181 (32 F.R. 2148), the following transition area is added:

ALVA, OKLA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Alva Municipal Airport (lat. 36°46'00" N., long. 98°40'00" W.); within 2 miles each side of the 170° bearing from the Alva RBN (lat. 36°46'47" N., long. 98°40'34" W.), extending from the 5-mile radius area to 8 miles south of the RBN; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at lat. 36°50'30" N., long. 98°50'30" W., to lat. 36°34'40" N., long. 98°47'00" W., to lat. 36°37'00" N., long. 98°30'00" W., thence north via long. 98°30'00" W. to and west via the south boundary of V-190 to the southeast boundary of V-12, thence to point of beginning, excluding the portion within Federal airways.

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

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

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 68-17; Filed, Jan. 2, 1968; 8:46 a.m.]

Title 20—EMPLOYEES' BENEFITS

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

[Reg. 4, further amended]

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

Subpart B—Quarters of Coverage and Insured Status

Subpart D—Old-Age, Disability, Dependents' and Survivors' Insurance Benefits; Period of Disability

MISCELLANEOUS AMENDMENTS

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

1. Section 404.115(a) is amended to read as follows:

§ 404.115 When disability insured status must be met.

(a) *Period of disability*—(1) *General.* To establish a period of disability an individual must meet the insured status requirements as of the calendar quarter he became disabled or as of a subsequent calendar quarter in which he was disabled (see § 404.310 for conditions of entitlement to a period of disability).

(2) *Application filed after June 1962 and before December 1964.* Where an application to establish a period of disability was filed after June 1962 and before December 1964 and the individual died before December 1, 1964, or had not been under a disability continuously since the application was filed through November 1964 or the first day of the month in which he attained the age of 65, whichever is earlier, the insured status requirements must be met as of (i) whichever is later, the calendar quarter in which he became disabled, or the calendar quarter in which occurs the 18th month before the day the application was filed, or (ii) as of a subsequent calendar quarter in which he was disabled.

* * * * *

2. Section 404.116 is amended to read as follows:

§ 404.116 Disability insured status.

(a) *Period of disability.* For the purpose of establishing a period of disability, an individual has disability insured status as of a calendar quarter if such individual:

(1) Would have been fully insured (see § 404.108(ff)) had the individual attained age 65 (if a man) or age 62 (if a woman) and filed application for old-age insurance benefits on the first day of such quarter; and

(2) (i) Had not less than 20 quarters of coverage during the 40-quarter period (see par. (c) of this section) which ends with such quarter, or

(ii) Effective with respect to benefits for months after August 1965 on the basis of an application filed after June 1965;

(*a*) Such quarter ends before the individual attains (or would attain) age 31 and he is under a disability by reason of blindness (as defined in sec. 216(i)(1) of the Act, and

(*b*) (*1*) Not less than one-half of the quarters during the period ending with such quarter and beginning after he attained age 21 were quarters of coverage (when the number of quarters in a period is less than 12) not less than six reduced by one), or

(*2*) (If the number of quarters in such period is less than 12) not less than six of the quarters in the 12-quarter period ending with such quarter were quarters of coverage.

(b) *Disability insurance benefits.* For the purpose of entitlement to disability insurance benefits, an individual has disability insured status in a month if:

(1) He would have been fully insured (see § 404.108(ff)) had he attained age 65 (if a man) or age 62 (if a woman) and filed application for old-age insurance benefits on the first day of such month; and

(2) (i) Had not less than 20 quarters of coverage during the 40-quarter period (see par. (c) of this section) which ends with the quarter in which such month occurred, or

(ii) Effective with respect to benefits for months after August 1965 on the basis of an application filed after June 1965:

(*a*) Such month ends before he attains (or would attain) age 31 and he is under a disability by reason of blindness (as defined in sec. 216(i)(1) of the Act), and

(*b*) (*1*) Not less than one-half of the quarters during the period ending with the quarter in which such month occurred and beginning after he attained the age of 21 were quarters of coverage (when the number of quarters in any period is an odd number, such number is reduced by one), or

(*2*) (If the number of quarters in such period is less than 12) not less than six of the quarters in the 12-quarter period ending with such quarter were quarters of coverage.

(c) *Determining 40 quarter or other period.* In determining the 40 quarter or other period for the purpose of paragraph (a)(2) or (b)(2) of this section, any quarter which is not a quarter of coverage, all or any part of which is included in a period of disability established for the individual, is not counted as part of such 40-quarter period or such other period. (See §§ 404.103 and 404.104.)

§ 404.117 [Deleted]

3. Section 404.117 is deleted as being obsolete.

§ 404.118 [Deleted]

4. Section 404.118 is deleted as being obsolete.

§ 404.119 [Deleted]

5. Section 404.119 is deleted. The currently applicable material therein is incorporated in § 404.116.

6. Section 404.306 is amended to read as follows:

§ 404.306 Disability insurance benefits; conditions of entitlement.

(a) *General.* An individual is entitled to disability insurance benefits if such individual:

(1) Is insured for disability insurance benefits (see § 404.116) at the time specified in § 404.115(b); and

(2) Has not attained age 65; and

(3) Has filed an application (see secs. 202(j) and 223(b) of the Act) for disability insurance benefits; and

(4) Is under a disability, as defined in section 223(c) of the Act. Under the law in effect prior to the Social Security Amendments of 1965 (Public Law 89-97), the individual must have been under a disability at the time his application for disability insurance benefits was filed. However, in the case of applications filed after June 1965 and other applications described in § 404.312a, the disability does not have to exist at the time the application is filed, except that no benefits may be paid under this provision for months before September 1965 nor for any month more than 12 months before the month application is filed; and

(5) Has been under such a disability throughout the waiting period where such period is required (see § 404.308).

(b) *Effect of prior entitlement to other benefits.* With respect to benefits for months before September 1965 (or for months after August 1965 on the basis of application filed before July 1965) an individual is not entitled to disability insurance benefits if he was entitled to old-age, wife's, or husband's insurance benefits reduced under section 202(q) of the Act, or to widow's, widower's, or parent's insurance benefits, for any month before the first month for which such individual would otherwise be entitled to disability insurance benefits. With respect to disability insurance benefits for months after August 1965, on the basis of applications filed after June 1965, prior entitlement to old-age, wife's, or husband's insurance benefits reduced under section 202(q) of the Act, or to widow's, widower's, or parent's insurance benefits, will not preclude entitlement to disability insurance benefits. For a special rule applicable to benefits for July 1962 through November 1964, see § 404.353(b)(2)(ii).

7. Section 404.307 is amended to read as follows:

§ 404.307 Disability insurance benefits; duration of entitlement.

(a) *General.* An individual is entitled to a disability insurance benefit beginning with the first month in which all of the requirements of § 404.306 are met and ending with the earliest of the following:

(1) The month before the month in which such individual dies;

(2) The month before the month in which such individual attains age 65; or

(3) The second month following the month in which such individual's disability (as defined in sec. 223(c) of the Act) ceases (see § 404.1539).

(b) *Effect of subsequent entitlement to old-age insurance benefits.* Under the law in effect prior to the Social Security Amendments of 1965 (Public Law 89-97), an individual's entitlement to disability insurance benefits ended with the month before the first month for which he was entitled to an old-age insurance benefit (or, if earlier, with a month listed in par. (a) of this section). (For a special rule applicable to benefits for July 1962 through November 1964, see § 404.353(b)(2)(ii).) In the case of applications filed after June 1965 and other applications described in § 404.312a, entitlement to disability insurance benefits is not terminated by entitlement to old-age insurance benefits, except that disability insurance benefits are not payable by virtue of this change for months before September 1965.

8. Section 404.308 is amended to read as follows:

§ 404.308 Disability insurance benefits; waiting period.

(a) *"Waiting period" defined.* A waiting period is the earliest period of six full consecutive calendar months throughout which the individual has been under a disability (as defined in sec. 223(c) of the Act); however, an individual's "waiting period" can begin no earlier than the later of:

(1) The first month such individual is insured for disability insurance benefits (see § 404.116);

(2) The 18th month before the month in which such individual's application for disability insurance benefits is filed; or

(3) January 1, 1957.

For purposes of this paragraph, where the individual's disability begins on the first day of the month and continues through the last day of the month, such month is considered as a full calendar month.

(b) *Continuance of disability until application filed.* Under the law in effect prior to the Social Security Amendments of 1965 (Public Law 89-97), it was necessary that the individual's disability have continued until his application for disability insurance benefits was filed, in order for a waiting period to exist. In the case of applications for disability insurance benefits filed after June 1965 and other applications described in § 404.312a, such continuance of the individual's disability is not necessary. No benefits may be paid under this provision for months before September 1965.

(c) *When "waiting period" is not required.* With respect to disability insurance benefits for months after August 1960, a "waiting period" is not required where:

(1) The individual had previously been entitled to disability insurance benefits which had terminated, or had a period of disability (see § 404.310) which had ceased; and

(2) The termination of entitlement to disability insurance benefits or cessation of a period of disability occurred within the 60-month period before the first month in which the individual was under the disability upon which his present claim is based.

9. Section 404.309 is amended to read as follows:

§ 404.309 Disability insurance benefits; computation of benefit rate.

Except as provided in sections 202(q) (2), (3), and (4) of the Act, an individual's disability insurance benefit equals his primary insurance amount computed as if he:

(a) Had attained age 65 (if a man), or age 62 (if a women), in the first month of the "waiting period" (see § 404.308 (a)) or, if no waiting period is required (see § 404.308(c)), in the first month for which he becomes entitled to disability insurance benefits; and

(b) Had filed application for old-age insurance benefits in the month in which the application for disability insurance benefits was filed, and, if he became entitled to disability insurance benefits after 1965, was entitled to an old-age insurance benefit for each month for which he was entitled to a disability insurance benefit, pursuant to section 223 (b) of the Act. For the purposes of this paragraph, in the case of a woman who became entitled before 1966 to old-age insurance benefits, years in which such woman was both fully insured and had attained age 62 are excluded in computing elapsed years as described in section 215(b)(3) of the Act; in the case of a woman who became entitled to such benefits after 1965, years in which such woman had attained age 62 are excluded in computing such elapsed years.

10. Section 404.310 is amended to read as follows:

§ 404.310 Period of disability; conditions of entitlement.

(a) *General.* An individual is entitled to the establishment of a period of disability (beginning as described in § 404.311 and ending as described in § 404.311a) if:

(1) He was under a disability as defined in section 216(i) of the Act; and

(2) He was insured for establishment of a period of disability (see § 404.116) at the time specified in § 404.115(a); and

(3) Except as provided in pararaph (b) of this section, he has filed application to establish a period of disability (see sec. 216(i)(2) of the Act); and

(4) Except as provided in paragraph (c) of this section, not less than six full consecutive calendar months have elapsed from the date on which a period of disability could begin (as determined under § 404.311) for such individual and before the date on which such period of disability could end (as determined under § 404.311a). Where the beginning date of the period of disability is the first day of a month and the disability continues through the last day of the month, such month is considered a full calendar month.

(b) *Relationship between claimant's disability and filing of application.* Under the law in effect prior to the Social Security Amendments of 1965 (Public Law 89–97), a period of disability could not begin unless the application was filed while the individual was under a disability. In the case of applications filed after June 1965 or other applications described in § 404.312a the application need not be filed while the individual is under a disability, except that no benefits may be paid or increased by reason of this provision for months before September 1965, and no application may be accepted as an application for the establishment of a period of disability which is filed more than 12 months after the month preceding the month in which the individual attains age 65 or the second month after the month in which the disability ceases, whichever first occurs.

(c) *Period of disability of less than 6 months.* A period of disability beginning after August 1960 may be less than 6 months if the individual was entitled to disability insurance benefits for one or more months during such period.

(d) *Effect of prior entitlement to other Title II benefits.* With respect to benefits for months before September 1965, or for months after August 1965 on the basis of applications filed before July 1965, a period of disability could not begin for an individual if for any month before the month in which the period of disability could otherwise begin such individual was entitled to old-age, wife's, or husband's insurance benefits reduced under section 202(q) of the Act, or to widow's, widower's, or parent's insurance benefits.

11. Section 404.311 is amended to read as follows:

§ 404.311 Period of disability; beginning date.

(a) *General.* Except as provided in paragraphs (b) and (c) of this section, an individual's period of disability begins:

(1) On the day such disability began provided he had disability insured status (see § 404.116) on such day; or

(2) If he did not have disability insured status on such day, on the first day of the first quarter thereafter in which he has disability insured status.

(b) *Application filed after June 1962 and before December 1964.* An individual's period of disability based upon an application filed after June 1962 and before December 1964 could not begin earlier than 18 months before the day application was filed unless such individual:

(1) Was under a disability (as defined in sec. 216(i) of the Act, as in effect prior to the Social Security Amendments of 1965 (Pub. Law 89–97)) continuously throughout the period beginning with the date such application was filed and up to whichever of the following first occurred:

(i) December 1, 1964, or

(ii) The first day of the month in which he attained age 65, and

(2) Was alive on the date specified in subparagraph (1)(i) of this paragraph.

(c) *Individual attained age 65.* No period of disability may begin after the individual attains age 65.

12. A new section, designated § 404.311a, is added after § 404.311 to read as follows:

§ 404.311a Period of disability; ending date.

A period of disability established for an individual terminates with the earlier of the following dates:

(a) The last day of the month preceding the month in which such individual attains age 65; or

(b) The last day of the second month following the month in which such individual's disability (as defined in sec. 216(i) of the Act) ceases.

13. A new section, designated § 404.312a, is added after § 404.312 to read as follows:

§ 404.312a Applicability of section 303 of the Social Security Amendments of 1965 (Pub. Law 89–97).

(a) The amendments to the Act reflected in §§ 404.306(a)(4), 404.307(b), 404.308(b), 404.310(b), and 404.353(c) (1), and the amendments reflected in sections 216(i)(2) and 223(b) of the Act apply with respect to:

(1) Applications filed after June 1965 for disability insurance benefits or to establish a period of disability, or

(2) Applications filed before July 1965 for disability insurance benefits or a period of disability, if the applicant is alive in such month and:

(i) Notice of the final decision of the Secretary was not given to the applicant before July 1965; or

(ii) Notice of the final decision of the Secretary was given before July 1965 but a civil action with respect to such final decision is commenced under section 205 (g) of the Act (whether before, in, or after such month) and the decision in such civil action did not become final before such month.

(b) The amendments to the Act referred to in paragraph (a) of this section also apply in the case of applications for monthly insurance benefits under Title II of the Act based on the wages and self-employment income of the individual with respect to whose application for disability insurance benefits paragraph (a) of this section applies.

14. Section 404.353 is amended by adding a heading for paragraph (b)(1) and amending paragraph (b)(2), paragraph (c), and the heading of paragraph (b), to read as follows:

§ 404.353 Simultaneous entitlement to more than one type of benefit.

* * * * *

(b) *Disability insurance benefit and other benefit*—(1) *General.* * * *

* * * * *

(2) *Benefits for months before September 1965.*—(i) *General.* If, for any month prior to the month in which the individual attained age 65, such individual was entitled to a widow's, widower's, or parent's insurance benefit or to a wife's or husband's insurance benefit reduced under section 202(q) of the Act,

such individual could not, for any month after the first month for which such individual was so entitled, become entitled to disability insurance benefits. This provision does not apply with respect to benefits for months after August 1965, on the basis of applications filed after June 1965. (See § 404.306(b).) However, if an individual is entitled to such widow's, widower's, or other benefit and becomes entitled for the same month to a disability insurance benefit, such widow's, widower's, or other benefit, after any reduction under section 202(q) or 203(a) of the Act, shall be reduced, but not below zero, by an amount equal to the disability insurance benefit (after reduction under sec. 202(q) of the Act).

(ii) *Rule applicable to period July 1962 through November 1964.* Entitlement to a widow's, widower's, or parent's insurance benefit or to an old-age, wife's, or husband's insurance benefit which is reduced under section 202(q) of the Act, for any month in the period July 1962 through November 1964 (but without the application of sec. 202(j)(1) of the Act), does not preclude entitlement to disability insurance benefits if the individual:

(*a*) Was under a disability (as defined in sec. 223(c) of the Act, as in effect prior to the Social Security Amendments of 1965. (Pub. Law 89-97)) which began prior to the sixth month before the first month for which such benefit was payable and which continued through November 1964, and

(*b*) Filed an application for disability insurance benefits. If an individual was entitled to an old-age insurance benefit for any month during the period July 1962 through November 1964 (but without the application of sec. 202(j)(1) of the Act), and the conditions in (*a*) and (*b*) of this subdivision are met, entitlement to disability insurance benefits will not be terminated by entitlement to such old-age insurance benefit unless and until the individual again becomes entitled to an old-age insurance benefit. If the individual is entitled to both a disability insurance benefit and an old-age insurance benefit under the provisions of this subdivision, he will be entitled only to the disability insurance benefit. Where an individual becomes entitled to a disability insurance benefit under the provisions of this subdivision, and then again becomes entitled to an old-age insurance benefit for months before age 65, only those months beginning with the first month of entitlement to the subsequent old-age insurance benefit and ending with the month prior to the month of attainment of age 65 will be used in computing the reduction under section 202(q) of the Act.

(c) *Disability insurance benefit and old-age insurance benefit.* (1) Under the law in effect prior to the Social Security Amendments of 1965 (Pub. Law 89-97), disability insurance benefits ended with the month preceding the first month for which the individual was entitled to an old-age insurance benefit. This provision does not apply with respect to applications for disability insurance benefits filed after June 1965 or other applications described in § 404.-312a. (See § 404.307(b).) For rule applicable to benefits for July 1962 through November 1965, see subparagraph (b)(2)(ii) of this section.

(2) Under the law in effect prior to the Social Security Amendments of 1965 (Pub. Law 89-97), if for any month prior to the month in which an individual attained age 65, such individual was entitled to an old-age insurance benefit which was reduced under section 202(q) of the Act, such individual could not, for any month after the first month for which such individual was so entitled, become entitled to disability insurance benefits. This provision does not apply with respect to monthly benefits for months beginning September 1965, on the basis of applications filed after June 1965. (See § 404.306(b).) For special rule applicable to benefits for July 1962 through November 1964, see paragraph (b)(2)(ii) of this section.

(3) If an individual becomes entitled to both an old-age insurance benefit and a disability insurance benefit for a month as described in subparagraphs (1) and (2) of this paragraph, he shall be entitled only to the larger of such benefits, except that, if such individual so elects, he shall instead be entitled to only the smaller of such benefits for such month. The effect of this provision is that the individual may be technically entitled to both benefits but only the higher is payable unless he elects to receive the lower, in which case only the lower is payable.

* * * * *

15. The foregoing amendments shall become effective on the date of publication in the FEDERAL REGISTER.

(Secs. 205, 216(i), 223, and 1102, 53 Stat. 1368, as amended, 68 Stat. 1080, as amended, 70 Stat. 815, as amended; Sec. 5 of Reorg. Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 405, 416(i), 423, and 1302.)

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

DECEMBER 14, 1967.

Approved December 16, 1967.

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

[F.R. Doc. 68-45; Filed, Jan. 2, 1968; 8:48 a.m.]

[Reg. 4, further amended]

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

Subpart P—Rights and Benefits Based on Disability

MISCELLANEOUS AMENDMENTS

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

1. Section 404.1501 is revised to read as follows:

§ 404.1501 **Disability defined.**

(a) *For disability benefits*—(1) *Benefits for months after August 1965.* Disability means:

(i) For purposes of determining entitlement to disability insurance benefits, or child's insurance benefits (based on the child's disability), for months after August 1965, inability to engage in any substantial gainful activity because of a medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months; or

(ii) For purposes of determining entitlement to disability insurance benefits in the case of an individual who has attained the age of 55 and is blind (within the meaning of "blindness" as defined in par. (b)(1)(ii) of this section), inability by reason of such blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which he has previously engaged with some regularity and over a substantial period of time.

The meanings of "disability" described in this subparagraph are applicable in the case of an application for benefits filed after June 1965 (or before July 1965 if the individual did not die before July 1965, and notice of the Secretary's final decision on such application was not given before that month or, if so given, a civil action was commenced to review such decision and the decision of the court thereon did not become final before July 1965).

(2) *Benefits for months before September 1965.* For purposes of determining entitlement to disability insurance benefits or child's insurance benefits (based on the child's disability) for months before September 1965 (irrespective of date of application) "disability" means inability to engage in any substantial gainful activity because of a medically determinable physical or mental impairment which can be expected to continue for a long and indefinite period of time, or to result in death.

(b) *For period of disability*—(1) *Application filed or final decision rendered after June 1965.* For establishment of a period of disability where an application is filed after June 1965, "disability" means:

(i) Inability to engage in any substantial gainful activity because of a medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months; or

(ii) Blindness, without regard to ability to engage in any substantial gainful activity. "Blindness" for the purposes of this subdivision means central visual acuity of 5/200 or less in the better eye with the use of a correcting lens. An eye in which the visual field is reduced to 5° or less concentric contraction shall be

considered for the purposes of this section as having a central visual acuity of 5/200 or less. The condition described in this subdivision is referred to as "statutory blindness."

The meanings of "disability" described in this subparagraph (1) are also applicable to an application filed before July 1965 where the individual did not die before July 1965, and notice of the final decision of the Secretary on such application was not given to the individual before July 1965, or notice of the final decision of the Secretary was given, but a civil action was commenced to review such decision and the decision of the court thereon did not become final before July 1965.

(2) *Application filed before July 1965 and final disposition before July 1965.* For establishment of a period of disability where an application is filed before July 1965 and notice of the final decision of the Secretary was given before July 1965, or if a civil action to review such decision was commenced, the decision of the court thereon became final before July 1965; or if the individual died before July 1965, "disability" means:

(i) Inability to engage in any substantial gainful activity because of a medically determinable physical or mental impairment which can be expected to continue for a long and indefinite period of time or to result in death; or

(ii) Blindness, as defined in subparagraph (1)(ii) of this paragraph.

2. In § 404.1502, paragraph (h) is deleted, and paragraphs (a), (f), and (g) are amended to read:

§ 404.1502 Evaluating disability.

(a) Whether or not an impairment in a particular case constitutes a disability, as defined in § 404.1501, is determined from all the facts of that case. Primary consideration is given to the severity of the individual's impairment. Consideration is also given to such other factors as the individual's age, education, training, and work experience. However, medical considerations alone may justify a finding that the individual is not under a disability where the only impairment is a slight neurosis, slight impairment of sight or hearing, or similar abnormality or combination of slight abnormalities. Also, medical considerations alone (including the physiological and psychological manifestations of aging) may justify a finding that the individual is under a disability where his impairment is one, as shown by the following examples, which would ordinarily be considered as preventing substantial gainful activity (provided such impairment has lasted or can be expected to last for at least 12 months), except where other evidence rebuts a finding of "disability," e.g., the individual is actually engaging in substantial gainful activity, or in the case of an applicant for benefits age 55 or over whose application is based on statutory blindness is actually engaging in substantial gainful activity utilizing skills and abilities comparable to those of a gainful activity in which he had previously engaged with some regularity and over a substantial period of time. Examples of such impairments are:

(1) Loss of the use of two limbs.

(2) Certain progressive diseases which have resulted in the physical loss or atrophy of a limb, such as diabetes, multiple sclerosis, or Buerger's disease.

(3) Diseases of heart, lungs, or blood vessels, which have resulted in major loss of heart or lung reserve, as evidenced by X-ray, electrocardiogram or other clinical or laboratory findings so that, despite medical treatment, it produces breathlessness, pain, or fatigue on mild exertion, such as walking several blocks, using public transportation, or engaging in the ordinary activities of daily living.

(4) Cancer which is inoperable and progressive.

(5) Damage to the brain or brain abnormality which has resulted in severe loss of judgment, intellect, orientation, or memory.

(6) Mental disease (e.g., psychosis or severe psychoneurosis) resulting in marked constriction of daily activities and interests, and deterioration in personal habits, and markedly impaired ability to make occupational, personal, and social adjustments.

(7) Loss or diminution of vision to the extent that the affected individual has central visual acuity of no better than 20/200 in the better eye after best correction, or contraction of the visual field to 10° or less from the point of fixation.

(8) Loss of physiological ability to produce on a sustained basis, speech which can be heard and understood.

(9) Loss of effective hearing on a sustained basis, uncorrectable by a hearing aid.

* * * * *

(f) Under the law, for purposes of entitlement to disability benefits beginning with September 1965 or to a period of disability under § 404.1501(b)(1), an impairment must also be expected to result in death or to have lasted or be expected to last for a continuous period of not less than 12 months; it is no longer necessary that the impairment be expected to continue for a long and indefinite period. An individual with a disabling impairment which is amendable to treatment that could be expected to restore his ability to work would be deemed to be under a disability if he is undergoing therapy prescribed by his treatment sources but his impairment has nevertheless continued to be disabling or can be expected to be disabling for at least 12 months. However, an individual who willfully fails to follow such prescribed treatment cannot by virtue of such failure be found to be under a disability. Willful failure does not exist if there is justifiable cause for failure to follow such treatment.

(g) Substantial gainful activity refers to work activity that is both substantial and gainful. Substantial work activity involves the performance of significant physical or mental duties, or a combination of both, productive in nature. Gainful work activity is activity for remuneration or profit (or intended for profit, whether or not a profit is realized) to the individual performing it or to the persons, if any, for whom it is performed, or of a nature generally performed for remuneration or profit. In order for work activity to be substantial, it is not necessary that it be performed on a full-time basis; work activity performed on a part-time basis may also be substantial. It is immaterial that the work activity of an individual may be less, or less responsible, or less gainful, than that in which he was engaged before the onset of his impairment.

3. Section 404.1509 is added to read as follows:

§ 404.1509 Establishing disability when individual has attained age 55 and is statutorily blind.

An individual who has attained age 55 and is statutorily blind (see § 404.1501(b)(1)(ii)), may establish entitlement to disability insurance benefits, under the provisions described in § 404.1501(a)(1)(ii), even though he is working or has worked in substantial gainful activity (see § 404.1534) since attainment of age 55 or the onset of statutory blindness, whichever is later, if the skills or abilities he utilized in such work are not comparable to those of any gainful activity in which he previously engaged with some regularity and over a substantial period of time. However, no payment may be made to such an individual for any month in which he engages in any substantial gainful activity even though noncomparable (see § 404.1534).

4. Section 404.1510(a) is amended to read as follows:

§ 404.1510 Medical factors in determining effect of impairments.

(a) In order to establish that a medically determinable physical or mental impairment (see § 404.1501) is present there should be evidence that medically discernible anatomical, physiological, biochemical, or psychological aberrations exist. Inability to work as a result of impairment such as dyspnea (shortness of breath), pain, lack of musculoskeletal function, decreased vision or hearing, decreased memory, etc., should be shown to result from structural, physiological or psychological changes which can be identified by the use of clinical and laboratory diagnostic techniques. An alleged impairment is medically determinable only if it can be verified by the use of clinical and laboratory diagnostic techniques.

* * * * *

5. Section 404.1511(c) is amended to read as follows:

§ 404.1511 Impairments involving musculoskeletal system.

* * * * *

(c) *Impairments due to arthritis.* In the case of impairments due to arthritis the medical evidence should describe the arthritic condition in sufficient detail to permit an accurate assessment of the limitation of function. The clinical evidence should include history, physical findings and laboratory data, treatment and response. It is important that history and clinical findings be completely

reported and that laboratory tests be competently done and the results be reported. The remaining ranges of motion in affected joints and any deformities that may exist should also be measured and described in terms of degrees of motion and their relationship to the neutral position of the joints. Any joint changes, loss of muscle mass, pain, or other abnormality should be carefully described so that limitation of motion and remaining capacity can be objectively assessed. In the evaluation of the impairment consideration is given to the etiologic type of arthritis; its duration; the joints affected; the degree of interference with standing, walking, or hand and finger manipulation, and whether there are other constitutional or systemic changes.

6. Paragraph (a)(2) of § 404.1514 is amended to read as follows:

§ 404.1514 Impairments of cardiovascular system.

(a) *General.* * * *

(2) Generally, either pain or breathlessness during varying degrees of exercise are the only work-limiting symptoms of which the individual is aware. However, these symptoms might also be associated with other types of impairments. Supporting evidence should include significant history, physical findings, and pertinent laboratory data such as competently performed electrocardiograms or chest X-rays in various positions. Reports of laboratory findings are essential. Interpretations will be helpful in evaluation and should be furnished. While there are many causes of heart disease, severe loss of capacity is ordinarily caused by one of two principal symptoms of the disease, shortness of breath and pain. Consideration is given to the total evidence including significant and persistent symptoms referrable to cardiac disease when the individual engages in mild exertion such as walking several blocks, using public transportation, or engaging in the ordinary activities of daily living.

* * * * *

7. In § 404.1519 paragraph (b)(3) is amended to read as follows:

§ 404.1519 Impairments involving the nervous system.

* * * * *

(b) *Neurological disorders.* * * *

(3) *Anterior poliomyelitis.* The effect of anterior poliomyelitis is determined on the basis of the residuals, with consideration given to the effect of the paralysis on the ability to walk, stand, lift, or manipulate.

* * * * *

8. Section 404.1521 is amended to read as follows:

§ 404.1521 Initial determinations as to entitlement or termination of entitlement.

After any determination as to whether an individual is under a disability or has ceased to be under a disability, the Administration will make an initial determination (see § 404.905) with respect to entitlement to a period of disability or to disability insurance benefits or child's insurance benefits (based on the child's disability) for months after attainment of age 18.

9. Section 404.1523 is amended to read as follows:

§ 404.1523 Evidence of disability.

An individual who has filed an application for the establishment of a period of disability, disability insurance benefits, or child's insurance benefits (based on the child's disability) for months after attainment of age 18, shall submit medical evidence showing the nature and extent of such individual's impairment or impairments during the time he alleges he was under a disability. Except for cases involving the establishment of a period of disability based on statutory blindness (see § 404.1501(b)), the applicant shall also submit evidence as to his education and training, work experience, and daily activities both prior to and after the alleged date of onset of disability, efforts to engage in gainful employment or self-employment and any other pertinent evidence showing the effect of his impairment or impairments on his ability to engage in any substantial gainful activity during the time he alleges he was under a disability. An applicant for benefits based on statutory blindness shall, upon request, submit evidence as to the skills and abilities required in any gainful activity in which he had previously engaged, the length of time and regularity of such previous work activity, and as to his inability to utilize such skills and abilities in substantial gainful activity (see § 404.1501(b)).

10. Section 404.1524 is amended to read as follows:

§ 404.1524 Medical evidence.

Medical evidence of an individual's mental or physical impairment shall include:

(a) A report signed by a duly licensed physician;

(b) A copy of, or abstract from, the medical records, if any, of a hospital, clinic, institution or sanatorium, or public or private agency, duly certified by the custodian of such record or by any employee of the Social Security Administration or the Veterans' Administration authorized to make certifications of any such evidence (see § 404.701), or any employee of a State agency authorized to make such certifications; or

(c) Other medical evidence of probative value. Medical reports, copies of medical records or other medical evidence submitted to substantiate an allegation that an individual is under a disability shall include pertinent clinical facts, medical history, results and interpretations of any laboratory and diagnostic tests, and treatment and response. Except where the claim is for the establishment of a period of disability based on statutory blindness (see § 404.1501(b)(1)(ii) and (b)(2)(ii)), such evidence shall also describe the individual's capacity to perform significant functions such as the capacity to sit, stand, or move about, travel, handle objects, hear or speak, and, in cases of mental impairment, the ability to reason or to make occupational, personal, or social adjustments. The clinical and laboratory findings shall be sufficiently comprehensive and detailed to permit the Secretary to make determinations as to the nature and limiting effects of the individual's physical or mental impairment or impairments for the period in question, his ability to engage in physical and mental activities, and the probable duration of such impairment.

11. Section 404.1525 is amended to read as follows:

§ 404.1525 Determination of disability by nongovernmental organization or other governmental agency.

The decision of any nongovernmental organization or any other governmental agency that an individual is, or is not, disabled for purposes of any contract, schedule, regulation, or law shall not be determinative of the question of whether or not an individual is under a disability for the purposes of Title II of the Social Security Act (see § 404.1501 for definition of "disability").

12. Section 404.1528 is amended to read as follows:

§ 404.1528 Evidence of continuation of disability.

An individual for whom a period of disability has been established or who has been determined to be entitled to disability insurance benefits or to child's insurance benefits (based on the child's disability) for months after attainment of age 18, upon reasonable notice, shall, if requested to do so, present himself for and submit to examinations or tests as provided in § 404.1527, and shall submit medical reports and other evidence necessary for the purposes of determining whether such individual continues to be under a disability.

13. Section 404.1531 is amended to read as follows:

§ 404.1531 Responsibility to give notice of event which may effect a change in disability status.

An individual for whom a period of disability has been established or who is entitled to disability insurance benefits or to child's insurance benefits (based on the child's disability) for months after attainment of age 18, shall notify the Administration promptly if:

(a) His condition improves;

(b) He engages in any work activity or there is an increase in the amount of such activity or his earnings therefrom; or

(c) He has been in a hospital or similar institution and is discharged therefrom.

14. Section 404.1532 is amended by revising paragraph (a) and adding paragraph (f) to read as follows:

§ 404.1532 Evaluation of work activities.

(a) *In general.* If an individual performed work during any period in which he alleges that he was under a disability

as defined in § 404.1501, the work performed may demonstrate that such individual has ability to engage in substantial gainful activity. If the work performed establishes that an individual who is not statutorily blind is able to engage in substantial gainful activity, he is not under a disability. (For the statutorily blind, see par. (f) of this section.) Work which does not in itself constitute substantial gainful activity, may nevertheless indicate the existence of a residual capacity of such individual to engage in substantial gainful activity. Thus, an individual who utilizes work skills or abilities on a limited basis may not be under a disability if he is capable of increased utilization of such work skills or abilities.

* * * * *

(f) The work of an applicant for disability insurance benefits who has not attained age 55 and has applied for benefits based on statutory blindness is evaluated to determine whether he is able to engage in substantial gainful activity. If he has attained age 55, his work is evaluated also to determine whether he is utilizing skills or abilities comparable to those of any gainful activity in which he had previously engaged with some regularity over a substantial period of time. If his work establishes that he is able to engage in substantial gainful activity, and (if he has attained age 55) also that he is utilizing such skills or abilities or can utilize them therein, he is not under a disability for the purposes of disability insurance benefits (see § 404.1501(a)(1)(ii)).

15. In § 404.1534, paragraphs (b), (c), and (d) are amended to read as follows:

§ 404.1534 Evaluation of earnings from work.

* * * * *

(b) *Earnings at a monthly rate in excess of $125.* An individual's earnings from work activities averaging in excess of $125 a month shall be deemed to demonstrate his ability to engage in substantial gainful activity in the absence of evidence to the contrary.

(c) *Earnings at a rate of $75 to $125 a month.* Where an individual's earnings from work activities average between $75 and $125 a month consideration of the amount of his earnings together with the other circumstances relating to his work activities (see §§ 404.1532 and 404.1533), the medical evidence relating to his impairment or impairments (see §§ 404.1510–404.1519), and other factors (see § 404.1502) shall determine whether such individual is able to engage in substantial gainful activity. However, in the case of an individual working in a sheltered workshop (such as a workshop especially organized for the blind) or comparable facility, whose activities are limited by his impairment so that his earnings average $125 a month or less, such activities and such earnings ordinarily would not establish the ability to engage in substantial gainful activity.

(d) *Earnings at a monthly rate of less than $75.* Earnings from work activities as an employee which average less than $75 a month do not show that the individual is able to engage in substantial gainful activity. However, an evaluation of the work performed (see § 404.1532) may establish that the individual is able to engage in substantial gainful activity, regardless of the amount of his average monthly earnings.

* * * * *

16. In § 404.1536, paragraph (b)(2) is amended and paragraph (d) is added to read as follows:

§ 404.1536 Period of trial work (after September 1960).

* * * * *

(b) *Duration.* * * *

(2) The month in which the individual's disability (as defined in § 404.1501) ceases, as determined without regard to work performed during the period of trial work.

* * * * *

(d) *Trial work for certain individuals who have attained age 55 and who are statutorily blind.* An individual who has been determined to be under a disability as defined in § 404.1501(a)(1)(ii) shall receive cash benefits during a trial work period only if:

(1) The work in which he engages requires skills or abilities comparable to those required in the work he regularly engaged in prior to blindness or age 55, whichever is later, or

(2) His last previous work ended because of an impairment and the work he engages in requires a significant vocational adjustment.

17. Section 404.1538 is amended to read as follows:

§ 404.1538 Medical recovery of working individual.

An individual's disability may be found to have ceased at any time within a period of trial work (see § 404.1536), or while the individual is engaged in a type of work activity described above in § 404.1535, if it is determined on the basis of evidence (other than evidence that the individual performed services during such time) that the individual is no longer statutorily blind or has recovered from his physical or mental impairment to the extent that he is no longer prevented by his impairment or impairments from engaging in substantutes statutory blindness; or

18. Section 404.1539 is amended to read as follows:

§ 404.1539 Cessation of disability.

Where it has been determined that an individual is under a disability as defined in § 404.1501, the "disability" shall be found to have ceased in whichever of the following months is earliest:

(a) The month in which the impairment, as established by the medical or other evidence, is no longer of such severity as to prevent him from engaging in any substantial gainful activity and, in the case of entitlement under § 404.1501(a)(1)(ii), no longer constitutes statutory blindness; or

(b) The month in which the individual has regained his ability to engage in substantial gainful activity, or, in the case of entitlement under § 404.1501(a)(1)(ii), to utilize in substantial gainful activity skills or abilities comparable to those of some gainful activity in which he had previously engaged with some regularity over a substantial period of time, as demonstrated by work activity after application of the provisions in §§ 404.1535–404.1537; or

(c) Where the individual is requested to furnish necessary medical or other evidence or to present himself for a necessary physical or mental examination by a date specified in the request and the individual fails to comply with such request, the month within which the date for compliance falls, unless the Secretary determines that there is good cause for such failure.

Where an individual's entitlement to disability insurance benefits is terminated based on a finding that he has regained his ability to engage in substantial gainful activity, a period of disability established for him will continue if he has a visual impairment sufficiently severe to meet the definition of blindness in § 404.1501 (b)(1)(ii) and (b)(2)(ii).

19. *Effective date.* The foregoing amendments shall become effective on the date of publication in the FEDERAL REGISTER.

(Secs. 202, 205, 216(i), 221, 222, 223, 225, and 1102, 49 Stat. 623, as amended, 53 Stat. 1368, as amended, 68 Stat. 1080, as amended, 68 Stat. 1081, as amended, 68 Stat. 1082, as amended, 70 Stat. 815, as amended, 70 Stat. 817, as amended, 49 Stat. 647, as amended; sec. 5 of Reorg. Plan No. 1 of 1953, 67 Stat. 18; 42 U.S.C. 402, 405, 416(i), 421, 422, 423, 425, and 1303)

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

DECEMBER 14, 1967.

Approved: December 23, 1967.

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

[F.R. Doc. 68-46; Filed, Jan. 2, 1968; 8:48 a.m.]

Title 23—HIGHWAYS AND VEHICLES

Chapter II—Vehicle and Highway Safety

[Docket No. 21]

PART 255—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Chassis-Cabs

A proposal to amend Part 255, Initial Federal Motor Vehicle Safety Standards, by adding a definition of "incomplete motor vehicles" and specifying labeling requirements was published in the FEDERAL REGISTER on December 2, 1967 (32

F.R. 6534), inviting interested persons to comment.

The proposed amendment has been modified to take into account the numerous written and oral comments received. Under the proposed amendment an incomplete vehicle was considered a separable type of motor vehicle. Some of the comments noted that it was unrealistic to consider a bare chassis a motor vehicle since it was no more a motor vehicle and capable of being used on the public highways than many other parts which are incorporated into a completed vehicle. Comments also indicated that the overwhelming majority of what was called incomplete motor vehicles are in the form of a chassis with a cab attached. As such, chassis-cabs have the capability of conforming to the standards but the manufacturer of the chassis-cab cannot always tell what every end use will be.

Comments from body manufacturers and truck dealers indicated they did not have the expertise or the physical apparatus to independently test for all standards previously met by the manufacturer of the incomplete motor vehicle nor did they think they should have to certify that these standards have been met. The consensus of the comments indicated that a manufacturer or a dealer should only be responsible for that which he manufactures or affects in assembling the completed vehicle.

On the basis of the comments it appears inappropriate to require persons who merely add to a chassis-cab a body or work-performing or load-carrying structure to certify and to accept legal responsibility for the chassis-cab's conformance with all motor vehicle safety standards. Additionally, it appears inappropriate to consider bare chassis and similar assemblages motor vehicles until they reach the chassis-cab stage at which they are capable of meeting standards applicable to their principal end use. Accordingly, the regulation defines a chassis-cab as a vehicle and imposes the obligation of conforming to all standards applicable to its principal end use upon the manufacturer of the chassis-cab with a limited exception for the lighting standard.

Chassis-cabs, manufactured on or after January 1, 1968, are required to meet all motor vehicle safety standards applicable to the principal end use intended by its manufacturer, except that where the chassis-cab is equipped with only part and not all of the items of lighting equipment referred to in Standard 108, it need not meet such standard. The chassis-cab is required to meet Standard No. 108 whenever all of the items of lighting equipment referred to in Standard 108 are installed on the chassis-cab. Frequently the manufacturer of the chassis-cab will install only a part of the lighting equipment because he either will not know what end use will be made of the vehicle or because the body or other structure to be added to the chassis-cab will be required to bear the balance of the lighting equipment referred to in Standard No. 108.

In order to provide a means of identifying the chassis-cab, its date of production, the Federal motor vehicle safety standards to which it conforms, and to insure that the person combining the chassis-cab with a body or other structure has adequate information with which to meet his statutory responsibilities, the regulation requires that chassis-cabs manufactured on or after January 1, 1968, have a label affixed which supplies this information.

Concurrent with the issuance of this amendment the Federal Highway Administration has issued an interpretation[1] describing the responsibility under the National Traffic and Motor Vehicle Safety Act of 1966 of persons who combine bodies or other structures with chassis-cabs and sell the same. In brief, the interpretation requires that persons combining such a chassis-cab with a body or other like structure will be responsible for compliance with the lighting standard and for certification of such compliance under section 114 where such person sells the combined assemblage to another dealer. Additionally, under section 108(a)(1) the person combining the chassis-cab with a body or other like structure will be responsible for assuring that the completed assemblage complies with all applicable standards in effect on the date of manufacture of the chassis-cab, compliance with which has not been previously certified by the manufacturer of the chassis-cab and for assuring that compliance with standards previously met by the chassis-cab have not been adversely affected by reason of the addition of the body or like structure.

The interpretive ruling, however, does not require a truck, bus, or multipurpose vehicle consisting of a chassis-cab manufactured prior to January 1, 1968, and a body or like structure manufactured at any time, to meet any standard. For further details interested persons are referred to the text of the ruling.

It is recognized that the problems associated with the multistage manufacture of trucks, buses, and multipurpose passenger vehicles are various and complex. The following regulation and ruling represent the judgment of the Administrator on the basis of the record as developed in this proceeding. Requests for interpretations or modifications will be given appropriate consideration.

In consideration of the foregoing, Part 255, Initial Federal Motor Vehicle Safety Standards, is amended as follows:

1. Add the following definition to § 255.3(b):

§ 255.3 Definitions.

* * * * *

(b) *Other definitions.* * * *

"Chassis-cab" means a vehicle consisting of a chassis upon which is mounted a cab, capable of being driven, drawn, or self-propelled, or readily convertible to such capability by the addition of wheels or other items of running gear, that lacks a body (such as passenger or cargo-carrying structures) or work-performing or load-drawing structures and that with the addition of such structure will become a multipurpose passenger vehicle, truck, or bus.

2. Revise § 255.7(a) to read as follows and add the following new paragraph (a–1) to § 255.7 following paragraph (a):

§ 255.7 Applicability.

(a) *General.* Except as provided in paragraphs (b) through (d) of this section, each standard set forth in Subpart B applies according to its terms to motorcycles and trailers regardless of weight and to all other motor vehicles over 1,000 pounds curb weight; or items of motor vehicle equipment, the manufacture of which is completed on or after the effective date of the standard.

(a–1) *Chassis-cabs.* Chassis-cabs, as defined in § 255.3(b), manufactured on or after January 1, 1968, shall meet all standards in effect on the date of manufacture of the chassis-cab as are applicable to the principal end use intended by its manufacturer except that where the chassis-cab is equipped with only part and not all of the items of lighting equipment referred to in Standard No. 108, it need not meet such standards.

* * * * *

3. Add the following new section following § 255.11:

§ 255.13 Labeling of chassis-cabs.

Each chassis-cab manufactured on or after January 1, 1968, shall, at the time of sale, conspicuously display a label affixed by its manufacturer that—

(a) Identifies it as a chassis-cab and shows the date of manufacture;

(b) Identifies the Federal motor vehicle safety standards with which its manufacturer states the chassis-cab fully complied for the principal end uses of such vehicle; and

(c) States in substance that the chassis-cab may be used on the public highways for the purpose of transit between its manufacturer and subsequent manufacturers (including distribution incidental thereto) and for no other purpose, until such time as the chassis-cab complies with all Federal motor vehicle safety standards applicable to any end use of such vehicle. This provision does not relieve the manufacturer or shipper from any applicable requirement imposed upon such chassis-cabs by Federal, State, or local authority.

Because the Motor Vehicle Safety Standards issued pursuant to the National Traffic and Motor Vehicle Safety Act of 1966 become effective January 1, 1968, it is found for good cause that this regulation becomes effective upon issuance.

(Secs. 103, 119, National Traffic and Motor Vehicle Safety Act of 1966; 15 U.S.C. 1392, 1407; delegation of authority of Mar. 31, 1967 (32 F.R. 5606), Apr. 6, 1967 (32 F.R. 6495), July 27, 1967 (32 F.R. 11276), and Oct. 13, 1967 (32 F.R. 14277))

Issued in Washington, D.C., on December 29, 1967.

LOWELL K. BRIDWELL,
Federal Highway Administrator.

[F.R. Doc. 67–15174; Filed, Dec. 29, 1967; 3:21 p.m.]

[1] F.R. Doc. 67–15175, in Notices Section, infra.

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

PART 5A-8—TERMINATION OF CONTRACTS

Subpart 5A-8.7—Clauses

APPLICABILITY

Section 5A-8.700-2 is revised to read as follows:

§ 5A-8.700-2 Applicability.

(a) Pursuant to § 1-8.7 the following Termination for Convenience clauses shall be included in FSS contracts exceeding $2,500 in amount:

(1) For fixed-price supply contracts expected to exceed $2,500 but not expected to exceed $100,000, the short-form termination clause prescribed in § 1-8.705-1 shall be used.

(2) For fixed-price supply contracts expected to exceed $100,000, the long-form clause prescribed in § 1-8.701 shall be used.

(3) The short-form termination clause prescribed in § 1-8.705-1 shall be used for all service contracts except where a determination is made under § 1-8.700-2(a)(2) that the long-form clause should be used.

(4) See § 1-8.700-2 for guidance as to Termination for Convenience clauses for other types of contracts.

(b) To reduce administrative costs, the long-form termination clause has been preprinted on GSA Form 2313, and, where appropriate, may be incorporated by reference in the same manner as prescribed in § 5A-2.201-70(e) for GSA Form 1424.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); and CFR 5-1.101(c))

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated: December 22, 1967.

H. A. ABERSFELLER,
Commissioner, Federal Supply Service.

[F.R. Doc. 68-8; Filed, Jan. 2, 1968; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 17495; FCC 67-1385]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments

Second report and order. In the matter of amendment of § 73.202, Table of Assignments, FM broadcast stations. Martinsville, Ind., Shelbyville, Ill., South Williamsport, Pa., Aurora, Ind., Groton, Conn., Danville, Pa., Henderson, Ky., Poteau and Pryor, Okla., Canton and Cape May, N.J., Middlesboro and Thompkinsville, Ky., Colby, Kans., Willcox, Ariz., and New London-Groton, Conn.; Docket No. 17495, RM-1111, RM-1112, RM-1117, RM-1123, RM-1126, RM-1136, RM-1114, RM-1119, RM-1120, RM-1128, RM-1127, RM-1130, RM-1147, RM-1157.

1. In a first report and order in this proceeding issued on August 28, 1967, FCC 67-983, the Commission disposed of all the matters before it except for RM-1120, pertaining to the assignment of a Class A channel to Canton, N.J., as discussed below. Comments were first invited on the proposal in our notice of rule making issued in this proceeding on June 9, 1967 (32 F.R. 8530). The determination made herein is based upon a study of all the comments and data submitted in response to the Notice.

2. RM-1120—Canton, N.J.: On March 9, 1967, the Jersey Information Center, licensee of Station WJIC(AM), Salem, N.J., filed a petition for a rule making requesting the assignment of Channel 269A to Canton, N.J., by substituting Channel 272A for 269A at Cape May, N.J., as follows:

City	Channel Nos.	
	Present	Proposed
Canton, N.J.		269A
Cape May, N.J.	269A	272A

Salem is a community of 8,941 persons. It is the county seat of Salem County, which has a population of 58,711. It is located about 13 miles southeast of Wilmington, Del. Since Channel 269A cannot be assigned to Salem in conformance with the spacing rules, petitioner requests that it be assigned to the small (population about 500) unincorporated town of Canton, located about 7 miles from Salem, the area intended to be served by the proposed assignment. WMIC, the sole radio station in Salem, is licensed to petitioner as a daytime-only station. Petitioner thus submits that the proposal would provide the community and its environs with a first nightime radio service. It urges that the Commission previously recognized the importance of Salem as a county seat and marketing center and cites the case of Radio Haddonfield, Inc., 3 R.R., 2d 25 (1964) as evidence of this.

3. The proposal would require WRIO-FM on Channel 269A at Cape May to shift to Channel 272A. At the time this petition was filed, this station was still under construction and petitioner stated that this would not be a hardship to WRIO-FM since it had not yet constructed its station and since it had filed an application (BMPH-5439) on November 24, 1966, to change facilities. It was contended that the required change would only involve the installation of a few crystals but that in any event the public benefits that would inure would outweigh the inconvenience to WRIO. Jersey agrees to reimburse WRIO-FM for any reasonable expense which may be involved in the shift in frequency required. With respect to the assignment of Channel 269A to Canton, petitioner states that a site can be found to the southeast of Canton from which the required signal can be placed over all of that community. From such a location (approximately 4 miles southeast of Canton and 11 miles from Salem) a signal of 1 mv/m could be placed over all of Salem.

4. We stated that we were reluctant to institute rule making on the subject request since the proposed assignment would have to be located at such a large distance from the community intended to be served (Salem). However, in view of the fact that this appears to be the only way in which the area can obtain a local nighttime radio service and since Salem is located in an area in which FM assignments are very scarce, we invited comments on petitioner's proposal as outlined above.

5. WRIO opposes the shift in frequency required basically on two grounds. First, it is argued that it would cost WRIO $2,500 for promotion, and in excess of $3,000 in technical costs, and that the estimated cost in "damage to the station, its operation and image, would approach at least $30,000". Second, it contends that the proposed channel is manifestly inferior to its present assignment. It supports this contention with a showing that the "interference-free" area on the proposed channel would be 60 percent less than its present service area and that in New Jersey, on which it depends for all its revenue, it would lose 70 percent of its present service area. In light of this, WRIO states that the ability of the station to serve its public would be seriously, if not completely, jeopardized. Jersey argues in reply that the "interference-free" areas of WRIO-FM would be more nearly equal on the two channels if the permissible powers are used for the stations concerned rather than the existing powers and that WRIO-FM can greatly improve its service on Channel 272A by utilizing an antenna height of 300 feet. Because of the increased combined total area to be served by WRIO-FM and the proposed station at Canton, Jersey urges that the proposal will result in a more efficient allocation.

6. Jersey reiterates that it is willing to reimburse WRIO for any reasonable expense which may be involved in the channel change but states that the WRIO claim of economic injury to the extent of $30,000 is not supported, and that it is not expected to pay for the construction and operation of the station. It is pointed out that the total costs mentioned in the WRIO application for construction permit were $19,650. Jersey further submits that the WRIO arguments are based upon the private interests of the station and not upon public interest considerations. Specifically, Jersey questions the claims of "business losses" as speculative and conjectural, and submits that profits are not guaranteed by the issuance of a license and that the licensee is not entitled to reimbursement of loss of profits if the public interest requires a change in facilities. With regard to the claims of loss of service area due to the proposed

change in channels, Jersey states that the proposal conforms to all the separation rules and that the Commission, in the third report and order and fourth report and order in Docket No. 14185, rejected the kind of showing advanced in the WRIO opposition and reflected the intention to protect stations based upon operation of stations with maximum facilities and not upon any specified signal strength contour. In view of the provision of a first nighttime transmission outlet, an additional reception service to the area, and the more efficient use of the available spectrum, Jersey argues that these considerations outweigh the economic injury claimed by WRIO and that the proposed changes would serve the public interest.

7. We have carefully considered all the comments and data submitted in this case and conclude on the basis thereof that the public interest would be served by the requested assignment, even though it requires a change in frequency for an existing station. The assignment of Channel 269A to Canton, N.J., will provide a first local FM service to an area in New Jersey which is well populated and in which frequencies are very scarce. In fact, the change in assignment at Cape May seems to be the only manner in which a channel may be found to serve Canton and the nearby community of Salem. As to the opposition of WRIO that the change would be an expense to it, we are of the view that the public interest would be served by the change in spite of the cost of the changeover, especially since the petitioner has agreed to reimburse WRIO for any reasonable expense which may be involved. We have on other similar occasions stipulated which items of expense are appropriate for reimbursement and which are not. See for example the second report and order in Docket 16662, issued May 12, 1967, FCC 67-578, 8 FCC 2d 159. In this connection it is noted that the licensee of WRIO was aware of the subject proposal prior to the commencement of its operation on its assigned channel. With regard to the contention that it would lose a large portion of its "interference-free" service area due to the proposed shift in channels, this is a highly speculative argument. First, FM stations are not protected from interference except insofar as the minimum spacings and the maximum permitted facilities are concerned. See section 73.209. Secondly, the fact that a station enjoys spacings greater than the minimums does not guarantee that future changes will not take place which tend to reduce these down to the legal minimums. And finally, the area claimed to be lost is served in part or entirely by several stations in Atlantic City, Ocean City, Millville, Bridgeton, Vineland, and Wildwood. On balance therefore we are of the view that Channel 269A should be assigned to Canton, N.J., by substituting Channel 272A for 269A at Cape May, N.J., and that the WRIO-FM license should be modified to specify operation on Channel 272A. Further we expect that petitioner, or any other successful party which obtains Channel 269A at Canton, will reimburse WRIO for reasonable expenses incurred in the change in its assignment to Channel 272A, and that the parties will attempt in good faith to reach agreement with respect to the amount to be reimbursed.

8. Since the change is in the public interest, the licensee of WRIO-FM shall file its June 1, 1969, renewal application specifying operation on Channel 272A rather than 269A. Transcontinent Television Corp. v. FCC, 113 U.S. App. D.C. 384, 308 F. 2d 339 (1962). The station may continue to operate on Channel 269A until June 1, 1969, or until such earlier time as, upon its request, the Commission authorizes interim operation under special operating authority on Channel 272A, following which it shall submit (within 30 days) the measurement data normally required of an applicant for an FM broadcast station license. On or after the date on which such interim operation is authorized to commence, the Commission will view the request of WRIO-FM as a relinquishment of Channel 269A and a waiver of any rights it may possess with regard to that channel. Channel 269A will be assigned to Canton on June 1, 1969, or such earlier date as the Commission authorizes interim operation on Channel 272A to WRIO-FM as mentioned above.

9. In view of the foregoing: *It is ordered*, That, effective June 1, 1969, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended to read, insofar as the communities named are concerned, as follows:

City	*Channel No.*
New Jersey:	
Canton	[1] 269A
Cape May	[1] 272A

[1] Effective 3 a.m. e.s.t., June 1, 1969 (concurrently with expiration of the outstanding license of Station WRIO-FM on Channel 269A at Cape May, N.J.), or such earlier date as Station WRIO-FM may, upon its request, cease operation on Channel 269A at Cape May, N.J.

10. Authority for the adoption of the amendments adopted herein is contained in sections 4(i), 303, 307(b), and 316 of the Communications Act of 1934, as amended.

11. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat. 1066, 1082, 1083, as amended, sec. 316, 66 Stat. 717; 47 U.S.C. 154, 303, 307, 316)

Adopted: December 20, 1967.

Released: December 27, 1967.

FEDERAL COMMUNICATIONS COMMISSION [1]

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

[F.R. Doc. 68-40; Filed, Jan. 2, 1968; 8:48 a.m.]

[1] Commissioner Cox dissenting.

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 28]

RECREATIONAL CABIN SITES

Proposed Termination of Occupancy

The Bureau of Sport Fisheries and Wildlife has had under consideration the general regulations concerning cabin sites on public conservation and recreation areas administered by the Department of the Interior published and made effective on June 10, 1967 (32 F.R. 8361; 43 CFR Part 21).

In conformance with 43 CFR 21.4(a)(2) of the above regulations and Public Law 87-714, commonly known as the Fish and Wildlife Recreation Act (76 Stat. 653; 16 U.S.C. 460k), which directs that any recreational use on areas within the National Wildlife Refuge System be for the benefit of the general public, the Director, Bureau of Sport Fisheries and Wildlife, as the authorized officer, has determined that for the areas of the National Wildlife Refuge System continued private cabin use is no longer in the public interest.

Accordingly, as set forth below, the Bureau proposes to terminate private recreational cabin use on areas of the National Wildlife Refuge System as provided in 43 CFR Part 21.

It is the policy of the Department of the Interior whenever, practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed regulations to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 60 days after the date of publication of this notice in the FEDERAL REGISTER.

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 15, 1967.

§ 28.29 General provisions for cabin sites.

(a) Occupancy of privately owned cabins on areas of the National Wildlife Refuge System is no longer in the public interest. All appropriate provisions of 43 CFR Part 21, particularly 43 CFR 21.4(b) apply to the phase out of existing permits on areas of the National Wildlife Refuge System. There shall be no new private cabin site permits issued for areas of the National Wildlife Refuge System.

(b) Occupancy of Government-owned cabins for private recreational purposes on areas of the National Wildlife Refuge System is no longer in the public interest. Permits shall not be renewed, and shall be terminated finally by July 1, 1969, as provided in 43 CFR 21.5. No new Government-owned cabin site permits for private recreational purposes shall be issued.

The above determinations of the Director are based on:

(1) The existing and projected public need for use of such areas.

(2) The incompatability between public uses and private cabin sites on such areas.

(3) Development potential and plans for such areas.

(4) Factors including, but not limited to, habitat preservation, species propagation, and species preservation.

[F.R. Doc. 68-7; Filed, Jan. 2, 1968; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 67-SW-93]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Lubbock, Tex. (Reese Air Force Base), control zone.

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 § 71.171 (32 F.R. 2112), the Lubbock, Tex. (Reese AFB), control zone is amended to read:

LUBBOCK, TEX. (REESE AFB)

That airspace within a 5-mile radius of Reese AFB, Tex. (lat. 33°35'56" N., long. 102°02'36" W.); within 2 miles each side of the Lubbock VORTAC 227° radial (216° magnetic) extending from the Reese AFB 5-mile radius zone to the VORTAC, within 2 miles each side of the Reese AFB 016° radial (005° magnetic) extending from the Reese AFB 5-mile radius zone to 8 miles north of the TACAN, within 2 miles each side of the Reese AFB ILS localizer north course extending from the Reese AFB 5-mile radius zone to 8 miles north of the TACAN, and within 2 miles each side of the Reese AFB TACAN 167° radial (156° magnetic) extending from the 5-mile radius zone to 9.5 miles south of the TACAN, excluding that portion which lies within the Lubbock Municipal Airport control zone.

This control zone is effective during the dates and times published in the Airman's Information Manual.

Changes in Reese AFB control zone are necessary to accommodate changes in the instrument approach/departure procedures which serve that facility.

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

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

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 68-18; Filed, Jan. 2, 1968; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-162]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Cedar Rapids, Iowa.

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, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration

officials may be made by contacting the 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 public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Additional controlled airspace is needed so that the Chicago air route traffic control center can provide more effective and efficient radar vectoring services to IFR aircraft operating on random routings between the terminals of Ottumwa, Burlington, Iowa City, Cedar Rapids, Dubuque, and Des Moines, Iowa and Moline and Chicago, in Ill. Consequently it is necessary to alter the Cedar Rapids 1,200-foot floor transition area by the inclusion of additional airspace in order to provide these services. The present designation of the Cedar Rapids 700-foot floor transition area will not be changed as a result of this proposal.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (32 F.R. 2148), the following transition area is amended to read:

CEDAR RAPIDS, IOWA

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Cedar Rapids Municipal Airport (latitude 41°53'05" N., longitude 91°42'45" W.); and within 8 miles north and 6 miles south of the Cedar Rapids VORTAC 089° and 269° radials, extending from 3 miles east to 13 miles west of the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 42°05'00" N., longitude 91°00'00" W.; thence south along longitude 91°00'00" W. to and west along the north edge of V-434; to and northwest along the northeast edge of V-52; to and north along longitude 92°53'00" W.; to and northeast along the southeast edge of V-161; to and east along the arc of a 29-mile radius circle centered on the Waterloo, Iowa, VORTAC; to and southeast along the southwest edge of V-67; to and east along latitude 42°05'00" N.; to the point of beginning, excluding the area which overlies the Ottumwa, Iowa, transition area.

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

Issued at Kansas City, Mo., on December 8, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 68-20; Filed, Jan. 2, 1968; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-167]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Fort Dodge, Iowa.

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, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the 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 public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Additional controlled airspace is needed so that the Chicago air route traffic control center can provide more effective and efficient radar vectoring services to IFR aircraft operating on random routings between the terminals of Fort Dodge, Jefferson, Dubuque, and Des Moines, Iowa. Consequently, it is necessary to alter the Fort Dodge, Iowa, 3,500-foot MSL transition area by the inclusion of additional airspace in order to provide these services. The present designations of the Fort Dodge 700- and 1,200-foot floor transition areas will not be changed as a result of this proposal.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (32 F.R. 2148), the following transition area is amended to read:

FORT DODGE, IOWA

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Fort Dodge Municipal Airport (latitude 42°33'05" N., longitude 94°11'20" W.); that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of Fort Dodge VORTAC; and within the arc of a 26-mile radius circle centered on the Fort Dodge VORTAC, extending from a line 5 miles northwest of and parallel to the Fort Dodge VORTAC 055° radial clockwise to a line 5 miles northwest of and parallel to the Fort Dodge VORTAC 222° radial; and that airspace extending upward from 3,500 feet MSL south and southeast of Fort Dodge bounded on the north by V-100, on the east by V-13, on the south by V-172 and on the northwest by V-138.

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

Issued at Kansas City, Mo., on December 14, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 68-21; Filed, Jan. 2, 1968; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-SW-71]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Bartlesville, Okla., transition area. Alteration of the transition area, as proposed, will provide airspace protection for aircraft operating IFR on direct routes and permit controllers to provide more efficient air traffic radar vectoring services to aircraft operating in the Bartlesville, Okla., 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.

In § 71.181 (32 F.R. 2156), the following transition area is amended to read:

BARTLESVILLE, OKLA.

That airspace extending upward from 700 feet above the surface within an 8-mile

radius of Phillips Airport (lat. 36°45'45" N., long. 96°00'30" W.); and within 2 miles each side of the Bartlesville VORTAC 355° (347° magnetic) radial, extending from the 8-mile radius area to 8 miles north of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 5 miles east and 8 miles west of the Bartlesville VORTAC 355° (347° magnetic) radial extending from the VORTAC to 13 miles north; that airspace bounded on the north by V-516, on the south and southwest by V-190 and on the east by V-131, excluding the portion within the Independence, Kans., transition area; within 5 miles each side of the Bartlesville VORTAC 184° (176° magnetic) radial, extending from the VORTAC to 18 miles south, excluding the portion within the Tulsa, Okla., transition area; and that airspace bounded on the north by V-190, on the southwest by V-74N and on the east by a line 5 miles west of and parallel to the Bartlesville VORTAC 184° (176° magnetic) radial, excluding the portion within the Tulsa, Okla., transition area.

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

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

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 68-22; Filed, Jan. 2, 1968; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-SO-81]

TRANSITION AREA, CONTROL ZONE, AND CONTROL AREA EXTENSION

Proposed Alteration and Revocation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Melbourne, Fla., transition area and control zone, and revoke the Orlando, Fla., control area extension.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of contracting State, derived from ICAO, wherein air traffic services are provided and also whenever a contracting State accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting State accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, State aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting State, the United States agreed by Article 3(d) that its State aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and Secretary of Defense in accordance with the provisions of Executive Order 10854.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the Office of the Regional Air Traffic Division Chief.

The name of the John F. Kennedy Memorial Airport, Melbourne, Fla., has been changed to Cape Kennedy Regional Airport. A recent computation of Cape Kennedy Regional Airport geographic position has determined that the coordinates are lat. 28°06'05" N., long. 80°38'40" W. Patrick AFB, Cocoa, Fla., and Cape Kennedy Regional Airport accommodate jet aircraft that require 700-foot floor transition areas with radii of 8 miles. Revocation of the Orlando, Fla., control area extension has been proposed; however, this cannot be accomplished until the 1,200-foot portion of the Melbourne transition area is amended. Therefore, the following airspace actions are proposed:

1. The Melbourne, Fla., transition area would be described as that airspace extending upward from 700 feet above the surface within an 8-mile radius of the Cape Kennedy Regional Airport, Melbourne, Fla. (lat. 28°06'05" N., long. 80°38'40" W.); within an 8-mile radius of Patrick AFB, Cocoa, Fla. (lat. 28°14'05" N., long. 80°36'35" W.); and that airspace extending upward from 1,200 feet above the surface within the arc of a 25-mile radius circle centered on the Patrick AFB, and the area southwest of Patrick AFB bounded on the northeast by VOR Federal airway No. 159, and on the southwest and west by V-295, excluding the portion that would overlap the Orlando, Fla., transition area.

2. The Orlando, Fla., control area extension would be revoked.

3. The Melbourne, Fla., control zone would be amended by deleting "John F. Kennedy Memorial Airport (latitude 28°06'05" N., longitude 80°38'10" W.);" and substituting therefor "Cape Kennedy Regional Airport (latitude 28°06'05" N., longitude 80°38'40" W.);".

The amendment to the Melbourne transition area is required to provide controlled airspace for jet aircraft operations at Patrick AFB and Cape Kennedy Regional Airport; for radar vectoring, off-airway routes, and holding patterns.

Since the Orlando control area extension would be encompassed by transition areas, it would be revoked.

The amendment to the Melbourne control zone is required because of the change of the name of the airport from John F. Kennedy Memorial to Cape Kennedy Regional, and the change of the geographic position longitudinal ordinate from 80°38'10" W. to 80°38'40" W.

These amendments are proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510 and Executive Order 10854 (24 F.R. 9565).

Issued in Washington, D.C., on December 19, 1967.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-23; Filed, Jan. 2, 1968; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-SW-66]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a transition area at Crossett, Ark. The proposed transition area will provide airspace protection for aircraft executing approach/departure procedures at Crossett Municipal Airport, Crossett, Ark. This action will also provide controlled airspace for off-airway direct routes between Monroe, La., and Pine Bluff, Ark., and between Monroe and Greenville, Miss. Additionally, it will encompass the present El Dorado, Ark., 1,200-foot transition 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, Forth 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 (32 F.R. 2148), the following transition area is added:

CROSSETT, ARK.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Crossett Municipal Airport (lat. 33°10'30" N., long. 91°52'45" W.); and within 2 miles each side of the 056° (050° magnetic) bearing from the Crossett RBN (lat. 33°10'30" N., long. 91°52'45" W.), extending from the 8-mile radius area to 14 miles northeast of the RBN; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at lat. 33°30'00" N., long. 90°54'00" W., to lat. 32°35'00" N., long. 91°28'00" W., to lat. 32°49'00" N., long. 91°50'00" W., to lat. 32°44'00" N., long. 92°20'00" W., to lat. 33°20'30" N., long. 92°51'30" W., to lat. 33°22'50" N., long. 93°02'30" W., to lat. 34°17'00" N., long. 93°26'00" W., to lat. 33°51'00" N., long. 91°48'00" N., to lat. 33°33'43" N., long. 91°42'56" W., to point of beginning.

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

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

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 68-24; Filed, Jan. 2, 1968; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-SW-75]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a transition area at Eunice, La. The proposed transition area will provide airspace protection for aircraft executing approach/departure procedures proposed at Eunice Airport, Eunice, La.

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 (32 F.R. 2148), the following transition area is added:

EUNICE, LA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Eunice Airport (lat. 30°28'00" N., long. 92°25'30" W.) and within 2 miles each side of the Lafayette VORTAC 310° radial (303° magnetic) extending from the 5-mile radius area to 6 miles southeast of the approach end of runway 34.

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

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

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 68-25; Filed, Jan. 2, 1968; 8:46 a.m.]

[14 CFR Part 75]

[Airspace Docket No. 67-WE-72]

JET ROUTE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 75 of the Federal Aviation Regulations that would alter Jet Route No. 4.

J-4 is designated in part from Blythe, Calif., via the INT of Blythe 096° and Gila Bend, Ariz., 315° true radials to Gila Bend. This configuration is necessary to circumvent Restricted Areas R-2308A and R-2308B. In Airspace Docket No. 67-WE-44 (32 F.R. 16221), the FAA is considering alteration of these restricted areas that would reduce their lateral and vertical extent. This would allow realignment of J-4 from Blythe via the INT of Blythe 096° True (082° M) and Gila Bend 299° T (285° M) radials, to Gila Bend. This realignment would reduce the en route mileage between these terminals.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, 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. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

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

Issued in Washington, D.C., on December 19, 1967.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-19; Filed, Jan. 2, 1968; 8:46 a.m.]

Notices

POST OFFICE DEPARTMENT

CHANGES IN POSTAL RATES AND RELATED MATTERS

The Postal Revenue and Federal Salary Act (P.L. 90-206) was approved by the President on December 16, 1967. Title I of this Act, which revised most of the postal rates and made other changes in the postal laws, becomes effective on January 7, 1968.[1] It requires extensive changes to be made to Subchapter A—Post Office Services, Domestic, of Title 39, Code of Federal Regulations, and will also affect materials set out in Subchapter C—International Mail, and Subchapter E—Transportation of the Mails, of Title 39, Code of Federal Regulations.

Since Title I of the Act becomes effective only 21 days after enactment, it is impractical that notice of proposed rule making and public rule making procedures be followed in making the necessary revisions to the Department's regulations. In addition, many of these changes are mandatory under the legislation, and public rule making procedures are unnecessary and would serve no useful purpose. In view of the time limitation under which the Post Office Department must act, it is, also, impracticable to delay the effective date of the changes in the regulations.

The following matters should be particularly noted:

A. Section 122 of the Act in extending the service of furnishing notices of change of address to senders of first-class mail specifically requires that the fee for this service be uniform for all classes of mail. The law also contemplates that the Department will recover the full cost of performing this service. In order to comply with these requirements of section 122, it is necessary, in extending the service to first-class mail, to increase the existing fee for this service to 15 cents.

B. In order to avoid the anomaly of having lower postage rates to Canada and Mexico than are applicable to domestic mailings, it is necessary to increase the postage rates for mailings to these countries for surface first-class mail, airmail, and printed matter. Further, unless and until suitable arrangements can be made with the postal authorities of these countries, it will be necessary to continue a rate distinction between airmail, and surface mail despite the fact that no such distinction will exist for mail matter over 13 ounces in the domestic service. The changes involve a foreign affairs function of the United States making public rule making procedures unnecessary.

C. The fee in addition to the regular parcel post rate for Parcel Airlift Service (PAL) for service men is fixed at $1. See Paragraph P below. It has been determined on the basis of available information that this fee will be equal to the estimated costs of the service to the Post Office Department.

D. The second-class by air service will be commenced as soon as administratively feasible after January 7, 1968. The charges for this service cannot be fixed until the applicable transportation costs to the Department can be estimated within reasonable limits.

It is not feasible to amend the text of the Department's regulations codified in Title 39, Code of Federal Regulations, without causing serious delay in issuing implementing regulations required by Title I of the Act. The regulations set out below become effective on January 7, 1968, and modify any inconsistent regulations of the Department including those codified in Title 39, Code of Federal Regulations.

I. New Domestic Postage Rates and Mail Classification Changes:

A. *First-class mail—letter rate.* The first-class rate will be increased to 6 cents per ounce or fraction of an ounce for pieces weighing 13 ounces or less. Pieces weighing over 13 ounces will be subject to the air parcel post rates and shall be entitled to the most expeditious handling and transportation practicable.

Card rate. The rate for postal and post cards will be increased to 5 cents each.

Drop letters. The special rate for drop letters will be eliminated. Drop letters will no longer be subject to a rate lower than the regular rate.

Bills and statements of account. All bills and statements of account regardless of the method of preparation or quantity of identical pieces mailed will be subject to the first-class rate.

Weight and size limits. The limits of weight and size for first-class mail will be 70 pounds and 100 inches, length and girth combined.

B. *Second-class mail.* General increases will be made in the rates applicable to various categories of second-class mail. Particular attention is directed to the following features:

1. Local per copy rates will be restricted to the office of original entry. These rates will no longer apply at additional entry offices.

2. The new law defines the meaning of the term "within county" as it applies to publications mailed from independent cities which exist within counties or are surrounded by one or more counties.

3. The exceptional minimum rates for publications with no more than 5 percent advertising content will be discontinued.

4. Publications issued by qualified nonprofit organizations and containing more than ten percent advertising will pay special zone rates of postage which will increase in six annual steps starting in 1968 with the final step effective in 1973.

5. A separate rate category is established for the advertising portion of publications which are devoted to promoting the science of agriculture when such publications are mailed for delivery in zones 1 and 2 and when 70 percent of the total number of copies distributed by any means for any purpose are furnished to subscribers in rural areas. The regular rates will apply to the editorial and advertising content when copies are mailed to zones 3 through 8. An application must be submitted by letter for mailing at this special rate.

6. Program announcements or guides published by an educational radio or television agency of a State or political subdivision thereof or by a nonprofit educational radio or television station may qualify for the special second-class rates.

7. An educational radio or television agency of a State or a political subdivision thereof or a nonprofit educational radio or television station will be eligible for second-class mail privileges under § 132.2(c) of this chapter, for mailing program announcements or guides.

8. Publishers will be permitted to add messages of a civic or public-service nature to the envelopes, wrappers, and other covers in which copies of second-class publications are mailed, if no charge is made for the display of the messages.

9. Bills for subscriptions will no longer be permissible enclosures in matter mailed at second-class postage rates.

C. *Controlled circulation publications.* The postage rates for controlled circulation publications will be increased.

D. *Third-class mail.* 1. The basic single per piece rate will be incerased to 6 cents for the first 2 ounces plus 2 cents for each additional ounce. General increases will be made in bulk rates. The rates for keys, identification cards and similar items will be increased to 14 cents for the first 2 ounces plus 7 cents for each additional 2 ounces.

2. The provision for mailing 20 or more identical copies of bills or statements of account produced by any photographic or mechanical process other than typewriting will be withdrawn. These items will be subject to first-class rates.

3. The provisions for mailing letters for the blind at third-class rates are withdrawn. These materials will be mailable postage free.

E. *Fourth-class mail.* 1. The surface parcel post rates and catalog rates will remain unchanged. However, the special fourth-class rate and the library rate will be increased.

2. Where provisions are made in the special fourth-class rate and the library

[1] Section 118 regulating solicitations in the guise of Statements of Account will apply to mailings on and after Mar. 15, 1968. Regulations on this subject are not included in this document.

rate for mailing 16-millimeter films, these provisions will be changed to embrace "16-millimeter and narrower width films."

3. Changes will be made in the definition of books mailable at the special rate and provision will be made for mailing books issued as supplements to other books.

4. Playscripts will be added to the types of manuscripts which may be mailed at the special rate.

5. Museums and herbaria will be added to the organizations entitled to the library rate under the provisions of § 135.2(a)(5) of this chapter. The items mailable at the library rate under §135.2(a)(5) (i) and (ii) of this chapter, will be expanded to include museum materials, specimens, collections, teaching aids, printed matter, and interpretive materials intended to inform and to further the educational work and interests of museums and herbaria.

6. Invoices, whether or not they serve as a bill, will be a permissible enclosure with third- and fourth-class matter when they accompany the material to which they relate.

F. *Airmail.* The rates for airmail weighing 7 ounces and under will be increased to 10 cents per ounce or fraction. Airmail weighing over 7 ounces is subject to the air parcel post rates. Air parcel post rates in the 5-pound-and-under weight range are changed. They will be computed by zone in ½-pound weight increments. The rate for air cards will be increased to 8 cents each.

G. *Matter for the blind and other handicapped persons.* The free mailing privilege for the blind is extended to physically handicapped persons who are unable to read normal reading material, and additional categories of mail matter may be mailed postage free. The 1-cent-a-pound rate for some materials has been eliminated. Uniform weight limits have been established for matter mailed free for these persons.

The following will apply to the material:

1. *The following conditions are applicable to articles mailable free of postage under this section.* (a) The matter is for the use of the blind or other persons who cannot use or read conventionally printed material because of a physical impairment who are certified by competent authority as unable to read normal reading material;

(b) No charge, or rental, subscription, or other fee, is required for such matter or a charge, or rental, subscription, or other fee is required for such matter not in excess of the cost thereof;

(c) The matter may be opened for postal inspection;

(d) The matter contains no advertising.

2. *Items mailable free.* (a) Unsealed letters sent by a blind person or a person having a physical impairment as described in § 138.1(a) of this chapter in raised characters or sightsaving type or in the form of sound recordings;

(b) Reading matter and musical scores;

(c) Sound reproductions;

(d) Paper, records, tapes, and other material for the production of reading matter, musical scores, or sound reproductions;

(e) Reproducers or parts thereof for sound reproductions; and

(f) Braille writers, typewriters, educational or other materials or devices, or parts thereof, used for writing by, or specifically designed or adapted for use of, a blind person or a person having a physical impairment as described in § 138.1(a) of this chapter.

3. *Markings.* All matter mailed under the provisions of Part 138 of this chapter shall show the words "Free Matter for the Blind or Handicapped" in the upper right corner of the address side.

4. *Weight and size limits.* The weight and size limitations in § 135.3(a) of this chapter are applicable to mailings made under this part.

H. *Notices of address changes.* A new service will be provided whereby a mailer may request by marking a piece *"Address Correction Requested"* to be notified of the addressee's new address when first-class mail is forwarded. A charge of 15 cents will be made for this service. Until a Form 3547 is available for this purpose in complying with requests for address change notices for first-class mail, use an improvised notice such as POD Form 21 showing the old and new addresses with any code number or other identification. The notices shall be rated 15 cents postage due.

Since the law requires a uniform fee, the charge for each notice concerning second- third- and fourth-class mail which is undeliverable as addressed will also be 15 cents each.

I. *Return postage guaranteed.* Pieces of third- and fourth-class mail bearing the words "Return Postage Guaranteed" which are undeliverable as addressed will be returned to senders upon payment of return postage at the applicable rate. The reason for nondelivery or the new address of the addressee will be furnished for such pieces only when the 15-cent fee for a notice is paid in addition to the return postage.

J. *Pieces bearing obsolete words "Return Requested".* Pieces already prepared or subsequently mailed bearing the words "Return Requested" will effective January 7, 1968 be handled in the same manner as if they were marked "Address Correction Requested" under the new procedures. See § 158.2 of this chapter. Commencing January 7, 1968, the new fee of 15 cents each will be chargeable on any pieces returned under the former procedure.

K. *Special handling.* Special handling service will also be available for third-class mail under the same fee and conditions as apply to fourth-class mail under Part 167 of this chapter. This service was formerly offered for fourth-class mail only.

L. *Form changes.* POD Forms showing present postage rates are being revised to show the new rates. Until supplies of new forms are available, make necessary corrections by hand. Where existing forms fail to provide categories called for under the new rate system, it will be permissible to improvise using space available on the form or using an attachment.

M. *Permit imprints.* Postmasters may be called upon to accept mail matter bearing permit imprints showing old rates. Because of the short time period between the enactment of this legislation and its effective date, postmasters may accommodate mailers for a period of 60 days following the effective date and accept mail showing old rates in permit imprints. Mailing statements accompanying such mail, however, must reflect that proper postage amounts were paid. Postmasters noting imprints from other post offices indicating payment at the old rates are to assume correct postage was collected at the post office where the mail was accepted.

N. *Envelopes and cards bearing stamps at the old rates.* Mailers who have on hand envelopes or cards prepaid with stamps at the old rates may revalue such materials by affixing postage or meter stamps sufficient to cover postage at the appropriate new rate.

O. *Air second-class.* The new law authorizes the transportation by air on a space available basis of second-class publications upon request by the publisher or news agent and payment of regular rate postage plus additional charges prescribed by the Postmaster General. This new service will be made available at the earliest practicable date.

P. *Airlift military parcels.* Upon payment of a fee of $1 per parcel in addition to postage at regular surface rates, parcels weighing not more than 30 pounds or exceeding 60 inches in length and girth combined which are mailed at or addressed to any oversea military post office outside the 48 contiguous States will be given airlift service. These parcels will be marked PAL. No change is made in the airlift service for parcels not exceeding 5 pounds on which a $1 fee is not paid. See § 127.1(e)(1)(iii) of this chapter.

II. Revision of Certain International Postage Rates—Canada and Mexico:

Concurrently with the domestic postage rate increases, which become effective on January 7, 1968, the following changes will be made in the postage rates to Canada and Mexico:

A. Surface mail:	
Letters and letter packages	6 cents for each ounce or fraction.
Post cards:	
Single	5 cents each.
Reply paid	10 cents (5 cents each half).
Printed matter:	
Regular printed matter	6 cents first 2 ounces, 2 cents each additional ounce or fraction.
Bundle copies of second-class publications to Canada	1.1-cent minimum per piece.

B. Airmail:
  Letters and letter packages .... 10 cents for each ounce or fraction.
  Post cards:
  Single .... 8 cents each.
  Reply paid........ 15 cents (10 cents on message half and 5 cents on reply half. No provision for payment of airmail postage on return half).

(5 U.S.C. 301, 39 U.S.C. 501, 505, Pub. Law 90–206)

TIMOTHY J. MAY,
General Counsel.

DECEMBER 27, 1967.

[F.R. Doc. 68-2; Filed, Jan. 2, 1968; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. S-419]

HJALMAR NILS FIKSDAL

Notice of Loan Application

DECEMBER 28, 1967.

Hjalmar Nils Fiksdal, 917 North 137th Street, Seattle, Wash. 98133, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 40.2-foot registered length wood vessel to engage in the fishery for salmon and albacore.

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

R. C. BAKER,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 68-47; Filed, Jan. 2, 1968; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the lists (32 F.R. 11343, 12630, 13780, 15125, and 16170) of establishments which are operated under Federal inspection pursuant to the Meat Inspection Act (21 U.S.C. 71 et seq.) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as follows:

The reference to calves with respect to D & W Packing Co., establishment 560, is deleted. The reference to calves and sheep with respect to Walden Packing Co., Inc., establishment 886, is deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Boyer's Provisions of Nebraska, Inc.	135	(*)					
Oakridge Smokehouse	401	(*)				(*)	
Castle Brands, Inc	816					(*)	
C & C Packing Co	2033	(*)	(*)				
Nocogdoches Sausage Co., Inc	2078					(*)	
New establishments reported: 5.							
Meat Quality Laboratory	68				(*)		
Felix Healy, Inc	170			(*)			
Beeville Packing Co	377	(*)					
Fairbank Farms, Inc	492			(*)			
Austin Community Livestock Processors, Inc.	590			(*)	(*)		
The William Focke's Sons Co	685	(*)					
Frosty Morn Meats	731		(*)				
Baum's Meat Packing	792			(*)			
L & W Packing Co., Inc	1980				(*)		
Species Added: 10							

Done at Washington, D.C., this 28th day of December 1967.

R. K. SOMERS,
Deputy Administrator, Consumer Protection.

[F.R. Doc. 68-49; Filed, Jan. 2, 1968; 8:49 a.m.]

Packers and Stockyards Administration

CATTLEMAN-FARMERS AUCTION MARKET, INC., ET AL

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Name, location of stockyard, and date of posting

Cattleman-Farmers Auction Market, Inc., Gainesville, Fla., Mar. 8, 1960.
Angola Livestock Auction, Inc., Angola, Ind., Apr. 27, 1959.
Montgomery County Auction, Wellsville, Mo., May 13, 1959.
Dovel Sale Barn, Auburn, Nebr., May 2, 1959.
The Superior Sales Co., Superior, Nebr., Dec. 30, 1938.
Henryetta Auction Sales Co., Henryetta, Okla., Nov. 14, 1961.
Bennettsville Stock Yards, Bennettsville, S.C., Apr. 21, 1961.
Bryan Livestock Exchange, Bryan, Tex., Mar. 18, 1957.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not deposting promptly a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule granting an exception or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 26th day of December 1967.

WILLIAM L. EICHENBERGER,
Acting Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 68-26; Filed, Jan. 2, 1968; 8:46 a.m.]

Office of the Secretary

MISSISSIPPI

Designation of Areas for Emergency Loans

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

MISSISSIPPI

Adams.
Bolivar.
Claiborne.
Clarke.
Copiah.
Covington.
Franklin.
Hinds.
Holmes.
Issaquena.
Jasper.
Kemper.
Jefferson.
Lawrence.
Leake.
Lincoln.
Madison.
Marion.
Montgomery.
Neshoba.
Noxubee.
Pike.
Rankin.
Scott.
Sharkey.
Simpson.
Smith.
Sunflower.
Walthall.
Warren.
Washington.
Winston.
Yazoo.

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

Done at Washington, D.C., this 27th day of December 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-27; Filed, Jan. 2, 1968; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Patent Office

PRESIDENT'S COMMISSION'S RECOMMENDATION CONCERNING PLANT PATENTS

Request for Comments

The President's Commission on the Patent System, established by Executive Order No. 11125 on April 8, 1965, submitted its final report to the President on December 2, 1966. Included among the Commission's recommendations is the following concerning plant patents:

The classes of patentable subject matter shall continue as at present, except * * * all provisions in the patent statute for plant patents shall be deleted, and another form of protection provided.

The present plant patent statute provides:

Whoever invents or discovers and asexually reproduces any distinct and new variety of plant, including cultivated sports, mutants, hybrids, and newly found seedlings, other than a tuber propagated plant or a plant found in an uncultivated state, may obtain a patent therefor, subject to the conditions and requirements of this title. (35 U.S.C. 161.)

* * * * *

In the case of a plant patent the grant shall be of the right to exclude others from asexually reproducing the plant or selling or using the plant so reproduced. (35 U.S.C. 163.)

There have been suggestions that plant patent protection be enlarged to include sexually as well as asexually reproduced plants and to remove the limitation that the plant be "other than a tuber propagated plant."

In commenting on its recommendation regarding plant patents, the Commission noted:

"While the Commission acknowledges the valuable contribution of plant and seed breeders, it does not consider the patent system the proper vehicle for the protection of such subject matter regardless of whether the plants reproduce sexually or asexually. It urges further study to determine the most appropriate means of protection.

The views and comments of all interested parties are solicited on the recommendation and on any related matters which may be useful in evaluating the Commission's recommendation. These views should be submitted in writing to the Commissioner of Patents, Washington, D.C. 20231, by February 1, 1968.

EDWARD J. BRENNER,
Commissioner of Patents.

DECEMBER 14, 1967.

[F.R. Doc. 68-5; Filed, Jan. 2, 1968; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

MOTOR VEHICLE SAFETY STANDARDS

Notice of Ruling Regarding Chassis-Cabs

Inquiry has been received from persons engaged in the sale of trucks, buses, and multipurpose vehicles regarding their legal responsibility under the National Traffic and Motor Vehicle Safety Act of 1966 for assuring that vehicles sold by them are in conformity with all applicable motor vehicle safety standards. Such persons commonly purchase chassis-cabs from manufacturers and bodies or work-performing and load-carrying structures from other manufacturers and then combine the chassis-cab with the body or other structure. A regulation is being issued this date by the Federal Highway Administration defining the chassis-cab as a vehicle within the meaning of the Act, requiring that it meet all motor vehicle safety standards applicable on the date of manufacture of the chassis-cab.[1] Under this regulation the manufacturer of a chassis-cab manufactured subsequent to January 1, 1968, will have responsibility for compliance with all applicable motor vehicle safety standards as set forth therein and for certification of such compliance to distributors and dealers.

Section 101(5) of the National Traffic and Motor Vehicle Safety Act defines a "manufacturer" as any person engaged in the "assembling" of motor vehicles. Persons who combine chassis-cabs with bodies or similar structures are, therefore, manufacturers within the meaning of the Act. Inasmuch as the chassis-cab's manufacturer is responsible for compliance with standards under the regulation issued today, persons who add bodies or other structures to such chassis-cab are not considered manufacturers of the chassis-cab and, therefore, will not be responsible for the conformance of the chassis-cab to the standards certified by the manufacturer of the chassis-cab. In numerous instances the chassis-cab will not be capable of complying with motor vehicle safety standard 108 because it will not be equipped with all items of lighting equipment referred to in such standard. Where vendors combine a chassis-cab which has not been certified to be in conformance with standard 108, with a body or other like structure, such vendor will be responsible for compliance with the lighting standard, and where such vendor sells the combined assemblage to another vendor, certification of compliance with the lighting standard must accompany the vehicle.

We are advised that a substantial inventory of chassis-cabs manufactured prior to the effective date of the initial motor vehicle safety standards and hence not required to comply with the same will be held by manufacturers, distributors, and dealers on January 1, 1968. These vehicles may contain various items of lighting equipment manufactured prior to the effective date of the lighting standard or be designed to accept such equipment. Under these circumstances, it does not appear appropriate to require compliance with the lighting standard when such chassis-cabs, i.e., those manufactured prior to January 1, 1968, are combined with bodies or similar structures. Section 108(a)(1) of the Act also prohibits any person from manufacturing for sale or selling any motor vehicle manufactured "after the date any applicable Federal motor vehicle safety standard takes effect under this title unless it is in conformity with such standard * * *." Under this provision persons who combine the chassis-cab with a body or other structure will be responsible for (1) compliance of the combined assemblage with any motor vehicle safety standard applicable to the end use of the combined assemblage in effect on the date of manufacture of the chassis-cab, compliance with which has not already been certified by the chassis-cab manufacturer, and (2) compliance with all applicable standards in effect on the date of manufacture of the chassis-cab to the extent that the addition of a body or

[1] See F.R. Doc. 67-15174, Title 23, in Rules and Regulations Section, supra.

other structure to the chassis-cab affects the chassis-cab's previous conformance with applicable standards.

To insure that the person combining the chassis-cab with the body or other structure has adequate information to enable him to meet the conditions specified above, the regulation being issued concurrently with this ruling requires the chassis-cab manufacturer to affix a label to the chassis-cab which identifies the Federal motor vehicle safety standards with which the chassis-cab fully complies for the principal end uses of such chassis-cab.

Issued in Washington, D.C., on December 29, 1967.

LOWELL K. BRIDWELL,
Federal Highway Administrator.

[F.R. Doc. 67-15175; Filed, Dec. 29, 1967; 3:21 p.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-234]

GULF GENERAL ATOMIC INC.

Notice of Issuance of Construction Permit

No request for hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on December 5, 1967 (32 F.R. 17444), the Commission has issued, in the form set forth in that notice, Construction Permit No. CPCX-28 to Gulf General Atomic Inc.

The permit authorizes modification of the Experimental Critical Facility (ECF) located on Gulf General's Torrey Pines Mesa site in San Diego, Calif., to accommodate the Thermionic Critical Experiment.

Dated at Bethesda, Md., this 21st day of December 1967.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 68-6; Filed, Jan. 2, 1968; 8:45 a.m.]

SPENT FUELS

Chemical Processing and Conversion

The U.S. Atomic Energy Commission (the AEC) hereby announces revisions concerning its present undertaking to receive irradiated reactor fuels and blanket materials (reactor materials) and to make a settlement therefor, pursuant to the Atomic Energy Act of 1954, as amended (the Act).

The following notices concerning the foregoing are hereby superseded: 22 F.R. 1591, March 12, 1957; 23 F.R. 1707, March 12, 1958; 24 F.R. 10165, December 16, 1959; 26 F.R. 4435, May 23, 1961; 28 F.R. 11462, October 25, 1963; 29 F.R. 7578, June 12, 1964; 32 F.R. 8826, June 21, 1967; and 32 F.R. 13681, September 29, 1967.

1. In general, the AEC expects chemical processing services to be contracted for between reactor operators and commercial fuel processors without involvement of the AEC. However, in the event a person licensed pursuant to sections 53.a.(4), 63.a.(4), 103, or 104 of the Act, or a person operating a reactor abroad fueled with material produced or enriched by the United States, is unable to reach agreement with a U.S. commercial fuel processor, and if such person considers that the terms and conditions, including charges, for services offered by the commercial fuel processor are unreasonable, the AEC would, upon such person's request, review such proposed terms and conditions, including charges, and determine whether the required services are available at reasonable terms and charges. Should the AEC find that such services are available at reasonable terms and charges the AEC would not agree to accept, for financial or other settlement, the person's reactor materials. Should the AEC determine that the required services are not available at reasonable terms and charges, the AEC would agree to accept the person's reactor materials in accordance with the provisions set forth below.

2. The AEC will undertake under contracts individually negotiated with persons licensed pursuant to sections 53.a.(4), 63.a.(4), 103, or 104 of the Act and persons operating reactors abroad fueled with material produced or enriched by the United States, who possess or will possess reactor materials, and for whom the AEC has determined that chemical processing services are not available from commercial fuel processors in the United States at reasonable terms and charges, to receive such reactor materials at AEC-designated facilities and to make a settlement therefor in accordance with this notice and other established AEC policies. This settlement will take into account the charges for chemical processing and conversion of the returned materials to the standard forms for which specifications and prices have been established by the AEC. The AEC may chemically process and convert all or part of such returned materials to the extent, in such manner, and at such time and place as it determines advisable, or otherwise dispose of such materials as the AEC may deem advisable.

3. A firm charge for such a service will be part of each contract, subject to escalation in accordance with an appropriate recognized price index. The term of the contract may extend from its date of execution until the following dates:

a. For reactor materials from light water-type power reactors, December 31, 1970.

b. For reactor materials from power reactors other than those of the light water-type, December 31, 1977.

c. For reactor materials from research reactors other than those involved in the conduct of research and development activities leading to the demonstration of the practical value of such reactors for industrial or commercial purposes, December 31, 1970, or such later date as the Commission may determine if commercial processing services are not reasonably available.

Although the terms of the contracts will be for the foregoing periods, the AEC will not be committed to accept any particular quantity of reactor materials for more than 365 days after the AEC shall have determined that commercial chemical processing services are not available at reasonable terms and charges for such reactor materials.

4. The charge for chemical processing will depend upon, among other things, the form, content, and other specifications of the reactor materials in question. It will be expressed in terms of a daily charge, fixed by AEC to apply over the time required to process the reactor materials in question.

5. For those reactor materials which can be processed by an assumed chemical processing plant, the establishment of the firm charge by AEC will be based upon the costs estimated to be associated with that plant. Copies of the report describing the assumed processing plant (WASH-743, AEC Reference Fuel-Processing Plant), are available from USAEC, Washington, D.C. 20545. Briefly, the plant consists of equipment capable of handling 1 ton per day of normal and slightly enriched uranium, but having a reduced capacity for fuels of higher enrichments or high diluent contents, as determined by the criticality and other processing considerations set on the assumed plant. "Head-end" (handling, mechanical treatment, dissolution, and feed storage) equipment is designed to handle a variety of reactor materials. The product form assumed to be produced by the plant is a purified nitrate salt solution.

6. The estimated installed cost of the assumed plant, upon which firm daily processing charges will be based, is $20,570,000 as of July 1956. The AEC has determined that the total annual cost, as of July 1956, for operation of the assumed plant is $4,592,000, of which $2,057,000 is annual depreciation of the facility, and $2,535,000 is cost of operations, overhead, and waste storage. The amount which represents depreciation shall be adjusted, to reflect changes in price levels since 1956, in accordance with the Official Monthly Construction Cost indices, as appearing in "Engineering News—Record," published by McGraw-Hill Publishing Co. The amount which represents costs of operations, overhead, and waste storage shall be adjusted in accordance with the price indices for Inorganic Chemicals, as appearing in "Wholesale Prices and Price Indexes," published by the U.S. Bureau of Labor Statistics. If one or both of the indices specified are considered by AEC to be no longer appropriate, other indices will be substituted therefor by AEC. Based on this estimated annual cost, a daily cost based on 300 days of operation per year ($15,300 as of July 1956) will be the basis for the charge for those reactor materials which can be processed in the assumed plant as presently conceived.

7. The individual contracts will define (1) a total charge in connection with chemical processing and conversion of reactor materials delivered, (2) the specifications of the reactor materials to be delivered, and (3) the batch size or sizes upon which the charge is based. In arriving at the charge, the following factors will be used:

a. The daily cost of plant operation.

(1) For those reactor materials which the assumed plant as presently conceived can process, the daily cost of plant operations is $15,300 as of July 1956, or

(2) For those reactor materials which the AEC determines involve significantly different costs or which cannot be processed without additions or modifications to the assumed plant, the daily cost of plant operation will be established on a case-by-case basis for the particular reactor material involved. This daily cost of plant operation will include an appropriate factor to cover AEC overhead and other indirect or intangible costs. (The AEC currently is undertaking studies of several alternative bases upon which to develop specific processing costs, rather than on a case-by-case basis, for uranium-zirconium hydride fuel types discharged from research reactors, and graphite-type fuel discharged from power reactors.)

b. The reactor material processing rate.

(1) For those reactor materials which the assumed plant as presently conceived can process, the processing rate for the particular reactor material will be determined from the extraction portion of the process flow charts used in establishing the assumed plant, or

(2) For those reactor materials which the AEC determines involve significantly different costs or which cannot be processed without additions or modifications to the assumed plant, the processing rate will be established on a case-by-case basis for the particular reactor material involved. (The AEC currently is undertaking studies of several alternative bases upon which to develop specific processing rates, rather than on a case-by-case basis, for uranium-zirconium hydride fuel types discharged from research reactors, and graphite-type fuel discharged from power reactors.)

c. A charge, when U.S. Government-owned uranium or plutonium is to be processed, to cover losses made at the rate of one percent of the value of such material. The value of any such material which was provided to the person under a lease agreement with the AEC shall be determined in accordance with the lease agreement between the person and the AEC. Unless waived by the AEC, a use charge on such material will also be made to cover the normal processing time after delivery of reactor materials to the AEC.

d. A charge for the conversion to uranium hexafluoride of the purified nitrate salt of uranium (except uranium enriched in the isotope uranium-233) produced by the AEC in its processing of reactor materials as follows:

(1) Conversion of purified low-enrichment uranyl nitrate into UF_6; $5.60 per kilogram contained uranium.

(2) Conversion of purified high-enrichment uranyl nitrate into UF_6; $32 per kilogram contained uranium.

As used in this section "low-enrichment uranium", means 5 percent (by weight) and less of U^{235} in total uranium, and "high enrichment uranium" means more than 5 percent (by weight) of U^{235} in total uranium.

e. A charge, when U.S. Government-owned uranium is to be processed, to cover the loss of material which would normally occur in the conversion of the nitrate salt of uranium into uranium hexafluoride equivalent to three-tenths of 1 percent of the value or worth of the uranium to be converted into uranium hexafluoride. The value of the uranium shall be determined as set forth in section 7(c) of this notice. Unless waived by the AEC, a use charge shall be made covering normal time for the conversion to uranium hexafluoride of the nitrate salt of uranium (except uranium enriched in the isotope uranium-233) recovered from uranium held by the person under a lease agreement with the AEC.

f. Batch size determination: The size of the processing batch to be shipped shall be as specified by the person, provided that if the processing batch contains any uranium or plutonium provided to the person under a lease agreement with the AEC which, at anytime after the date of termination of irradiation of such material, was not subject to a use charge under the lease agreement, the size of such processing batch shall be subject to the following:

(1) The person may specify as a batch any amount of components of reactor materials to the extent that the dates of termination of irradiation of all components occurred during any continuous period of 1 year. The date of termination of irradiation for any component of reactor material means the date on which the reactor loading containing the component of reactor material was last made subcritical before the component of reactor material was discharged from the reactor;

(2) The person may also specify as a batch any amount of components of reactor materials notwithstanding that the dates of termination of irradiation of all components occurred during a continuous period in excess of 1 year, on the condition that the person will pay to the AEC, in addition to any charges set forth in this notice, a charge equivalent to the use charge provided for in the lease agreement with the AEC with respect to all leased material in the batch, such charge to be computed for each component of reactor material of the batch beginning on the date when the component of reactor material was considered to be cooled and ending when delivery of the total batch to the AEC was completed. Reactor material shall be considered as being cooled when the period specified below has elapsed subsequent to termination of irradiation of the reactor material.

If thorium had not been incorporated in the reactor material assemblies prior to irradiation, the cooling periods are as follows:

(aa) For uranium that contained not more than six weight percent of uranium-235 in total uranium before irradiation and that has been irradiated in a nuclear reactor in which the neutron energies were primarily in the thermal region, the cooling period for the purposes of this notice shall be 120 days.

(bb) For uranium not meeting the conditions in (aa) above, the cooling period for the purposes of this notice will be determined by the AEC on request by the person, but will not exceed 180 days.

If thorium had been incorporated in the reactor material assemblies prior to irradiation, the cooling period for the purposes of this notice shall be as given in the following table where the value used for grams of protactinium-233 per kilogram of uranium-233 shall be determined as a whole for each thorium-containing component of reactor material in the batch. Linear interpolation shall be used between the values tabulated.

Grams of protactinium-233 per kilogram of uranium-233 immediately after termination of irradiation:	*Cooling period in days*
20 or less	120
45	150
75	170
140	190
250	210
500	230

g. Time required to cover startup, shutdown, and cleanup of the process system between batches which will be not less than 2 days nor more than 8 days, and will equal the processing time determined under subsections 7 (b) and (f) when between these limits.

8. Persons who have contracted with the AEC for these processing services will be credited with the value of U.S. Government-owned uranium and plutonium contained in the reactor materials in accordance with the appropriate AEC price schedules for such materials, less the processing and other charges as determined in the above manner. The AEC will compensate the person for privately owned uranium and plutonium contained in the reactor materials in accordance with the AEC policy in effect at the time of delivery of the reactor materials by the person to the AEC. The compensation by the AEC will consist of cash where appropriate, otherwise it will consist of the provision of materials of equivalent value. The AEC will thereby acquire title to such uranium and plutonium. The AEC will also acquire title, without additional cost, to all waste materials contained in the reactor materials which were not previously the property of the United States.

9. The AEC will permit persons to combine batches with those of other persons in order to obtain a lower processing charge. Persons must notify the AEC of their intent to combine batches prior to delivery of any reactor materials to be included in a proposed batch. Specific arrangements for the combining of

batches must meet with AEC approval and such arrangements must include a formula for distributing the processing charges as well as the other settlement factors associated with the return of reactor materials to the AEC.

10. Notwithstanding anything to the contrary appearing in this notice, the charge through December 31, 1970, for chemical processing only of enriched uranium (other than U^{233})—aluminum alloy spent fuels of the type which the assumed plant can process shall be $145 per kilogram of the total weight of uranium and aluminum metal contained in the processing batch: *Provided*, That the processing batch contains less than 400 kilograms of total weight of uranium and aluminum metal and the U^{235} content of the processing batch does not exceed 10 percent of the total weight of the uranium and aluminum metal. All other charges provided for in this notice, such as for conversion, losses of material, and use charges, shall apply to any such processing batch of spent fuels. The provisions of this paragraph 10 shall be applicable only in the event that a person agrees to accept the AEC's determination of the amount of uranium contained in a processing batch, which determination shall be based upon the AEC's statistical measurement methods. (It should be noted that the AEC charge of $145 per kilogram of uranium and aluminum metal for processing uranium-aluminum alloy fuel delivered to AEC in batches of less than 400 kilograms of metal incorporates the advantages of actual processing by AEC of relatively large batches of accumulated fuel in large AEC facilities and proportionate sharing of the costs of processing and waste storage with other AEC operations at the same site. The AEC estimates that the $145 per kilogram of metal charge covers applicable direct and indirect costs, separate headend measurements, depreciation, waste storage costs, and AEC's overhead charge.)

11. Additional information concerning this notice may be obtained from the U.S. Atomic Energy Commission, Washington, D.C. 20545.

Effective date. This notice shall become effective as of January 1, 1968.

Dated at Germantown, Md., this 29th day of December 1967.

For the Atomic Energy Commission.

E. J. Bloch,
Acting General Manager.

[F.R. Doc. 68-73; Filed, Jan. 2, 1968; 8:49 a.m.]

AUTOMOTIVE AGREEMENT ADJUSTMENT ASSISTANCE BOARD

CERTAIN WORKERS OF FORD MOTOR CO., PENNSAUKEN, N.J.

Termination of Certification for Adjustment Assistance

Determination of the Board. On the basis of its investigations, the Automotive Agreement Adjustment Assistance Board determines pursuant to the Automotive Products Trade Act (Public Law 89-283; 79 Stat. 1016, section 302(g)(2)) and its regulations (48 CFR 501.15) that after December 21, 1967, the operation of the United States-Canadian Automotive Products Agreement was no longer the primary factor in causing dislocation of workers from the Delaware Valley Parts Depot of the Ford Motor Co., Pennsauken, N.J.

Termination. The Board hereby terminates, as of December 21, 1967, the certification of eligibility to apply for adjustment assistance which it issued on April 14, 1966.

Background. In late 1965 the Ford Motor Co. announced that it would discontinue packing knocked-down cars and trucks for export at the Delaware Valley Parts Depot, Pennsauken, N.J., and transfer this operation to Canada. This resulted in the dislocation of a significant number or proportion of workers from the Depot between January and July 1966.

On April 14, 1966, the Board determined that the operation of the United States-Canadian Automotive Products Agreement was the primary factor in causing or threatening to cause the dislocation of workers from the Depot. The Board certified workers of the Depot who became unemployed or underemployed on or after November 19, 1965, as eligible to apply for adjustment assistance. The pertinent factors related to this action are described in the Summary of Final Determinations and Notice of Certification issued by the Board on April 14, 1966 (31 F.R. 5982).

Considerations for termination. Section 302(g)(2) of the Automotive Products Trade Act states that certification shall "be terminated by the President whenever he determines that the operation of the Agreement is no longer the primary factor in causing separations from the firm or subdivision thereof, in which case such determination shall apply only with respect to separations occuring after the termination date specified by the President."

Pursuant to its regulations (48 CFR 501.15 and 501.16) the Board announced by publication in the Federal Register on August 10, 1967 (32 F.R. 11581), that it was initiating an investigation to determine whether the certification should be terminated; and the Board promptly informed the group of workers and firm concerned of that fact. No hearing was requested by any interested party and none was held. Appropriate field investigation was made on behalf of the Board.

Information obtained from the Tariff Commission and the New Jersey State Employment Service indicates that the transfer of the knocked-down boxing operation to Canada was completed by about June 30, 1966. Subsequently, a new operation was shifted from Teterboro, N.J., to the vacated facilities at Pennsauken and Ford recalled to work all available dislocated Depot employees except those eligible for retirement. Additional workers were also recruited for the Pennsauken operation.

Conclusions. The Board concludes that the operation of the United States-Canadian Automotive Products Agreement was not the primary factor in causing separations from the Pennsauken plant after December 21, 1967.

(Sec. 302, Automotive Products Trade Act of 1965, 79 Stat. 1018 E.O. 11254, 30 F.R. 13569, Automotive Agreement Adjustment Assistance Board Regs., 48 CFR, Part 501; 31 F.R. 827; Board Order No. 1, 31 F.R. 853)

Dated: December 27, 1967.

Edgar I. Eaton,
Executive Secretary.

[F.R. Doc. 68-29; Filed, Jan. 2, 1968; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 19258]

BRITISH UNITED AIRWAYS (SERVICES) LTD.

Notice of Postponement of Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding, now assigned to be held on February 1, 1968, at 10 a.m., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner William F. Cusick, is postponed and reassigned for hearing on February 6, 1968, at the same time and place as indicated above.

Dated at Washington, D.C., December 27, 1967.

[SEAL] William F. Cusick,
Hearing Examiner.

[F.R. Doc. 68-50; Filed, Jan. 2, 1968; 8:49 a.m.]

[Docket No. 18931; Order E-26188]

PIEDMONT AVIATION, INC., AND LAKE CENTRAL AIRLINES, INC.

Order To Show Cause Regarding Nonstop Air Transportation Between Louisville, Ky. and Cincinnati, Ohio

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of December 1967.

Application of Louisville and Jefferson County Air Board and Louisville Chamber of Commerce for an order to show cause why Piedmont Aviation, Inc., and Lake Central Airlines, Inc., should not be authorized to provide nonstop air service between Louisville, Ky., and Cincinnati, Ohio, Docket 18931.

On August 21, 1967, the Louisville and Jefferson County Air Board and the Louisville Chamber of Commerce (Louisville) filed an application requesting that the Board propose by show cause order the amendment of the certificates of Piedmont Aviation, Inc. (Piedmont), and Lake Central Airlines, Inc. (Lake Central), to permit these carriers to provide

nonstop air transportation between Louisville, Ky., and Cincinnati, Ohio.[1]

In support of its application, Louisville alleges, inter alia, that there are serious deficiencies in the timing of nonstop service in the Louisville-Cincinnati market; that recent schedule reductions are further steps in a long process of service decline over the last decade; that a substantial volume of Louisville-Cincinnati local traffic must compete for space on flights, all of which are long-haul with high-load factors; that surface transportation is poor; that the short 84-mile air hop between the two cities gives little incentive for carriers, particularly trunk carriers, to tailor schedules to the market; and that the best means of assuring good service is to authorize more nonstop carriers, specifically, the two local service carriers, Piedmont and Lake Central, which presently serve both Louisville and Cincinnati.

Answers in support of Louisville's application have been filed by Lake Central, Piedmont, the Greater Cincinnati Chamber of Commerce and the Greater Cincinnati Airport. Allegheny Airlines, Inc. (Allegheny), filed an answer indicating no objection to the amendment of Piedmont's certificate in the manner proposed by Louisville. Allegheny also indicated no objection to the requested amendment of Lake Central's certificate provided that the carrier be precluded from operating single-plane service between Louisville and Pittsburgh. Delta Air Lines, Inc. (Delta), expressed no objection to amending the certificate of either carrier provided that Lake Central be prohibited from engaging in single-plane service between Louisville and any point north of Cincinnati.

Piedmont alleges that, by rescheduling, it could fill service gaps in the market and provide improved beyond service with four nonstop flights daily in M-404 aircraft carrying 12,291 added passengers and earning an operating profit of $21,169 which would reduce its subsidy need by $9,451.[2] Lake Central alleges that amendment of its certificate in the manner proposed by Louisville would allow it to provide four daily Nord 262 nonstop flights. Lake Central forecasts that these flights, subject to the mandatory stop at Cincinnati proposed by Louisville, would allow it to carry 22,979 passengers between Louisville and Cincinnati and points north with an operating profit of $102,269 and a reduction in subsidy need of $77,236.[2] Lake Central asserts, however, that unrestricted nonstop authority would result in greater benefits better equipment, more frequencies, and greater subsidy reduction. If not subject to a mandatory stop at Cincinnati, Lake Central proposes four nonstop Louisville-Cincinnati flights in CV-580 aircraft as well as eight flights in Nord 262 aircraft serving Louisville and points north of Cincinnati. The carrier forecasts that this unrestricted service would carry 75,994 passengers and produce an operating profit of $174,780 and subsidy reduction of $56,148.[2]

Allegheny and Delta contend that the mandatory stop restriction at Cincinnati proposed for Lake Central by Louisville is not sufficient to protect their interests. Allegheny suggests that Ashbacker[3] considerations warrant a further restriction on Lake Central prohibiting single-plane service between Louisville and Pittsburgh which Allegheny has proposed to provide, on a nonstop basis, in an application filed with the Board. Delta urges that the Board impose on Lake Central a restriction prohibiting single-plane service between Louisville and any point north of Cincinnati.

Upon consideration of the pleadings and all the relevant facts, we tentatively find and conclude that the public convenience and necessity require the amendment of Lake Central's certificate of public convenience and necessity for Route 88 and Piedmont's certificate of public convenience and necessity for Route 87 in the manner proposed by Louisville, subject to a condition that all flights operating nonstop between Louisville and Cincinnati will be subsidy ineligible for the Louisville-Cincinnati portion thereof.

We tentatively find and conclude that the authority proposed herein will result in improved service to the public. Schedule gaps during which service is not provided for a major portion of the day make Louisville-Cincinnati air travel inconvenient for the public. Frequencies have substantially declined[4] despite strong general growth of air travel at both Louisville and Cincinnati and a substantial community of interest between the two cities. Diminishing and ill-timed schedules reflect the subordination of Louisville-Cincinnati short-haul needs, which are accentuated by somewhat inconvenient surface transportation,[5] to the longer haul interests of the carriers. Under these circumstances we have tentatively determined that the best solution to these problems would be to certificate the two local service carriers which already have existing stations at both Louisville and Cincinnati to provide nonstop service in addition to the existing services of the trunk carriers, and thus to effect a fuller pattern of service between the two cities. We propose that this solution be achieved at no cost to the public and without subsidizing the two local service carriers to compete with the incumbent nonstop trunk carriers.

We tentatively find and conclude that Piedmont's service proposal will result in some subsidy need reduction for that carrier and that its proposal will provide significant service improvements for the traveling public. The schedules proposed by the carrier will help fill important gaps in Louisville-Cincinnati service[6] with little added expense. In addition, the Louisville-Cincinnati traffic generated by the proposed service would constitute supporting traffic creating increased prospects for future service improvements in other Louisville and Cincinnati markets.

We tentatively find and conclude that the restriction proposed by Louisville requiring Lake Central's flights serving Louisville on segment 4 also to serve Cincinnati, should be imposed. We believe that Lake Central's estimated subsidy reduction for its restricted proposal is somewhat understated. Our analysis indicates that Lake Central will have a subsidy need reduction of $101,764 under the Board's Subpart K method of indirect costing.[7] The Board notes that even with the mandatory stop restriction Lake Central would provide new service benefits in terms of first single-plane service for Louisville-Akron/Youngstown/Erie passengers and additional single-plane service for Louisville-Buffalo passengers. In fact, the restriction itself would tend to insure that the carrier would devote adequate attention to the focal point of Louisville's application, the Louisville-Cincinnati market. Our analysis indicates that Lake Central's unrestricted proposal would not generate sufficient additional traffic to offset the difference in the cost of the two proposals. Its estimates of participation are excessive in view of the competing services which would be available. Service benefits accordingly will be more limited than Lake Central has indicated. Moreover, Lake Central's unrestricted proposal would not provide Louisville with any greater number of schedules to Cincinnati and

[1] Specifically, Louisville requests that Piedmont's segment 1 be amended to make Louisville an intermediate point between the terminal point Cincinnati and the alternate intermediate points Ashland-Huntington and Lexington-Frankfort, and that Lake Central's certificate be amended by making Louisville an alternate terminal point with Evansville on segment 4 and imposing a new condition in the certificate which would require flights serving Louisville on segment 4 also to serve Cincinnati.

[2] These estimates are based on the Board's Subpart K indirect costing technique in the proposed indirect costing technique in PDR-25 Piedmont's proposal has a subsidy need of $9,984, Lake Central's restricted proposal has a subsidy need reduction of $144,775, and Lake Central's unrestricted proposal has a subsidy need reduction of $285,483.

[3] Ashbacker Radio Corp. v. FCC, 326 U.S. 327 (1945).

[4] Nine years ago the market received 18 flights daily; in October 1967, only 10. In October there were only three northbound flights from Louisville to Cincinnati (Official Airline Guide, Oct. 1, 1967). While Delta's recent winter schedules provide Cincinnati-Louisville service on Florida flights, the changes were not made until after the present request was filed and there continues to be a need for improved local service in the Louisville-Cincinnati market on a year-round basis.

[5] Driving time between Louisville and Cincinnati requires about 2½ hours.

[6] October 1967 schedules show no northbound Louisville-Cincinnati service between 8:45 a.m. and 10:10 p.m., and no southbound Cincinnati-Louisville service from 1:30 p.m. to 8:35 p.m. (Official Airline Guide, Oct. 1, 1967). Piedmont would provide nonstop departures from Louisville at 12 noon and 7:36 p.m. and from Cincinnati at 4:30 p.m. and 8:07 p.m.

[7] Under the proposed indirect costing technique in PDR-25, Lake Central would have a subsidy need reduction of $172,590 for its restricted proposal.

would not provide appreciably better equipment than the restricted proposal.

We tentatively find and conclude, further, that the authority proposed herein for Piedmont and Lake Central would not have any significant adverse effect on any other carrier. Neither Allegheny nor Delta objects to the authority proposed for Piedmont. While seeking restrictions on Lake Central's single-plane service, neither Allegheny nor Delta has alleged any diversion of revenues. Allegheny serves no markets in which Lake Central would gain improved authority.[8] Delta has certificate authority in the Louisville-Cincinnati/Dayton/Columbus/Toledo/Detroit markets but until recently has not exercised its authority except in the Louisville-Detroit market. Thus, Delta could face added competition in only one market, Louisville-Detroit, where Lake Central would have authority to schedule only one-stop service in competition with Delta's existing nonstop service. We tentatively find and conclude that Delta could experience only minimal diversion in the Louisville-Detroit market and that the benefits to the traveling public far outweigh any diversion from Delta. Therefore, we would not impose the restrictions proposed by Delta and Allegheny.

We shall grant interested persons the opportunity to show why the foregoing tentative findings and conclusions should not be adopted, and we expect such persons to direct their objections, if any, to specific markets and to support such objections with detailed answers. Such objection should be accompanied by arguments of fact or law which should be supported by detailed economic analysis or legal precedent.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending Piedmont's certificate of public convenience and necessity for Route 87 so as to redesignate Louisville, Ky., on segment 1 as an intermediate point between the terminal point Cincinnati, Ohio, and the alternate intermediate points Lexington-Frankfort, Ky., and Ashland, Ky.-Huntington, W. Va., subject to the condition that all flights operating nonstop between Louisville and Cincinnati will be subsidy-ineligible for the Louisville-Cincinnati portion thereof;

2. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending Lake Central's certificate of public convenience and necessity for Route 88 so as to authorize an amended segment 4 extending between the alternate terminal points Louisville, Ky., and Evansville, Ind., the intermediate points Cincinnati, Dayton, Columbus, Lima, and Toledo, Ohio, and the terminal point Detroit, Mich., subject to a condition that all flights operating nonstop between Louisville and Cincinnati will be subsidy-ineligible for the Louisville-Cincinnati portion thereof, and subject to a further condition that all flights serving Louisville and any other point on segment 4 shall also serve Cincinnati;

3. Any interested person having objection to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding, a statement of objections together with written testimony, statistical data, and other evidence relied upon to support the stated objections;

4. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;[9]

5. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

6. A copy of this order shall be served upon Allegheny Airlines, Inc., American Airlines, Inc., Delta Air Lines, Inc., Lake Central Airlines, Inc., Piedmont Aviation, Inc., Trans World Airlines, Inc., the Greater Cincinnati Chamber of Commerce, the Greater Cincinnati Airport, the Louisville and Jefferson County Air Board, and the Louisville Chamber of Commerce, which are hereby made parties to this proceeding.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

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

[F.R. Doc. 68-51; Filed, Jan. 2, 1968; 8:49 a.m.]

[8] Allegheny's Ashbacker contention based on its Louisville-Pittsburgh application is without merit. Any award to Lake Central would require two stops over a circuitous routing, and would not preclude a future award of nonstop authority.

[9] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections, and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 17555-17558; FCC 67R-536]

AZALEA CORP. ET AL.

Memorandum Opinion and Order Enlarging Issues

In re Application of Azalea Corp., Mobile, Ala., Docket No. 17555, File No. BP-17340; WGOK, Inc., Mobile, Ala., Docket No. 17556, File No. BP-17398; People's Progressive Radio, Inc., Mobile, Ala., Docket No. 17557, File No. BP-17477; Mobile Broadcast Service, Inc., Mobile, Ala., Docket No. 17558, File No. BP-17478; for a construction permit.

1. Azalea Corp. (Azalea), WGOK, Inc. (WGOK), People's Progressive Radio, Inc. (PPR), and Mobile Broadcast Service, Inc. (MBS) are mutually exclusive applicants seeking authority to operate a standard broadcast station in Mobile, Ala. The proceeding was designated for hearing by Memorandum Opinion and Order released July 13, 1967 (FCC 67-756, 32 FR 10685, July 20, 1967). Presently before the Review Board is a Supplemental Petition to Enlarge Issues, filed October 3, 1967, by MBS.[1]

2. In its petition,[2] MBS requests that the Board enlarge the issues designated in this proceeding "* * * to determine whether WGOK, Inc. (WGOK) should be disqualified or assessed a comparative demerit in view of the facts surrounding its apparent violation of section 317 of the Communications Act of 1934, as amended, and § 73.119 of the Commission's rules." To support its request, MBS relies upon the following circumstances. Following a Commission field investigation concerning alleged "payola" practices by WGOK, the Commission, on June 2, 1965, informed WGOK that the investigation revealed that two disc jockeys at WGOK had engaged in soliciting payola; and that the internal controls at the station did not appear to constitute the "reasonable diligence" required of a licensee by section 317(c) of the Communication's Act, to prevent such practices. In response, WGOK, on June 29, 1965, filed a letter setting forth various steps allegedly taken by the licensee both before and after the Commission's investigation, contending that it had exercised reasonable diligence to prevent practices which might lead to payola. The letter further states, MBS notes, that WGOK's vice president made an investigation after the payola issue was brought to his attention, and learned from various sources that one of the disc jockeys (subsequently discharged) "had his hand out always * * *." MBS argues that it is "inherently improbable" that a licensee could be reasonably diligent and fail to discover this situation, and that there should be a full exploration at the hearing of all the facts and circumstances surrounding the payola activities.

3. Opposing the requested issue, WGOK relies on a public notice (75112), dated October 28, 1965, wherein the Commission stated that it "accepted WGOK's response * * * concerning apparent failure to establish appropriate internal controls to prevent 'payola'

[1] Other pleadings before the Review Board are: (a) Opposition, filed Oct. 23, 1967, by the Broadcast Bureau; (b) opposition, filed Oct. 23, 1967, by WGOK; and (c) reply to oppositions, filed Nov. 9, 1967, by MBS.

[2] While MBS's petition is not timely, "good cause" has been shown for its consideration. The delay was caused, for the most part, by petitioner's inability to obtain certain correspondence upon which its request is predicated.

practices by its disc jockeys * * *."[3] WGOK argues that the Commission has therefore previously considered this matter, and "the matter stands closed by the record." Pointing out that the Commission, on May 19, 1966, renewed the license of WGOK, the Broadcast Bureau, in its opposition, urges that a disqualifying issue is not warranted, but that this matter can be explored under the standard comparative issue. In reply, MBS reiterates its contention that the requested issue should be added, contending that the Commission's action did not exonerate or even discuss WGOK's past payola activities, and that the subsequent renewal of WGOK's license cannot be binding on the other parties to this proceeding. The parties in this proceeding, MBS avers, have a right to know the extent of WGOK's payola activities and to test the accuracy of WGOK's representations to the Commission.

4. The Review Board agrees with the position suggested by the Broadcast Bureau. MBS's request is predicated entirely on the circumstances described in the correspondence between WGOK and the Commission. However, the Commission indicated that it was satisfied with the procedures established by WGOK to prevent reoccurrence of payola practices; and the license of WGOK was subsequently renewed.[4] Under these circumstances, we do not believe this same conduct could now form the basis for a disqualifying issue. Cf. Sioux Empire Broadcasting Co., FCC 67R-226, 8 FCC 2d 605, pet. for rev. den. FCC 67-1013, released September 13, 1967. MBS's contention that it is entitled to explore at the hearing the questions of whether WGOK has engaged in payola practices other than that discovered during the Commission's investigation and whether WGOK has complied with its representations made to the Commission, cannot be accepted. MBS has not set forth any factual allegations (supported by affidavits of persons with personal knowledge of the facts as required by rule 1.229(c)) to warrant the addition of issues to explore these questions. However, we agree with the Broadcast Bureau, which notes that the renewal action did not completely foreclose consideratiion of the payola incident; since there was no competing application in the renewal proceeding the comparative significance of this issue is, as yet, undetermined. Thus, while the payola incident cannot be considered as disqualifying, it may be raised under the past broadcast record criterion of the designated standard comparative issue. Cf. Azalea Corporation, FCC 67R-447, 10 FCC 2d 364.

[3] The public notice was based on a letter sent by direction of the Commission to WGOK on Oct. 27, 1965, wherein the new procedures established by WGOK to prevent future incidents of payola are set forth, and it is concluded that if these procedures are diligently followed, "the licensee may well avoid situations conducive to payola."

[4] In contrast, see Commission letter to WAME Broadcasting Co. (FCC 67-1269, Nov. 15, 1967) in which the Commission held a renewal in abeyance until the station furnished a satisfactory "payola" prevention procedure.

Accordingly, it is ordered, That the supplemental Petition to Enlarge Issues, filed October 3, 1967, by Mobile Broadcast Service, Inc., is granted to the extent indicated herein, and denied in all other respects.

Adopted: December 19, 1967.

Released: December 27, 1967.

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

[F.R. Doc. 68-41; Filed, Jan. 2, 1968; 8:48 a.m.]

[Docket Nos. 17921—17923; FCC 67-1331]

BABCOM, INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Babcom, Inc., Springfield, Mo., Requests: 1060 kc, 500 w, Day, Docket No. 17921, File No. BP-16908; Dr. Samuel N. Morris trading as, Upshur Broadcasting Co., Gilmer, Tex., Requests: 1060 kc, 10 kw, Day, Docket No. 17922, File No. BP-16982; Giant Broadcasting Co., Inc., Ozark, Ark., Requests: 1060 kc, 5 kw, Day, Docket No. 17923, File No. BP-17103; for construction permits.

1. The Commission has before it for consideration the above-captioned applications which are mutually exclusive by virtue of interlinking prohibited overlap of contours as defined by § 73.37 of the Commission's rules.

2. Ozark Ark., the location of the Giant proposal, is situated approximately 35 miles from Fort Smith, Ark. Ozark's population according to the 1960 census is 2,568, while Fort Smith has a population of 64,196. Giant's proposed 5-mv/m contour penetrates the geographic boundary of Fort Smith, thus raising a presumption that the applicant is realistically proposing to serve that city rather than Ozark. Policy Statement on section 307 (b) Considerations for Standard Broadcast Facilities Involving Suburban Communities, adopted December 22, 1965, 2 FCC 2d 190, 6 R.R. 2d 1901.

3. As part of its application Giant has submitted data in an attempt to rebut the aforementioned presumption. However, after careful study of this material, the Commission finds that the applicant has failed to meet its rebuttal burden and an appropriate issue must be included to explore the matter further.

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the applications are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues set forth below.

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

1. To determine the areas and populations which would receive primary service from the proposed operations and the availability of other primary service to such areas and populations.

2. To determine whether the proposal of Giant Broadcasting Co., Inc., will realistically provide a local transmission facility for Ozark or for Fort Smith, Ark., in light of all the relevant evidence, including, but not necessarily limited to, the showing with respect to:

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

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

(c) The extent to which the applicant's programing proposal will meet the specific, unsatisfied programing needs of Ozark, Ark.; and

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

3. To determine, in the event that it is concluded pursuant to the foregoing issue that the proposal will not realistically provide a local transmission service for Ozark, whether such proposal meets all of the technical provisions of the rules for standard broadcast stations assigned to the most populous community for which it is determined that the proposal will realistically provide a local transmission service, namely, Fort Smith, Ark.

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

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

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

Any presunrise operation must conform with §§ 73.87 and 73.99 of the rules, as amended June 28, 1967 (32 F.R. 10437), supplementary proceedings (if any) involving Docket No. 14419, and/or the final resolution of matters at issue in Docket No. 17562.

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

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

Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: December 13, 1967.

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

DECEMBER 28, 1967.

[F.R. Doc. 68-42; Filed, Jan. 2, 1968; 8:48 a.m.]

[Docket Nos. 17853, 17854; FCC 67M-2131]

TRIPLE C BROADCASTING CORP. AND COLLINS RADIO CO.

Order Regarding Procedural Dates

In re applications of Triple C Broadcasting Corp., Thomasville, Ga., Docket No. 17853, File No. BPH-5739; T. O. Collins and Robert P. Singletary doing business as Collins Radio Co., Thomasville, Ga., Docket No. 17854, File No. BPH-5840; for construction permits.

To formalize the agreements and rulings made on the record at a prehearing conference held on December 21, 1967, in the above-entitled matter concerning the future conduct of this proceeding;

It is ordered, That:

Further prehearing conference is scheduled for January 5, 1968 at 9 a.m.;

Exchange of exhibits is scheduled for February 13, 1968;

Further prehearing conference is scheduled for February 21, 1968; and

Hearing presently scheduled for January 11, 1968, is continued to February 28, 1968.

Issued: December 21, 1967.

Released: December 27, 1967.

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

[F.R. Doc. 68-43; Filed, Jan. 2, 1968; 8:48 a.m.]

[Docket No. 17855; FCC 67M-2132]

WELCH ANTENNA CO.

Order After Prehearing Conference

In re cease and desist order to be directed against the following CATV operator: Welch Antenna Co., Welch, W. Va., Docket No. 17855.

For reasons set forth in the transcript of the prehearing conference which was held today;

It is ordered, That the hearing, which is presently scheduled to convene on January 8, is hereby rescheduled and shall be convened at 9 a.m., on Friday, January 12, 1968, at the Commission's offices, Washington, D.C.; and

It is ordered further, That the transcript of today's proceedings is incorporated by reference herein with the same force and effect as if it were set forth verbatim and that the agreements and understandings set forth therein shall govern the conduct of the hearing.

Issued: December 21, 1967.

Released: December 27, 1967.

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

[F.R. Doc. 68-44; Filed, Jan. 2, 1968; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

PACIFIC FAR EAST LINE, INC., AND LYKES BROS. STEAMSHIP CO., INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 5 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. Howard C. Adams, Vice President, Atlantic Territory, Pacific Far East Line, Inc., 918 16th Street NW., Washington, D.C. 20006.

Agreement 9414-1 between Pacific Far East Line, Inc., and Lykes Bros. Steamship Co., Inc., modifies the basic transshipment agreement between the parties by adding the Philippines to the geographic scope of the agreement.

Dated: December 29, 1967.

By order of the Federal Maritime Commission.

FRANCIS C. HARVEY,
Assistant Secretary.

[F.R. Doc. 68-71; Filed, Jan. 2, 1968; 8:49 a.m.]

PACIFIC FAR EAST LINE, INC., AND LYKES BROS. STEAMSHIP CO., INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 5 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. Howard C. Adams, Vice President, Atlantic Territory, Pacific Far East Line, Inc., 918 16th Street NW., Washington, D.C. 20006.

Agreement 9415-1 between Pacific Far East Line, Inc., and Lykes Bros. Steamship Co., Inc., modifies the basic transshipment agreement between the parties by adding the Philippines to the geographic scope of the agreement.

Dated: December 29, 1967.

By order of the Federal Maritime Commission.

FRANCIS C. HARVEY,
Assistant Secretary.

[F.R. Doc. 68-72; Filed, Jan. 2, 1968; 8:49 a.m.]

RENEGOTIATION BOARD

GENERAL COUNSEL

Compensation

Pursuant to the provisions of section 309 of Pub. Law 88-426, and of section 211(b) of Pub. Law 90-206, the General Counsel of The Renegotiation Board shall receive compensation at the rate of $27,055 per annum, effective October 8, 1967.

Dated: December 28, 1967.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 68-34; Filed, Jan. 2, 1968; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4568]

CONNECTICUT LIGHT AND POWER CO. ET AL.

Notice of Proposed Performance of Plant Operating Agreement and Sale and Acquisition of Utility Assets by Associate Companies

DECEMBER 27, 1967.

In the matter of The Connecticut Light and Power Co., Selden Street,

Berlin, Conn. 06037; The Hartford Electric Co., 176 Cumberland Avenue, Wethersfield, Conn. 06109; Western Massachusetts Electric Co., 174 Brush Hill Avenue, West Springfield, Mass.

Notice is hereby given that The Connecticut Light and Power Co. ("CL&P"), The Hartford Electric Light Co. ("HELCO"), and Western Massachusetts Electric Co. ("WMECO"), all public-utility subsidiary companies of Northeast Utilities ("Northeast"), a registered holding company, have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 2(a)(19), 9(a), 10, 12 (d) and (f), and 13(b) and Rules 43, 86, 87(a) (2) and (3), and 88 promulgated thereunder regarding the proposed transactions. All interested persons are referred to the joint application-declaration, which is summarized below, for a complete statement of the proposed transactions.

CL&P, HELCO and WMECO ("the Owners") propose to construct, own and operate as tenants in common a pumped storage hydroelectric generating plant ("Project") on a site of approximately 715 acres on Northfield Mountain in the towns of Erving and Northfield, Mass., expected to have a net generating capacity of at least 1 million kw and to be completed in 1971. The owners will have the following ownership interests in the project as tenants in common pursuant to an agreement ("Operating Agreement"), and will share its cost and take its electrical output in the following percentages: CL&P, 53 percent; HELCO, 28 percent; WMECO, 19 percent. The owners have filed an application with the Federal Power Commission for a license to construct and maintain the project. The total cost of the project is estimated to be $79 million.

In accordance with an Interim Agreement between the owners dated September 15, 1965, title to the lands and rights required for the project have been purchased and retained by WMECO, and a portion of the payments with respect to the acquisition of the property and the design and construction of the project have been made by WMECO. The proposed Operating Agreement, which supersedes said Interim Agreement, contemplates that CL&P and HELCO will pay to WMECO their respective ownership percentages of all amounts paid by WMECO to the date of the Operating Agreement with respect to the project and not theretofore reimbursed, and that each will thereafter pay WMECO its ownership percentage of all further costs of the project. The amount expended by WMECO to September 30, 1967, with respect to the project and not theretofore reimbursed is estimated to approximate $900,000. At a future agreed upon date, WMECO will cause the title to all property acquired or constructed in connection with the project, with all improvements thereon, to be conveyed to the owners by appropriate deeds and bills of sale so that each of the owners will own an undivided interest as tenant in common in the property in proportion to its ownership percentage.

It is proposed that Northeast Utilities Service Co. ("NUSCO") will act as the agent for the owners in all matters with respect to the design and construction of the project, and under the Operating Agreement, WMECO will act as the agent for the owners in all matters with respect to the operation and maintenance of the project. NUSCO's services will be performed under its existing service contracts with the owners.

It is contemplated that after the Project goes into operation, each owner will have available to it that amount of the generating capability and net electrical output of the project corresponding to its ownership percentage, and each owner will be obligated to take its ownership percentage of the net electrical output of the project whenever it is operated in the generating mode. Each owner will also be responsible for providing its ownership percentage of the required pumping energy for the project and will be obligated to deliver or arrange for the delivery of such pumping energy to the project.

Upon the execution of the Operating Agreement, all costs and expenses of the project will be shared by the owners in proportion to their ownership percentages; except for interest charges, depreciation, amortization and certain taxes which are to be borne by each owner separately. The owners will reimburse WMECO for all costs incurred by it in carrying out its functions under the Operating Agreement. WMECO's costs will include all costs and expenses which may practicably be identified as relating to functions performed by WMECO under the Operating Agreement plus an amount for administrative and general expenses, all as more particularly set out in the Operating Agreement.

It is stated that the fees, commissions, and expenses paid or incurred, or to be paid or incurred, in connection with the proposed transactions are estimated to be approximately $6,000, consisting of estimated legal fees of $4,300 to be paid to counsel for WMECO and $1,250 to be paid to counsel for CL&P and HELCO, and an estimated payment to NUSCO of $450. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than January 16, 1968, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to contravert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service thereof (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-9; Filed, Jan. 2, 1968; 8:45 a.m.]

NORTH AMERICAN RESEARCH & DEVELOPMENT CORP.

Order Suspending Trading

DECEMBER 26, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of North American Research & Development Corp., 1935 South Main Street, Salt Lake City, Utah, and all other securities of North American Research & Development Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 27, 1967, through January 5, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-10; Filed, Jan. 2, 1968; 8:45 a.m.]

[File No. 1-5215]

ROTO AMERICAN CORP.

Order Suspending Trading

DECEMBER 27, 1967.

The common stock, $1 par value, of Roto American Corp., being listed and registered on the National Stock Exchange pursuant to the provisions of the Securities Exchange Act of 1934 and the 7-percent cumulative preferred, $10 par value, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities

on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15 (c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the National Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 28, 1967, through January 6, 1968.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary*.

[F.R. Doc. 68-11; Filed, Jan. 2, 1968; 8:45 a.m.]

SILVER SHIELD CORP.

Order Suspending Trading

DECEMBER 26, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Silver Shield Corp. (formerly Silver Shield Mining & Milling Co.), Spokane, Wash., 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 1 day Wednesday, December 27, 1967.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary*.

[F.R. Doc. 68-12; Filed, Jan. 2, 1968; 8:45 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

[Secretary's Order No. 13-67]

EXECUTIVE DIRECTION OF DEPARTMENT OF LABOR FUNCTIONS

Continuity

1. *Purpose*. To provide for continuity in the direction of Department of Labor functions during a period of national emergency and at other times when designated officials are absent from duty.

2. *Authority and directives affected*. This order is issued pursuant to the Act of March 4, 1913, as amended; Reorganization Plan No. 6 of 1950; Reorganization Plan No. 1 of 1958; the Act of April 17, 1946; and in order to carry out the policies of the Federal Civil Defense Act of 1950; Executive Order 10346, as amended; Executive Order 10513; Executive Order 11000; and Secretary's Order No. 41-64.

Secretary's Order No. 22-64 is canceled. All other orders, instructions, and memoranda of the Secretary of Labor or other officials of the Department of Labor are superseded to the extent that they are inconsistent herewith.

3. *Action requirements*. During periods of national emergency declared by the President, the duties of the officers of the Department of Labor set forth below are to be performed, when such officers are absent from duty, by the incumbents of the positions designated, in the following order:

a. *Secretary of Labor*.

(1) The Under Secretary of Labor.
(2) Solicitor of Labor.
(3) Assistant Secretary of Labor for International Affairs.
(4) Assistant Secretary of Labor for Wage and Labor Standards.
(5) Assistant Secretary of Labor for Manpower.
(6) Assistant Secretary of Labor for Labor-Management Relations.
(7) Assistant Secretary of Labor for Administration.
(8) Deputy Under Secretary of Labor.
(9) Secretary of Labor's Regional Representative (San Francisco).

b. *The Solicitor and Assistant Secretaries*—(1) *Solicitor of Labor*.

(a) Deputy Solicitor.
(b) Associate Solicitor, Division of Interpretations and Opinions.
(c) Regional Attorney (Atlanta).
(d) Regional Attorney (Kansas City).
(e) Regional Attorney (Nashville).

(2) *Assistant Secretary for International Affairs*.

(a) Deputy Assistant Secretary.
(b) Deputy Administrator, ILAB.
(c) Director, Office of Country Programs.

(3) *Assistant Secretary for Labor Standards*.

(a) Deputy Assistant Secretary.
(b) Director, Bureau of Labor Standards.
(c) Director, Bureau of Employees' Compensation.
(d) Director, Women's Bureau.

(4) *Assistant Secretary for Manpower*.

(a) Deputy Assistant Secretary.
(b) Deputy Manpower Administrator.
(c) Associate Manpower Administrator for Policy Evaluation and Research.

(5) *Assistant Secretary for Labor-Management Relations*.

(a) Deputy Assistant Secretary.
(b) Administrator, Wage and Hour and Public Contracts Divisions.
(c) Director, Office of Labor-Management and Welfare-Pension Reports.

(6) *Assistant Secretary for Administration*.

(a) Deputy Assistant Secretary for Administration.
(b) Assistant Assistant Secretary for Administration.
(c) Director, Office of Program and Budget Review.
(d) Director, Office of Organization and Management.
(e) Director, Office of Financial Management and Audit.
(f) Regional Administrative Officer, OASA (San Francisco).

c. *Bureau and Office Administrators and Directors*—(1) *Director, Office of Federal Contract Compliance*.

(a) Assistant Director for Contract Compliance Operations.
(b) Assistant Director for Construction.

(2) *Assistant Manpower Administrator for Administration, Office of Financial and Management Services*.

(a) Deputy Assistant Manpower Administrator for Administration.
(b) Chief, Division of Budget.
(c) Chief, Division of Finance.

(3) *Director, Office of Information, Publications and Reports*.

(a) Deputy Director.
(b) Assistant Director (International Activities).
(c) Assistant Director (Field Activities).
(d) Assistant Director (Labor-Management Relations).
(e) Regional Director (San Francisco).
(f) Regional Director (Atlanta).

(4) *Director, Office of Labor-Management and Welfare-Pension Reports*.

(a) Deputy Director.
(b) Assistant Director for Compliance Operations.
(c) Regional Director (New York).
(d) Regional Director (Kansas City).
(e) Regional Director (Chicago).

(5) *Director, Office of Manpower Policy, Evaluation and Research*.

(a) Deputy Director.
(b) Assistant Director Manpower Research.
(c) Director, Office of Evaluation and Reports.
(d) Chief, Division of Planning.
(e) Director, Office of Special Manpower Programs.

(6) *Director, Office of Policy Planning and Research*.

(a) Deputy Director.
(b) Policy Analyst.

(7) *Director, Office of Veterans' Reemployment Rights*.

(a) Deputy Director.
(b) Assistant to the Director, Field Operations, Eastern Division.
(c) Assistant to the Director, Field Operations, Western Division.
(d) Regional Director (Atlanta).
(e) Regional Director (Kansas City).
(f) Regional Director (Dallas).

(8) *Administrator, Bureau of Apprenticeship and Training*.

(a) Deputy Administrator.
(b) Assistant Administrator, Office of Special Activities.
(c) Regional Director (Dallas).
(d) Regional Director (Denver).
(e) Regional Director (Atlanta).

(9) *Director, Bureau of Employees' Compensation*.

(a) Assistant Director for Longshoremen's Division.
(b) Assistant Director for Administration.
(c) Deputy Commissioner (New York).
(d) Deputy Commissioner (Chicago).
(e) Deputy Commissioner (New Orleans).
(f) Deputy Commissioner (Seattle).

(10) *Chairman, Employees' Compensation Appeals Board*.

Senior Member of the Board.

(11) *Administrator, Bureau of Employment Security*.

(a) Deputy Administrator.
(b) Director, U.S. Employment Service.

(c) Director, Unemployment Insurance Service.
(d) Director, Office of Farm Labor Service.
(e) Regional Administrator (Boston).
(f) Regional Administrator (Seattle).
(g) Regional Administrator (Denver).

(12) *Director, Bureau of Labor Standards.*

(a) Deputy Director.
(b) Director, Office of Occupational Safety.
(c) Chief, Program Planning and Publications Division.
(d) Chief, State Services and Standards Division.
(e) Chief, Operations Division.
(f) Regional Director (New York).
(g) Regional Director (Chicago).

(13) *Commissioner, Bureau of Labor Statistics.*

(a) Deputy Commissioner.
(b) Chief Economist.
(c) Chief Statistician.
(d) Regional Director (Atlanta).
(e) Regional Director (Boston).
(f) Regional Director (Chicago).

(14) *Administrator, Wage and Hour and Public Contracts Divisions.*

(a) Deputy Administrator.
(b) Assistant Administrator for Compliance and Enforcement.
(c) Regional Director (Atlanta).
(d) Regional Director (Kansas City).
(e) Regional Director (Nashville).
(f) Assistant Administrator for Planning and Management.

(15) *Director, Women's Bureau.*

(a) Deputy Director.
(b) Chief, Legislation and Standards.
(c) Chief, Division of Economic Status and Opportunities.
(d) Regional Director (San Francisco).
(e) Regional Director (Chicago).
(f) Regional Director (Atlanta).

(16) *Administrator, Bureau of Work Programs.*

(a) Deputy Administrator.
(b) Director, Office of Operations.
(c) Director, Office of Planning and Evaluation.
(d) Director, Office of Program Design and Standards.
(e) Regional Director (Chicago).
(f) Regional Director (Dallas).
(g) Regional Director (Atlanta).

4. *Effective date.* This order is effective immediately.

Signed at Washington, D.C., this 19th day of July 1967.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 68-30; Filed, Jan. 2, 1968; 8:47 a.m.]

[Secretary's Order No. 5-67]

MANPOWER ADMINISTRATOR

Designation

1. *Purpose.* To assign the authorities and responsibilities of the Manpower Administrator.

2. *Background.* Secretary's Order No. 4-67, paragraph 3b, identifies a Manpower Administration headed by a Manpower Administrator who shall report to the Assistant Secretary for Manpower.

3. *Designation of a Manpower Administrator.* The Assistant Secretary for Manpower shall serve in the additional capacity as Manpower Administrator and shall exercise all authority and responsibility of that office.

4. *Effective date.* This order is effective immediately.

Signed at Washington, D.C., this 14th day of March 1967.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 68-31; Filed, Jan. 2, 1968; 8:47 a.m.]

[Secretary's Order No. 3-67]

ASSISTANT SECRETARY FOR ADMINISTRATION

Delegation of Authority to Classify Information in Interest of National Defense

1. *Purpose.* This order delegates authority for classifying information in the interest of national defense.

2. *Background.* Responsibility for assigning original defense classifications to information and materials and to change such classifications is vested in the Secretary of Labor by section 2 of Executive Order 10501, as amended. This responsibility shall be discharged as provided in this order.

3. *Delegation of Authority.* The Assistant Secretary for Administration is designated as Department of Labor Security Officer and is delegated the authority vested in the Secretary of Labor by Executive Order No. 10501, as amended. The Assistant Secretary for Administration is authorized to redelegate his authority but such redelegation is to be limited as severely as is consistent with the orderly and expeditious transaction of Government business.

4. *Directives affected.* Secretary's Order No. 6-63, Classifying, Downgrading, and Declassifying Information in the Interest of National Defense, is superseded and canceled.

5. *Effective Date.* This order is effective immediately.

Signed at Washington, D.C., this 19th day of February 1967.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 68-32; Filed, Jan. 2, 1968; 8:47 a.m.]

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 20 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 595 (31 F.R. 12981), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates are as indicated below. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base period.

Andy's Shopping Basket, Inc., food store; 1407 North U.S. 27, St. Johns, Mich.; 12-1-67 to 11-30-68.

The Bargain Center, Inc., department store; 2 Washington Street, Quincy, Mass.; 11-24-67 to 11-23-68.

Beatrice Super Market, Inc., food store; 808 Court Street, Beatrice, Nebr.; 11-9-67 to 10-13-68.

The Benjamin Co., department store; Salisbury, Md.; 11-21-67 to 11-20-68.

Big Bear Food Store, food store; No. 1, Austin, Tex.; 12-8-67 to 12-7-68.

Broadstreet's, St. Louis, Inc., apparel store; Sixth and Locust Streets, St. Louis, Mo.; 10-24-67 to 10-23-68.

Charles Stores Co., department store; 13-17 East Broad Street, Richmond, Va.; 11-10-67 to 11-9-68.

Child's IGA Foodliner, food store; 1736 Broadway, Cape Girardeau, Mo.; 10-15-67 to 10-14-68.

John C. Doty, agriculture; 9617 Northeast Burton Road, Vancouver, Wash.; 11-28-67 to 11-27-68.

Dyche Jones Food Store, food stores from 11-23-67 to 11-22-68: No. 1, London, Ky.; No. 2 Manchester, Ky.

Easter Super Valu, food store; Colfax, Iowa; 11-1-67 to 10-31-68.

Fine Bros.-Matison Co., department store; 301 Central Avenue, Laurel, Miss.; 12-4-67 to 12-3-68.

The First Street Store, Ltd., department store; 5817 North Figueroa, Los Angeles, Calif.; 11-22-67 to 11-21-68.

M. H. Fishman Co., Inc., variety store; 88-90 Merchants Row, Rutland, Vt.; 11-21-67 to 11-20-68.

George's Market, Inc., food stores from 11-1-67 to 10-31-68: Nos. 1 and 2, Morristown, Tenn.

Goldblatt Brothers, Inc., department stores: 1615 West Chicago Avenue, Chicago, Ill. (11-22-67 to 11-21-68); 3939 West Madison Street, Chicago, Ill. (12-2-67 to 12-1-68); 3701 Duband Avenue, Racine, Wis. (12-11-67 to 12-10-68).

W. T. Grant Co., variety stores: No. 155, Boston, Mass. (12-9-67 to 12-8-68); No. 157, Uniontown, Pa. (12-1-67 to 11-30-68); No. 887, Portsmouth, Va. (10-9-67 to 10-8-68).

Graves Drug Store, drug store; No. 1, El Dorado, Kans.; 11-8-67 to 11-7-68.

S. H. Heironimus Co., Inc., department store; 405 South Jefferson Street, Roanoke, Va.; 11-1-67 to 10-31-68.

Hoyt Wright Co., apparel store; 911 Meridian Street, Anderson, Ind.; 11-28-67 to 11-27-68.

Key Drug Store, drug store; 500 Fourth Street, Sioux City, Iowa; 12-1-67 to 11-30-68.

Kientz, IGA, food store; 1016 West Sixth Street, Junction City, Kans.; 11-18-67 to 11-17-68.

S. S. Kresge Co., variety stores: 226 Chase Avenue, Waterbury, Conn. (12-27-67 to 12-26-68); No. 4591, Chicago, Ill. (11-24-67 to 11-23-68); No. 295, Kewanee, Ill. (11-22-67 to 11-21-68); No. 4500, Cincinnati, Ohio (12-8-67 to 12-7-68); No. 102, Mansfield, Ohio (11-23-67 to 11-22-68).

Kuhn's 5-10-25¢ Store, variety store; Front Street and Public Square, Winchester, Tenn.; 11-30-67 to 11-29-68.

McCrory-McLellan-Green Store, variety stores: No. 660, Flagstaff, Ariz. (11-8-67 to 11-7-68); No. 304, Eldorado, Ark. (12-6-67 to 12-5-68); No. 638, South Norwalk, Conn. (12-15-67 to 12-14-68); No. 311, Key West, Fla. (11-22-67 to 11-21-68); No. 460, Cedar Rapids, Iowa (11-21-67 to 11-20-68).

The G. M. McKelvey Co., department store; 210-226 West Federal Street, Youngstown, Ohio; 11-17-67 to 11-16-68.

Myerson's, department stores from 12-1-67 to 11-30-68: 6331 East Broadway and 42 West Congress, Tucson, Ariz.

Neisner Brothers, Inc., variety store; No. 172, Port Arthur, Tex.; 11-16-67 to 11-15-68.

J. J. Newberry Co., variety stores: No. 775, Denver, Colo. (11-24-67 to 11-23-68); No. 420, Macon, Ga. (11-19-67 to 11-18-68); No. 497, Idaho Falls, Idaho (11-21-67 to 10-31-68); No. 166, Indiana Harbor, Ind. (11-12-67 to 11-11-68); No. 411, Richmond Heights, Mo. (11-10-67 to 11-9-68); No. 257, Sioux Falls, S. Dak. (11-1-67 to 10-31-68).

Parisian, Inc., apparel store; 1924 Second Avenue North, Birmingham, Ala.; 11-24-67 to 11-23-68.

Parsons, Inc., food store; Duluth, Ga.; 11-21-67 to 11-20-68.

W. H. Pollock Grocery Co., Ltd., food stores from 11-15-67 to 11-14-68: 543 North Broad Street and 215 North Main Street, Fremont, Nebr.

Ream's Bargain Annex, food store; No. 3, American Fork, Utah; 12-14-67 to 12-13-68.

Rose's Stores, Inc., variety store; No. 3, Louisburg, N.C.; 11-8-67 to 11-7-68.

Scurlock's of Harlingen, Inc., food store; 725 North Sunshine Strip, Harlingen, Tex.; 11-8-67 to 11-7-68.

Shields IGA Foodliner, Inc., food store; 222 North Pomeroy Avenue, Hill City, Kans.; 12-4-67 to 12-3-68.

Spurgeon's department stores: 204-206 East Main Street, Hoopeston, Ill. (12-8-67 to 12-7-68); 218 North Tremont, Kewanee, Ill. (11-28-67 to 11-27-68); 30 West Main Street, Marshalltown, Iowa (12-5-67 to 12-4-68); 13 North Frederick Street, Oelwein, Iowa (12-5-67 to 12-4-68); 1013 Sixteenth Avenue, Monroe, Wis. (12-11-67 to 12-10-68).

Sterling Stores Co., variety store; 107 North New Madrid, Sikeston, Mo.; 11-1-67 to 10-31-68.

T. G. & Y. Stores Co., variety stores: No. 127, Kansas City, Kans. (11-7-67 to 11-6-68); No. 166, Memphis, Tenn. (12-11-67 to 12-10-68).

F. W. Woolworth Co., variety store; No. 580, Logan, Utah; 11-30-67 to 11-29-68.

The following certificates were issued to retail or service establishments relying on the base-year employment experience of other establishments, either because they came into existence after the beginning of the applicable base-year or because they did not have available base-year records. The certificates permit the employment of full-time students at rates of not less than 85 percent of the statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

Big Bear Food Store, food store; No. 2, Austin, Tex.; stock clerk, checker, sacker; between 8.7 percent and 9.3 percent; 12-8-67 to 12-7-68.

Bashas' Market Casa Grande, Inc., food store; No. 18, Phoenix, Ariz.; carryout, cleanup; 10 percent; 11-29-67 to 11-28-68.

Broadstreet's, St. Louis, Inc., apparel stores: 129 Crestwood Plaza, Crestwood, Mo. (cashier-wrapper, between 3.8 percent and 5.2 percent, 11-27-67 to 11-26-68); 609 Northwest Plaza, St. Ann, Mo. (cashier-wrapper, switchboard operator, between 3.8 percent and 5.2 percent, 10-24-67 to 10-23-68).

Crest Stores Co., variety store; Conover, N.C.; salesclerk, stock clerk; between 10.2 percent and 45.3 percent; 11-10-67 to 11-9-68.

Duckwall Stores, Inc., variety store; 3400 South Fourth Street Trafficway, Leavenworth, Kan.; salesclerk, stock clerk; between 15.7 percent and 27.7 percent; 12-8-67 to 12-7-68.

Dyche Jones Food Store, food store; No. 3, London, Ky.; bagger-carryout, stock clerk, cashier, produce cleaner; between 4.7 percent and 10 percent; 11-23-67 to 11-22-68.

Edward's, variety store; 1739 Maybank Highway, Charleston, S.C.; salesclerk, stock clerk; between 10 percent and 14 percent; 12-2-67 to 12-1-68.

Family Thrift Center, food store; 11 West Fourth Avenue, Williston, N. Dak.; stock clerk, carryout; 5 percent; 11-24-67 to 11-23-68.

W. T. Grant Co., variety stores for the occupations of salesclerk, stock clerk, office clerk, cashier except as otherwise indicated: No. 448, Elmhurst, Ill. (between 2.3 percent and 18.7 percent, 12-14-67 to 12-13-68); No. 1106, Roselle, Ill. (between 2.3 percent and 18.7 percent, 11-29-67 to 11-28-68); No. 1018, Fargo, N. Dak. (salesclerk, stock clerk, office clerk, between 3 percent and 12.4 percent, 11-8-67 to 11-7-68); No. 235, Shamokin Dam, Pa. (between 5 percent and 25.2 percent, 11-13-67 to 11-12-68); No. 855, Superior, Wis. (between 1.8 percent and 17.9 percent, 11-29-67 to 11-28-68).

H.E.B. Food Store, food store; No. 106, San Antonio, Tex.; package clerk, sacker, bottle clerk; 10 percent; 11-29-67 to 11-28-68.

S. H. Heironimus Co., Inc., department store; Towers Shopping Center, Roanoke, Va.; salesclerk, stock clerk, gift wrapper; between 0 percent and 5.8 percent; 11-11-67 to 11-10-68.

Hoyt Wright Co., apparel store; Mounds Mall, Anderson, Ind.; salesclerk, stock clerk, gift wrapper; between 0 percent and 5 percent; 11-28-67 to 11-27-68.

S. S. Kresge Co., variety stores for the occupation of salesclerk except as otherwise indicated: No. 702, Little Rock, Ark. (salesclerk, waitress, between 0.8 percent and 8 percent, 11-3-67 to 11-2-68); No. 786, Miami, Fla. (between 1.2 percent and 10 percent, 10-30-67 to 10-29-68); No. 4067, Fort Wayne, Ind. (between 4.8 percent and 10 percent, 11-9-67 to 11-8-68); No. 4124, Terre Haute, Ind. (10 percent, 11-7-67 to 11-6-68); Nos. 4171 and 4174, Wichita, Kans. (salesclerk, stock clerk, checker-cashier, office clerk, between 15.7 percent and 25.5 percent, 12-5-67 to 12-4-68); No. 4177, St. Clair Shores, Mich. (10 percent, 11-27-67 to 11-26-68); No. 135, Minneapolis, Minn. (salesclerk, stock clerk, office clerk, checker-cashier, between 17.6 percent and 30 percent, 11-17-67 to 11-16-68); No. 4026, St. Joseph, Mo. (salesclerk, stock clerk, office clerk, checker-cashier, between 5.4 percent and 10.1 percent, 11-28-67 to 11-27-68); No. 133, Cincinnati, Ohio (between 6.6 percent and 10 percent, 11-6-67 to 11-5-68); No. 4149, Lorain, Ohio (between 5.5 percent and 10 percent, 11-30-67 to 11-29-68); No. 600, Northfield, Ohio (10 percent, 11-21-67 to 11-20-68); No. 4168, Oregon, Ohio (between 8.5 percent and 10 percent, 11-28-67 to 11-27-68); No. 4209, Toledo, Ohio (between 8.5 percent and 10 percent, 11-24-67 to 11-23-68); No. 4194, Wyoming, Ohio (between 6.6 percent and 22 percent, 11-21-67 to 6-1-68); No. 4064, East McKeesport, Pa. (between 6.5 percent and 10 percent, 11-19-67 to 11-18-68); No. 4533, Philadelphia, Pa. (salesclerk, stock clerk, porter, 10 percent, 11-30-67 to 11-29-68); No. 4055, Pittsburgh, Pa. (between 6.5 percent and 10 percent, 11-18-67 to 11-17-68); No. 4094, Houston, Tex. (between 3.1 percent and 10 percent, 11-11-67 to 11-10-68); No. 4024, South Houston, Tex. (between 3.1 percent and 10 percent, 11-21-67 to 11-20-68); No. 4604, Milwaukee, Wis. (salesclerk, stock clerk, office clerk, checker-cashier, between 0 percent and 25.8 percent, 11-15-67 to 11-14-68).

H. A. Marks, Inc., apparel stores from 11-27-67 to 11-26-68, salesclerk, stock clerk, office clerk, cashier, 8 percent: 96 Monroe Avenue, Northwest and 3135 28th Street, Southwest, Grand Rapids, Mich.; 1063 Rogers Plaza, Wyoming, Mich.

McCrory-McLellan-Green Store, variety stores for the occupations of salesclerk, office clerk, stock clerk: No. 394, Detroit, Mich. (between 10.4 percent and 26.5 percent, 11-29-67 to 11-28-68); No. 1307, Bergenfield, N.J. (between 22.1 percent and 37.4 percent, 11-7-67 to 11-6-68); No. 1306, Brick Town, N.J. (between 10.9 percent and 32.2 percent, 11-4-67 to 11-3-68).

Mr. "C" 's IGA Foodliner, food store; 80 Plaza Way, Cape Girardeau, Mo.; bagger, carryout, checker; between 11.6 percent and 17.2 percent; 10-15-67 to 10-14-68.

Neisner Brothers, Inc., variety stores for the occupations of salesclerk, stock clerk, office clerk; No. 7, Homestead, Fla. (between 7.6 percent and 16.6 percent, 12-2-67 to 12-1-68); No. 41, Tampa, Fla. (between 9.7 percent and 29.3 percent, 11-23-67 to 11-22-68).

J. J. Newberry Co., variety store; No. 112, East Brunswick, N.J.; salesclerk, office clerk; between 8 percent and 10 percent; 11-1-67 to 10-31-68.

Parisian, Inc., apparel stores from 11-24-67 to 11-23-68, cashier, wrapper, ticket writer, salesclerk, office clerk, stock clerk, cleanup, between 3.3 percent and 8.4 percent: 2217 Bessemer Road and 702 Montgomery Highway, Birmingham, Ala.; Gateway Shopping Center, Decatur, Ala.

Sterling Stores Co., variety store; 1119 South Bellevue at McLemore, Memphis, Tenn.; salesclerk, stock clerk, janitor; between 19.6 percent and 43.4 percent; 11-7-67 to 11-6-68.

T.G. & Y. Stores Co., variety stores for the occupations of salesclerk, stock clerk, office clerk, 12-2-67 to 12-1-68 except as otherwise indicated: No. 440, Jacksonville, Ark. (between 11 percent and 30 percent, 11-27-67 to 11-26-68); No. 239, Baker, La. (between 0 percent and 11.9 percent, 12-5-67 to 12-4-68); No. 320, Opelousas, La. (between 6.1 percent and 21.9 percent); No. 332, West Monroe, La. (between 3 percent and 15 percent, 11-27-67 to 11-26-68); No. 375, Meridian, Miss. (between 28.6 percent and 30 percent); No. 750, Oxford, Miss. (between 7.9 percent and 19.3 percent, 12-11-67 to 12-10-68); No. 303, Lee's Summit, Mo. (between 16.6 percent and 30 percent); No. 278, Clovis, N. Mex. (between 13.4 percent and 24.1 percent); No. 465, Blackwell, Okla. (between 14 percent and 30 percent, 11-22-67 to 11-21-68); No. 425, Oklahoma City, Okla. (between 17.9 percent and 30 percent, 12-1-67

to 11-30-68); No. 36 Stillwater, Okla. (between 16.4 percent and 30 percent); No. 46, Stillwater, Okla. (between 14 percent and 30 percent, 12-13-67 to 12-12-68); Nos. 467 and 469, Tulsa, Okla. (between 24 percent and 30 percent, 11-8-67 to 11-7-68); Nos. 111 and 112, Wichita Falls, Tex. (between 8.1 percent and 30 percent).

Wood's 5 & 10¢ Stores, variety stores from 11-6-67 to 11-5-68, salesclerk, stock clerk: Conway Shopping Center, Conway, S.C. (between 9.4 percent and 19.9 percent); Biggs Park Shopping Center, Lumberton, N.C. (between 5.9 percent and 18.6 percent).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 30 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 22d day of December 1967.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 68-33; Filed, Jan. 2, 1968; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 27, 1967.

Protest 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.

AGGREGATE-OF-INTERMEDIATES

FSA No. 41196—*Commodity rates between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 606), for interested rail carriers. Rates on canned pickled meat, and other commodities named in the application, in carloads, from, to and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factor in constructing combination rates.

Tariff—Supplement 72 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

FSA No. 41198—*Ethylene glycol, ethyl acrylate, etc., from Bayport, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-9032), for interested rail carriers. Rates on ethylene glycol, ethyl acrylate, or methyl methacrylate, and ethylhexyl acrylate, in tank carloads, from Bayport, Tex., to Chicago, Ill., and points taking Chicago rates also Lemont, Ill., and Clinton, Iowa.

Grounds for relief—Maintenance of depressed rates published to meet market competition without use of such rates as factor in constructing combination rates.

Tariffs—Supplement 157 and 28 to Southwestern Freight Bureau, agent, tariffs ICC 4564 and 4722, respectively.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-35; Filed, Jan. 2, 1968; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 27, 1967.

Protest 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. 41195—*Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 605), for interested rail carriers. Rates on canned pickled meat, and various other commodities named in the application, in carloads, from, to and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Interstate rates and maintenance of rates from and to points in other States not subject to the same competition.

Tariff—Supplement 72 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

FSA No. 41197—*Alcohol and related articles from Bayport, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-9031), for interested rail carriers. Rates on alcohol and related articles, as described in the application, in tank carloads, from Bayport, Tex., to Chicago, Ill., and points taking Chicago rates, also Lemont and Seneca, Ill., and Clinton, Iowa.

Grounds for Relief—Market competition.

Tariffs—Supplements 157 and 28 to Southwestern Freight Bureau, agent, tariffs ICC 4564 and 4722 respectively.

FSA No. 41200—*Fertilizer solutions from points in Canada.* Filed by Western Trunk Line Committee, agent (No. A-2522), for interested rail carriers. Rates on fertilizer solutions, as described in the application, in tank carloads from Brandon, Manitoba, Calgary, Fort Saskatchewan, and Medicine Hat, Alberta, and Kimberly, and Warfield, British Columbia, Canada to points in Western trunkline territory.

Grounds for relief—Market competition.

Tariffs—Canadian National Railways tariff ICC W.766 and Canadian Pacific Railways Co. tariff ICC W.1091 (revised pages).

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-36; Filed, Jan. 2, 1968; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 28, 1967.

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. 41201—*Grain and grain products for export, to Ama, La.* Filed by Southwestern Freight Bureau, agent (No. B-9035), for interested rail carriers. Rates on grain and grain products, in carloads, from points in southwestern and western trunkline territories, to Ama, La., for export.

Grounds for relief—Market competition.

Tariffs—Supplement 14 to Chicago, Rock Island & Pacific Railroad Co. tariff ICC C-13777, and other tariffs named in the application.

FSA No. 41202—*Wrought iron and steel pipe from Birmingham, Ala.* Filed by Southwestern Freight Bureau, agent (No. B-9030), for interested rail carriers. Rates on wrought iron and steel pipe from Birmingham, Ala., to points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas, in carloads.

Grounds for relief—Rate relationship.

Tariffs—Supplement 78 to Southwestern Freight Bureau, agent, tariff ICC 4620.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-37; Filed, Jan. 2, 1968; 8:47 a.m.]

[Notice 519]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 28, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication,

within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The 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 64932 (Sub-No. 446 TA), filed December 20, 1967. Applicant: ROGERS CARTAGE CO., 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: R. P. Johnson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain neutral spirits*, in bulk, in tank vehicles, from Clinton, Iowa, to Bardstown, Ky., for 180 days. Supporting shipper: Barton Distilling Co., 200 South Michigan Avenue, Chicago, Ill. 60604. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 95876 (Sub-No. 79 TA), filed December 20, 1967. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, Post Office Box 844, St. Cloud, Minn. 56301. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Copper wire and cable*, covered or insulated, used in telephone transmission, distribution, inside wiring, switchboard, and area exchanges, from North Prairie, Wis., to points in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota, and *damaged and returned shipments* on return, for 180 days. Supporting shipper: American Enka Corp., Brank-Rex Division, Willimantic, Conn. 06226. Send protests to: C. H. Bergquist, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 97357 (Sub-No. 23 TA), filed December 22, 1967. Applicant: ALLYN TRANSPORTATION COMPANY, 14011 South Central Avenue, Los Angeles, Calif. 90059. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulphur*, from points in Los Angeles County, Calif., to Yuma, Ariz., for 180 days. Supporting shipper: Collier Carbon and Chemical Corp., 714 West Olympic Boulevard, Los Angeles, Calif. 90015. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, Room 7708, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 107496 (Sub-No. 614 TA), filed December 22, 1967. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, 50309, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrofluosilicic acid*, in bulk, in tank vehicles, from Mason City, Iowa, to Kansas City, Kans., for 150 days. Supporting shipper: International Minerals & Chemical Corp., Administrative Center, Skokie, Ill. 60076. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 115018 (Sub-No. 14 TA), filed December 20, 1967. Applicant: LEWIS W. OWEN, INC., Lawrenceville, Va. 23868. Applicant's representative: John C. Goddin, Post Office Box 1636, Richmond, Va. 23213. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wooden pallets*, from Smoky Ordinary, Va., to Detroit, Mich., for 150 days. Supporting shipper: Abell Lumber Corp., Post Office Box 24, Lawrenceville, Va. 23868. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10-502 Federal Building, Richmond, Va. 23240.

No. MC 119707 (Sub-No. 2 TA) (Correction), filed December 5, 1967, published FEDERAL REGISTER, issue of December 19, 1967, and republished as corrected this issue. Applicant: YELLOW TRANSFER COMPANY OF TAMPA, INC., Air Freight Building, No. 1, Tampa International Airport, Tampa, Fla. 33164. Applicant's representative: James E. Wharton, Suite 506, First National Bank Building, Orlando, Fla. 32802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* with the usual exceptions, having an immediately prior or subsequent movement by air, between the Tampa International Airport, Tampa, Fla., and the St. Petersburg-Clearwater International Airport, Pinellas County, Fla., on the one hand, and, on the other, points in Highlands, De Soto, Charlotte, Lee, Osceola, Pinellas, and Hillsborough Counties, Fla., and between the Herndon Municipal Airport, Orlando, Fla., on the one hand, and on the other, points in Sarasota, Manatee, Hardee, Polk, Pasco, Osceola, Hernando, Highlands, De Soto, Charlotte, Lee, Pinellas, and Hillsborough Counties, Fla., for 180 days. NOTE: The purpose of this republication is to include information as to where protests should be sent, inadvertently omitted from previous publication. Supporting shippers: Airlift International, Post Office Box 6696, Orlando, Fla., Electronic Communications, Inc., 1501 72d Street, North St. Petersburg, Fla., Polyplastex United, Inc., 6200 49th Street, North, Pinellas Park, Fla., Electro Mechanical Research, Inc., Fruitville Road, Sarasota, Fla., Sperry Microwave Electronic Division, Post Office Box 4648, Clearwater, Fla., and Honeyweel, Inc., 13350 U.S. Highway 19, St. Petersburg, Fla. Send protests to: District Supervisor, Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Room 1226, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 124174 (Sub-No. 63 TA), filed December 22, 1967. Applicant: MOMSEN TRUCKING CO., a corporation, Highways 71 and 18 North, Spencer, Iowa 51301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Green salted hide trimmings and chrome split trimmings*, from Peabody, Mass., to Gowanda, N.Y., for 180 days. Supporting shipper: Peter Cooper Corp., H. C. Lauer, Traffic Manager, Gowanda, N.Y. 14070. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 126716 (Sub-No. 1 TA) (Correction), filed November 13, 1967, published FEDERAL REGISTER, issue of November 25, 1967, and republished as corrected this issue. Applicant: WESTON TRUCKING COMPANY, a corporation, doing business as WESTON TRUCKING, 1438 Hymettus Avenue, Encinitas, Calif. 92024. Applicant's representative: Marvin Handler, 403 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities (including agricultural, horticultural, and nursery stock, otherwise exempt)*, moving in mixed shipments with general commodities having a prior or subsequent movement by air transportation (1) from points in San Diego County, Calif., to Los Angeles (Calif.) International Airports (and Ontario, Calif., Airport as alternate when weather requires, and (2) from Los Angeles (Calif.) International Airports (Ontario, Calif., Airport as alternate when weather requires) to points in San Diego County, Calif., for 150 days. NOTE: The purpose of this republication is to add the interline information, inadvertently omitted from previous publication. Applicant states that it intends to interline with other carriers at any convenient authorized point. Supporting shippers: United Air Lines, Inc., 5959 Avion Drive, Los Angeles, Calif.; Hughes Aircraft Co., Vacuum Products Division, Oceanside, Calif.; American Airlines Freight System, 5908 Avion Drive, Los Angeles, Calif.; Trans World Airlines, Inc., 7001 World Way, West Los Angeles, Calif.; Flying Tiger Line, Inc., 5720 Avion Drive, Los Angeles, Calif.; Vinson & Fortiner, Post Office Box 27, Vista, Calif.; General Precision, Inc., 1370 Encinitas Road, San Marcos, Calif. 92069; Thornton Growers, Post Office Box 211, Encinitas, Calif. Send protests to: District Supervisor, Wm. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 300 North Los Angeles Street, Room 7708, Federal Building, Los Angeles, Calif. 90012.

No. MC 129135 (Sub-No. 3 TA), filed December 22, 1967. Applicant: KATUIN BROS. INC., 102 Terminal Street, Dubuque, Iowa 52001. Applicant's representative: John J. Goen, Dyersville, Iowa 52040. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate (fertilizer)*, in bulk, from Depue, Ill., to points in Iowa, for 180 days. Supporting shipper: The New Jersey Zinc Co., 160 Front Street, New York, N.Y. 10038. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 129394 (Sub-No. 1 TA), filed December 21, 1967. Applicant: STATE SALES, INC., 678 Washington Avenue, Elyria, Ohio 44035. Applicant's representative: John Andrew Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Burnt lime*, from Huron, Ohio, to Weirton, W. Va., under contract with The Federal Lime & Stone Co., for 180 days. Send protests to: District Supervisor G. J. Baccei, Interstate Commerce Commission, Bureau of Operations, 435 Federal Building, 215 Superior Avenue, Cleveland, Ohio 44114.

No. MC 129604 TA, filed December 20, 1967. Applicant: WYLIE BARNES, Post Office Box 111, Troy, Tenn. 38260. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough and unfinished lumber*, from Bardwell, Ky., and Halls, Ridgeley, Obion, and Troy, Tenn., to points in Alabama, Arkansas, Kentucky, Illinois, Indiana, Mississippi, Missouri, and Tennessee, for 180 days. Supporting shippers: Royal Sawmill Company, Ridgeley, Tenn.; S & M Lumber Co., Inc., Ridgeley, Tenn.; Storey Sawmill & Lumber Co., Inc., Troy, Tenn.; L. C. Flowers Lumber Co., Obion, Tenn.; Huey Bros., Lumber Co., Obion, Tenn. Send protests to: W. W. Garland, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 390 Federal Office Building, 167 North Main, Memphis, Tenn. 38103.

No. MC 129605 TA, filed December 20, 1967. Applicant: RAY JOHNSON, INC., Post Office Box 254, Ellington, Mo. 63638. Applicant's representative: Clinton Roberts, The Roberts Building, Farmington, Mo. 63640. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Zinc and copper concentrate*, (1) from Corridon, Mo., Highway BB to junction Highway 21 thence to junction Highway 21 with Highway 49, thence to Glover, Mo.; (2) from Corridon, Mo., Highway BB to junction Highway 72 thence to junction Highway 72 with Highway KK, thence to junction Highway KK with Highway J, to Buick, Mo., movement to rail heads as part of interstate transportation, for 180 days. Supporting shipper: Ozark Lead Co. (L. J. Souren, Director of Traffic), 161 East 42d Street, New York, N.Y. 10017. Send protest to: J. P. Werthmann, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 3248-B, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 129609 TA, filed December 22, 1967. Applicant: KENWOOD'S MOVING & STORAGE, INC., 48½ Waterhouse Street, Plattsburgh, N.Y. 12901. Applicant's representative: Brodsky, Linett & Altman, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods, as defined by the Commission*, restricted to shipments having an immediately prior or subsequent line-haul movement by rail or motor, between Plattsburgh, N.Y., on the one hand, and, on the other, points in Essex, Clinton, and Franklin Counties, N.Y., for 180 days. Supporting shippers: Smyth Worldwide Movers, Inc., 11616 Aurora Avenue, North Seattle, Wash. 98133; Home-Pak Transport, Inc., 57 48th Street, Maspeth, N.Y. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 38, Montpelier, Vt. 05602.

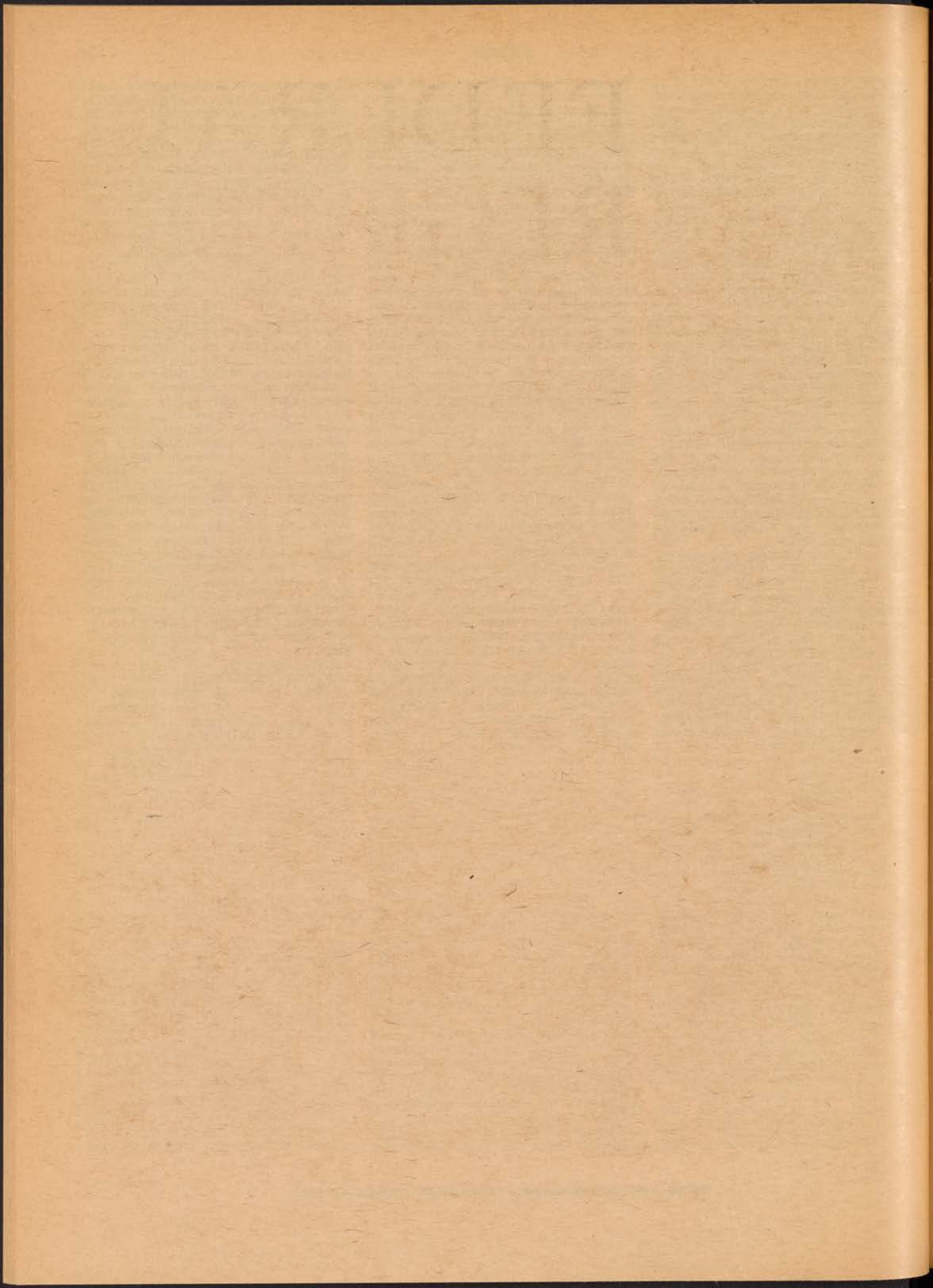
MOTOR CARRIER OF PASSENGERS

No. MC 115068 (Sub-No. 4 TA), filed December 19, 1967. Applicant: CLAYTON C. DYKE, doing business as THE COLUMBIANA COACH LINE, 101 Thomas Street, East Palestine, Ohio 44413. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in round-trip special operations, beginning and ending at Youngstown, Boardman, Rogers, East Liverpool, Wellsville, Toronto, and Steubenville, Ohio, and extending to the site of the Wheeling Downs Race Track at or near Wheeling, W. Va., for 180 days. Supporting shippers: Various individuals in the areas requested to originate service. Applicant submitted supporting statements signed by 31 residents, in the originating areas. Send protests to: J. A. Niggemyer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 531 Hawley Building, Wheeling, W. Va. 26003.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 68-38; Filed, Jan. 2, 1968; 8:48 a.m.]



FEDERAL REGISTER

VOLUME 33 • NUMBER 1

Wednesday, January 3, 1968 • Washington, D.C.

PART II

FOREIGN DIRECT INVESTMENT PROGRAM

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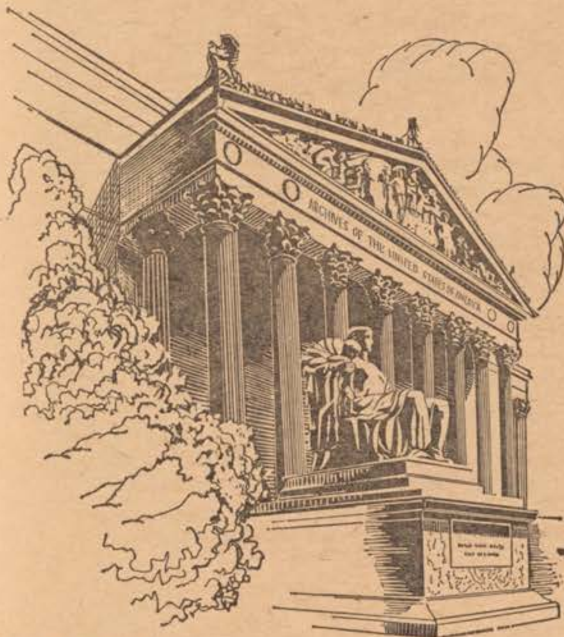
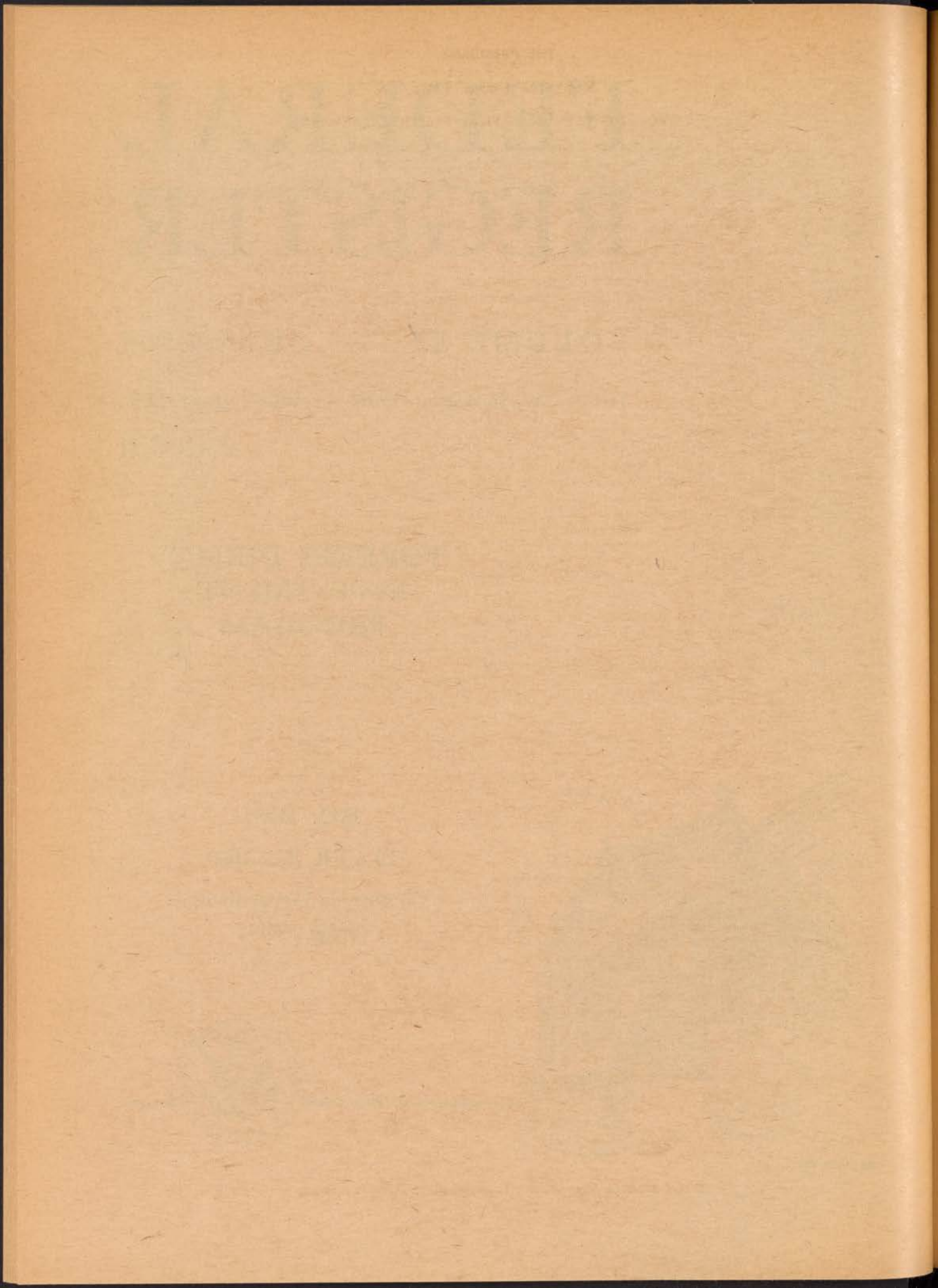


E.O. 11387

15 CFR Part 1000

Commerce Departmental Order 184–A



Executive Order 11387

GOVERNING CERTAIN CAPITAL TRANSFERS ABROAD

By virtue of the authority vested in the President by section 5(b) of the act of October 6, 1917, as amended (12 U.S.C. 95a), and in view of the continued existence of the national emergency declared by Proclamation No. 2914 of December 16, 1950, and the importance of strengthening the balance of payments position of the United States during this national emergency, it is hereby ordered:

1. (a) Any person subject to the jurisdiction of the United States who, alone or together with one or more affiliated persons, owns or acquires as much as a 10% interest in the voting securities, capital or earnings of a foreign business venture is prohibited on or after the effective date of this Order, except as expressly authorized by the Secretary of Commerce, from engaging in any transaction involving a direct or indirect transfer of capital to or within any foreign country or to any national thereof outside the United States.

(b) The Secretary of Commerce is authorized to require, as he determines to be necessary or appropriate to strengthen the balance of payments position of the United States, that any person subject to the jurisdiction of the United States who, alone or together with one or more affiliated persons, owns or acquires as much as a 10% interest in the voting securities, capital or earnings of one or more foreign business ventures shall cause to be repatriated to the United States such part as the Secretary of Commerce may specify of (1) the earnings of such foreign business ventures which are attributable to such person's investments therein and (2) bank deposits and other short term financial assets which are held in foreign countries by or for the account of such person. Any person subject to the jurisdiction of the United States is required on or after the effective date of this Order, to comply with any such requirement of the Secretary of Commerce.

(c) The Secretary of Commerce shall exempt from the provisions of this section 1, to the extent delineated by the Board of Governors of the Federal Reserve System (hereinafter referred to as the Board), banks or financial institutions certified by the Board as being subject to the Federal Reserve Foreign Credit Restraint Programs, or to any program instituted by the Board under section 2 of this Order.

2. The Board is authorized in the event that it determines such action to be necessary or desirable to strengthen the balance of payments position of the United States:

(a) to investigate, regulate or prohibit any transaction by any bank or other financial institution subject to the jurisdiction of the United States involving a direct or indirect transfer of capital to or within any foreign country or to any national thereof outside the United States; and

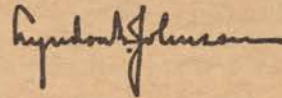
(b) to require that any bank or financial institution subject to the jurisdiction of the United States shall cause to be repatriated to the United States such part as the Board may specify of the bank deposits and other short term financial assets which are held in foreign countries by or for the account of such bank or financial institution. Any bank or financial institution subject to the jurisdiction of the United States shall comply with any such requirement of the Board on and after its effective date.

3. The Secretary of Commerce and the Board are respectively authorized, under authority delegated to each of them under this Order or otherwise available to them, to carry out the provisions of this Order, and to prescribe such definitions for any terms used herein, to issue such rules and regulations, orders, rulings, licenses and instructions, and to take such other actions, as each of them determines to be necessary or appropriate to carry out the purposes of this Order and

their respective responsibilities hereunder. The Secretary of Commerce and the Board may each redelegate to any agency, instrumentality or official of the United States any authority under this Order, and may, in administering this Order, utilize the services of any other agencies, Federal or State, which are available and appropriate.

4. The Secretary of State shall advise the Secretary of Commerce and the Board with respect to matters under this Order involving foreign policy. The Secretary of Commerce and the Board shall consult as necessary and appropriate with each other and with the Secretary of the Treasury.

5. The delegations of authority in this Order shall not affect the authority of any agency or official pursuant to any other delegation of presidential authority, presently in effect or hereafter made, under section 5(b) of the act of October 6, 1917, as amended (12 U.S.C. 95a).



THE WHITE HOUSE
10:45 a.m.,
Jan. 1, 1968,
L.B.J. Ranch.

[F.R. Doc. 68-112; Filed, Jan. 1, 1968; 6:05 p.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter X—Office of Foreign Direct Investments, Department of Commerce

PART 1000—FOREIGN DIRECT INVESTMENT REGULATIONS

Foreign Direct Investment by Persons in United States

The regulations set out below implement Executive Order 11387, January 1, 1968, governing foreign direct investments. Since a foreign affairs function of the United States is involved, the requirements of 5 U.S.C. 553 are not applicable. In any event, because of the urgency of the present situation relating to the international balance of payments and the desirability of immediate action by the Government of the United States, it is hereby found that notice and public procedures prior to the promulgation of these regulations are impracticable and contrary to the public interest. For the same reasons, it is found that these regulations must be made effective immediately. The reporting and record-keeping requirements provided therein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942, as amended.

Subpart A—Relation of This Part to Other Laws and Regulations

Sec.
1000.101 Relation of this part to other laws and regulations.

Subpart B—Prohibitions

1000.201 Transfers of capital to affiliated foreign nationals involving foreign direct investment.
1000.202 Repatriation of direct investment earnings.
1000.203 Liquid foreign balances of direct investors.
1000.204 Evasion.

Subpart C—General Definitions

1000.301 Foreign country.
1000.302 Foreign national.
1000.303 Nationals of more than one foreign country.
1000.304 Direct investor.
1000.305 Affiliated foreign national.
1000.306 Direct investment.
1000.307 Person.
1000.308 Transfer.
1000.309 Property; property interest.
1000.310 Interest.
1000.311 Banking institution.
1000.312 Transfer of capital.
1000.313 Reinvested earnings.
1000.314 Authorization and exemption.
1000.315 General authorization and exemption.
1000.316 Specific authorization and exemption.
1000.317 Domestic bank.
1000.318 United States.
1000.319 Schedule A, B, C, countries.
1000.320 Effective date.
1000.321 Year.
1000.322 Within the United States.

Subpart D—Interpretations

1000.401 Reference to amended sections.
1000.402 Effect of amendment of sections of this part or of other orders, etc.

Sec.
1000.403 Transactions between principal and agent.
1000.404 Distribution, apportionment or allocation of earnings.

Subpart E—Authorizations or Exemptions

1000.501 Effect of subsequent authorization or exemption.
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AUTHORITY: The provision of this Part 1000 issued under sec. 5 of the Act of October 6, 1917, 40 Stat. 415, as amended, 12 U.S.C. 95a; E.O. 11387, Jan. 1, 1968, 33 F.R. 47.

Subpart A—Relation of This Part to Other Laws and Regulations

§ 1000.101 Relation of this part to other laws and regulations.

(a) This part is independent of Title 31 CFR, Chapter V. The prohibitions contained in this part are in addition to the prohibitions contained in said Chapter V. No license contained in or issued pursuant to said Chapter V shall be deemed to authorize any transaction prohibited by this part, nor shall any license or authorization issued pursuant to any other provision of law be deemed to authorize any transaction so prohibited.

(b) No authorization or exemption contained in or issued pursuant to this part shall be deemed to authorize any transaction to the extent that it is prohibited by reason of the provisions of any law or statute other than 12 U.S.C. 95a, as amended, or any proclamation, order, or regulation other than those contained in or issued pursuant to Executive Order 11387 or this part.

(c) No authorization or exemption contained in or issued pursuant to this part shall be deemed to authorize any transaction to the extent that it is prohibited by reason of the provisions of any part of Title 31 CFR.

Subpart B—Prohibitions

§ 1000.201 Transfers of capital to affiliated foreign nationals involving foreign direct investments.

(a) Except as specifically authorized by the Secretary of Commerce (hereinafter referred to as the Secretary) by means of regulations, rulings, instructions, authorizations, licenses, waivers, or exemptions or otherwise, all of the following transactions directly or indirectly by or on behalf of or for the benefit of a direct investor are prohibited on or after the effective date, if any such transaction involves a direct or indirect transfer of capital to or within any foreign country directly or indirectly to or for the account of or for the benefit of any affiliated foreign national of such direct investor:

(1) Any transfer of credit;

(2) Any payment between, by, through, or to any banking institution or banking institutions wheresoever located;

(3) Any transaction in foreign exchange;

(4) Any direct or indirect acquisition of, or any holding, transfer of or dealing in, or any exercise of any right, power or privilege with respect to any property located in a foreign country.

(b) All transactions prohibited by section 1 of Executive Order 11387 which are not prohibited by this part are hereby authorized; provided, however, that any person failing to make timely compliance with the reporting requirements of Subpart F of this part is ineligible thereafter to avail itself of this general authorization.

(c) To the extent that may be delineated from time to time by the Board of Governors of the Federal Reserve System, nothing in this part shall apply to any bank or other financial institution certified by the Board as being subject to the Federal Reserve Foreign Credit Restraint Programs, or to any program instituted by the Board under Section 2 of Executive Order 11387.

§ 1000.202 Repatriation of direct investment earnings.

(a) Except as specifically authorized by the Secretary by means of regulations, rulings, instructions, authorizations, licenses, exemptions, waivers, or otherwise, each direct investor is hereby required to transfer, not less often than once a year, from Schedule A countries, or nationals thereof, to an account owned by such direct investor denominated in U.S. dollars at a domestic bank, an amount representing earnings from affiliated foreign nationals in such countries which is not less than the greater of:

(1) The same percentage of total earnings during each year of affiliated foreign nationals in all Schedule A countries attributable to such direct investor's interest therein as the percentage of such total earnings so attributable which was repatriated to the United States during the years 1964, 1965, and 1966, inclusive; or

(2) That portion of total earnings during each year of affiliated foreign nationals in all Schedule A countries attributable to such direct investor's interest therein that exceeds the amount of such earnings, reinvestment of which may occur within the limits of direct investment authorized in such countries for that year in accordance with § 1000.504(a)(1).

(b) Except as specifically authorized by the Secretary by means of regulations, rulings, instructions, authorizations, licenses, exemptions, waivers, or otherwise, each direct investor is hereby required to transfer not less often than once a year

from Schedule B countries, or nationals thereof, to an account owned by such direct investor denominated in U.S. dollars at a domestic bank, an amount representing earnings from affiliated foreign nationals in such countries which is not less than the greater of:

(1) The same percentage of total earnings during each year of affiliated foreign nationals in all Schedule B countries attributable to such direct investor's interest therein as the percentage of such total earnings so attributable which was repatriated to the United States during the years 1964, 1965, and 1966, inclusive; or

(2) That portion of total earnings during each year of affiliated foreign nationals in all Schedule A countries attributable to such direct investor's interest therein that exceeds the amount of such earnings, reinvestment of which may occur within the limits of direct investment authorized in such countries for that year in accordance with § 1000.504(a) (2).

(c) Except as specifically authorized by the Secretary by means of regulations, rulings, instructions, authorizations, licenses, exemptions, waivers, or otherwise, each direct investor is hereby required to transfer not less often than once a year from Schedule C countries, or nationals thereof, to an account owned by such direct investor denominated in U.S. dollars at a domestic bank an amount representing earnings from affiliated foreign nationals in such countries which is not less than the greater of:

(1) The same percentage of total earnings during each year of affiliated foreign nationals in all Schedule C countries attributable to such direct investor's interest therein as the percentage of such total earnings so attributable which was repatriated to the United States during the years 1964, 1965, and 1966, inclusive; or

(2) That portion of total earnings during each year of affiliated foreign nationals in all Schedule C countries attributable to such direct investor's interest therein that exceeds 35 percent of the average of direct investment by the direct investor in all Schedule C countries during the years 1965 and 1966 inclusive, all in conformity with § 1000.504(a) (3).

(d) In making computations under this section, earnings shall, where appropriate, be computed and/or prorated and other proper adjustments made in accordance with accounting principles generally accepted in the United States and consistently applied; *Provided*, That the Secretary shall have the right in his discretion to disapprove any such accounting principles determined by him to be inconsistent with the purpose of this part and to prescribe such principles as he may deem appropriate to carry out the purposes of this part.

(e) Repatriation of earnings under this section is not required where the reinvestment of the entire amount of such earnings is authorized by § 1000.503.

§ 1000.203 Liquid foreign balances of direct investors.

(a) Except as specifically authorized by the Secretary by means of regulations, rulings, instructions, authorizations, licenses, exemptions, waivers or otherwise, each direct investor is hereby required, on or before June 30, 1968, to reduce the amount of all bank deposits and other short-term financial assets held by or for the account or for the benefit of such direct investor in all foreign countries designated in each of Schedules A, B, and C by persons other than affiliated foreign nationals to an amount not in excess of the average end-of-month amounts of the same so held by or for the account of or for the benefit of such direct investor during 1965 and 1966 inclusive; to transfer on or before such date funds resulting from such reductions to an account owned by such direct investor denominated in U.S. dollars at a domestic bank; and, thereafter, to transfer funds to an account owned by such direct investor denominated in U.S. dollars at a domestic bank in amounts sufficient to limit the amount of such deposits and assets at the end of any month to such reduced amount of such bank deposits and other short-term financial assets.

(b) For the purposes of this section the term "short-term financial assets" includes, but not by way of limitation: Negotiable and readily transferable commercial and financial instruments, including obligations of foreign governments.

§ 1000.204 Evasion.

Anything in this part to the contrary notwithstanding, any transaction for the purpose of, or which has the effect of, evading or avoiding any of the provisions set forth in this part may be disregarded in whole or in part for purposes of measuring compliance with the provisions of this part.

Subpart C—General Definitions

§ 1000.301 Foreign country.

The term "foreign country" includes, but not by way of limitation:

(a) The state and the government of any foreign country as well as any political subdivision, agency, or instrumentality thereof or any territory, dependency, colony, protectorate, mandate, dominion, possession or place subject to the jurisdiction thereof.

(b) Any other government (including any political subdivision, agency, or instrumentality thereof) to the extent and only to the extent that such government exercises or claims to exercise control, authority, jurisdiction or sovereignty over territory which constitutes such foreign country.

(c) Any person to the extent that such person is, or to the extent that there is reasonable cause to believe that such person is, acting or purporting to act directly or indirectly for the benefit or on behalf of any of the foregoing.

(d) Any territory which is controlled or occupied by the military, naval or police forces or other authority of a foreign country.

§ 1000.302 Foreign national.

The terms "foreign national" and "national" of a foreign country shall include:

(a) A subject or citizen of, or any person domiciled or resident in, a foreign country.

(b) Any partnership, association, corporation, trust, estate, or other organization outside the United States organized under the laws of, or which has its principal place of business in, a foreign country, or any partnership, association, corporation, trust, estate, or other organization outside the United States which is controlled by, or a substantial part of the stock, shares, bonds, debentures, notes, drafts, or other securities or obligations of which, is owned or controlled by, directly or indirectly, a foreign country or one or more foreign nationals thereof.

(c) Any subsidiary, branch, division, or other subpart outside the United States, regardless of the place or organization, of a person within the United States shall be considered a foreign national if the same is engaged in trade or business in a foreign country.

(d) Any person to the extent that such person is acting or purporting to act directly or indirectly for the benefit or on behalf of any national of a foreign country.

(e) Any other person which there is reasonable cause to believe is a "foreign national" as defined in this section. The Secretary retains full power to determine that any person is or shall be deemed to be a "foreign national" within the meaning of this section, and to specify the foreign country of which such person is or shall be deemed to be a national.

§ 1000.303 Nationals of more than one foreign country.

(a) Any person who by virtue of any provision in this part is a national of more than one foreign country shall be deemed to be a national of each of such foreign countries.

(b) In any case in which a person is a national of two or more foreign countries, an authorization or exemption with respect to nationals of one of such foreign countries shall not be deemed to apply to such person unless an authorization or exemption of equal or greater scope is outstanding with respect to such person as a national of each other foreign country.

§ 1000.304 Direct investor.

The term "direct investor" means any person within the United States who directly or indirectly owns or acquires:

(a) Ten percent or more of the total combined voting power of any foreign national; or

(b) The right or power to receive, control, or otherwise enjoy 10 percent or more of the earnings, receipts, income or profits of any foreign national; or

(c) The right or power to receive, control or otherwise direct the disposition of 10 percent or more of the assets of any foreign national upon the liquidation, termination, or winding up thereof.

§ 1000.305 **Affiliated foreign national.**

The term "affiliated foreign national" means any foreign national in which a person within the United States is a direct investor.

§ 1000.306 **Direct investment.**

The term "direct investment" means:

(a) The act of making a transfer of capital or the capital so transferred; and

(b) The share of a direct investor in reinvested earnings of an affiliated foreign national or the accrual thereof.

§ 1000.307 **Person.**

The term "person" means an individual, partnership, association, trust, estate, corporation, or other organization. For purposes of § 1000.304 and wherever appropriate in the context, a person within the United States shall mean and include all members of an affiliated or associated group within the United States.

§ 1000.308 **Transfer.**

The term "transfer" means any actual or purported act or transaction, whether or not evidenced by writing, and whether or not done or performed within the United States, the purpose, intent, or effect of which is to create, surrender, release, transfer, or alter, directly or indirectly, any right, remedy, power, privilege, or interest with respect to any property and without limitation upon the foregoing shall include the making, execution, or delivery of any assignment, power, conveyance, check, declaration, deed, deed of trust, power of attorney, power of appointment, bill of sale, mortgage, receipt, agreement, contract, certificate, gift, sale, affidavit, or statement; the appointment of any agent, trustee, or other fiduciary; the creation or transfer of any lien; the acquisition of any interest of any nature whatsoever by reason of a judgment or decree of any foreign country; the fulfillment of any condition, or the exercise of any power of appointment, power of attorney, or other power.

§ 1000.309 **Property; property interest.**

The terms "property" and "property interest" include any property, real, personal, or mixed, tangible or intangible, or interest or interests therein, present, future or contingent.

§ 1000.310 **Interest.**

The term "interest" when used with respect to property shall mean an interest of any nature whatsoever, direct or indirect.

§ 1000.311 **Banking institution.**

The term "banking institution" shall include any person engaged primarily or incidentally in the business of banking, or granting or transferring credits, or of purchasing or selling foreign exchange or procuring purchasers and seller thereof, as principal or agent, or any person holding credits for others as a direct or incidental part of his business, or any broker; and, each principal, agent, home office, branch, or correspondent of any person so engaged shall be regarded as a separate "banking institution".

§ 1000.312 **Transfer of capital.**

The term "transfer of capital" shall mean a transfer of capital, directly or indirectly, by or on behalf of, or for the benefit of, a direct investor directly or indirectly to or on behalf of, or for the benefit of an affiliated foreign national including but not by way of limitation:

(a) A net contribution to the capital of an affiliated foreign national;

(b) The acquisition of an interest in, or an increase in net interest in, an affiliated foreign national;

(c) The acquisition of an obligation of an affiliated foreign national, regardless of the maturity date of the obligation, to the extent the principal amount of all such obligations exceeds that of obligations of the direct investor acquired by such foreign national;

(d) A net increase in loans or advances upon open account to an affiliated foreign national;

(e) Any transfer to any other person, wheresoever located, in satisfaction of an obligation of a direct investor incurred as a result of (1) a guarantee of an obligation of an affiliated foreign national or (2) the assumption of a liability of an affiliated foreign national.

§ 1000.313 **Reinvested earnings.**

The term "reinvested earnings" shall mean the earnings of an affiliated foreign national available at any time for distribution and not so distributed.

§ 1000.314 **Authorization and exemption.**

Except as otherwise specified, the terms "authorization" and "exemption" shall mean, respectively, any authorization or exemption contained in or issued pursuant to this part.

§ 1000.315 **General authorization and exemption.**

The terms "general authorization" and "general exemption" mean those authorizations and exemptions, the terms of which are set forth in this part.

§ 1000.316 **Specific authorization and exemption.**

The terms "specific authorization" and "specific exemption" mean those authorizations and exemptions issued pursuant to this part but not set forth in this part.

§ 1000.317 **Domestic bank.**

The term "domestic bank" shall mean any branch or office within the United States of any of the following which is not a foreign national: Any bank or trust company incorporated under the banking laws of the United States or of any State, territory, insular possession, the Commonwealth of Puerto Rico, or district of the United States, or any private bank or banker subject to supervision and examination under the banking laws of the United States or of any State, territory, insular possession, the Commonwealth of Puerto Rico, or district of the United States. The Secretary may also authorize any other banking institution to be treated as a "domestic bank" for the purpose of this definition or for the purpose of any or all sections of this part.

§ 1000.318 **United States.**

The term "United States" means the United States and all areas under the jurisdiction or authority thereof.

§ 1000.319 **Schedule A, B, C, countries.**

(a) Schedule A countries are all foreign countries designated as less developed countries in the Executive order, as from time to time in force, issued under section 4916 of the Internal Revenue Code.

(b) Schedule B countries are such other foreign countries as the Secretary may determine to be developed countries in which a high level of capital inflow is essential for the maintenance of economic growth and financial stability, and where those requirements cannot be adequately met from non-U.S. sources. The following countries are hereby determined to fall in this category: Abu Dhabi, Australia, The Bahamas, Bahrain, Bermuda, Canada, Hong Kong, Iran, Iraq, Ireland, Japan, Kuwait, Kuwait-Saudi Arabia Neutral Zone, Libya, New Zealand, Qatar, Saudi Arabia, and the United Kingdom.

(c) Schedule C countries are all foreign countries not included as Schedule A or B countries.

(d) The Secretary may in his discretion, from time to time, transfer any foreign country from any one of the Schedules to another.

§ 1000.320 **Effective date.**

The term "effective date" means 12:00 noon eastern standard time of January 1, 1968.

§ 1000.321 **Year.**

Unless otherwise specified, the term "year" or "portion of a year" means a calendar year or a portion thereof.

§ 1000.322 **Within the United States.**

(a) As applied to any person the term "within the United States", includes:

(1) A person, wheresoever located, who is a resident of the United States;

(2) A person actually within the United States; and

(3) A corporation organized under the laws of the United States or of any State, territory, possession, District of Columbia, or the Commonwealth of Puerto Rico.

(b) A subsidiary, branch, division or other subpart of a foreign national which constitutes a permanent establishment within the United States shall be considered a person within the United States for purposes of this part except that nothing herein contained shall limit a bona fide transfer of capital in the ordinary and customary course of business by such subsidiary, branch, division or other subpart to and for the benefit of its parent organization.

Subpart D—Interpretations

§ 900.401 **Reference to amended sections.**

Reference to any section of this part or to any regulation, ruling, order, instruction, direction, authorization, license or exemption issued pursuant to

this part shall be deemed to refer to the same as currently amended unless otherwise so specified.

§ 1000.402 Effect of amendment of sections of this part or of other orders, etc.

Any amendment, modification, or revocation of any section of this part or of any order, regulation, ruling, instruction, authorization, license, or exemption issued by or under the direction of the Secretary pursuant to 12 U.S.C. 95a, as amended, shall not unless otherwise specifically provided be deemed to affect any act done or omitted to be done, or any suit or proceeding had or commenced in any civil or criminal case, prior to such amendment, modification, or revocation, and all penalties, forfeitures, and liabilities under any such section, order, regulation, ruling, instruction, authorization, license, or exemption shall continue in effect and may be enforced as if such amendment, modification, or revocation had not been made.

§ 1000.403 Transactions between principal and agent.

A transaction between any person within the United States and any principal, agent, home office, branch, subsidiary, affiliate, division, subpart, or correspondent outside the United States of such person is a transaction prohibited by § 1000.201 to the same extent as if the parties to the transaction had no such relationship.

§ 1000.404 Distribution, apportionment or allocation of earnings.

In any case of two or more organizations, trades or businesses owned or controlled directly or indirectly by the same interests, the Secretary may distribute, apportion or allocate earnings or any component of earnings, if he determines that such distribution, apportionment, or allocation is necessary or appropriate clearly or properly to reflect earnings attributable to a direct investor's interest in affiliated foreign nationals or otherwise to carry out the purposes of this part.

Subpart E—Authorizations or Exemptions

§ 1000.501 Effect of subsequent authorization or exemption.

No authorization or exemption contained in this part, or issued by or under the direction of the Secretary pursuant to this part, shall be deemed to authorize or validate any transaction effected prior to the issuance thereof, unless such authorization or other exemption specifically so provides.

§ 1000.502 Exclusion from authorization or exemption.

The Secretary reserves the right to exclude from the operation of any authorization or exemption or from the privileges therein conferred, or to restrict the applicability thereof with respect to particular persons, transactions or property or classes thereof. Such action shall be binding upon all persons receiving actual notice or constructive notice thereof.

§ 1000.503 Direct investment not exceeding $100,000.

During any year direct investment by any direct investor in all foreign countries, not amounting in the aggregate to more than $100,000, are hereby authorized.

§ 1000.504 Transfers of capital.

(a) Subject to the provisions of paragraphs (b) and (c) of this section, the following provisions of this section shall apply to aggregate direct investment in excess of $100,000 in any year without regard to the provisions of § 1000.503.

(1) Transfers of capital during any year to any Schedule A country or national thereof are authorized provided that such transfers do not result in direct investment during that year exceeding 110 percent of the average of direct investment by the direct investor in all Schedule A countries, or nationals thereof, during the years 1965 and 1966 inclusive.

(2) Transfers of capital during any year to any Schedule B country or national thereof are authorized provided that such transfers do not result in direct investment during such year exceeding 65 percent of the average of direct investment by the direct investor in all Schedule B countries, or nationals thereof, during the years 1965 and 1966 inclusive.

(3) Except as authorized in this part, a moratorium exists on transfers of capital during any year to any Schedule C country or national thereof. Reinvestment during any year of a direct investor's share of earnings in Schedule C countries is authorized provided that the aggregate of such reinvested earnings in Schedule C countries, in conformity with the provisions of § 1000.202, does not result in direct investment in that year exceeding 35 percent of the average of direct investment by the direct investor in all Schedule C countries or nationals thereof during the years 1965 and 1966 inclusive.

(b) In determining whether a transfer of capital during any year is authorized by this section, both the amount of direct investment during that year and the average amount of direct investment during the years 1965 and 1966 inclusive, shall be calculated by deducting such portion of net borrowings by the direct investor from foreign nationals other than affiliated foreign nationals as is or was expended in such direct investment: *Provided, however*, That amounts so borrowed evidenced by short term instruments with an original maturity of less than 12 months which are readily marketable in the ordinary course of business shall not be so deducted.

(c) The Secretary reserves the right at any time to exclude any direct investor from any or all of the privileges of this section.

§ 1000.505 Transfer of capital between foreign countries.

Nothing contained in this part shall prohibit a transfer of capital between foreign nationals outside the United States who are nationals of the same foreign country or of two or more foreign countries in the same Schedule contained in § 1000.319. A transfer of capital between foreign nationals outside the United States who are nationals of countries listed in different Schedules is hereby authorized except that if the transferor or transferee foreign national is an affiliated foreign national acting by, or on behalf of or for the benefit of a direct investor:

(a) A transfer from a national of a Schedule C or Schedule B country to a national of a Schedule A country, or from a national of a Schedule C country to a national of a Schedule B country is authorized only to the extent that the amount of the transfer, taken together with other authorized transfers of such direct investor, does not exceed in any year the limits authorized with respect to such direct investor in § 1000.504 of this part; and

(b) A transfer from a national of a Schedule A or B country to a national of a Schedule C country, or from a national of a Schedule A country to a national of a Schedule B country is not authorized.

Subpart F—Records and Reports

§ 1000.601 Records.

Every person subject to the provisions of this part shall keep in the United States a full and accurate record of each transaction engaged in by it which is subject to the provisions of this part, regardless of whether such transaction is effected pursuant to authorization or otherwise, and of every other transaction between such person and an affiliated foreign national. Such records shall be available for examination for at least 2 years after the date of the transactions to which they relate.

§ 1000.602 Reports.

(a) Every person is required to furnish under oath, in the form of reports or otherwise, from time to time and at any time as may be required by the Secretary, complete information relative to any transaction with respect to which records are required to be kept under this part. The Secretary may require that such reports include the production of any books of account, contract, letters, or other papers, connected with any such transaction or property, in the custody or control of the persons required to make such reports. Complete information with respect to transactions may be required either before or after such transactions are completed. The Secretary may, through any person or agency, investigate any such transaction or property or any violation of the provisions of this part, regardless of whether any report has been required or filed in connection therewith.

(b) The following reports are required to be filed by direct investors with the Office of Foreign Direct Investments, Department of Commerce, Washington, D.C. 20230;

(1) Form CDFDI—101, Based Period Report. This report is to be filed by March 15, 1968, or on the date its first quarterly report is due, whichever is earlier.

(2) Form CDFDI—102, Quarterly Report. This report must be filed within 45 days from the close of each quarter of a year.

Subpart G—Penalties

§ 1000.701 **Penalties.**

(a) Attention is directed to 12 U.S.C. 95a, which provides in part:

Whoever willfully violates any of the provisions of this section or of any license, order, rule, or regulation issued thereunder, shall, upon conviction, be fined not more than $10,000, or, if a natural person, may be imprisoned for not more than 10 years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both. As used in this section the term "person" means an individual, partnership, association, or corporation.

This section is applicable to violations of any provision of this part and to violations of the provisions of any license, ruling, regulation, order, direction or instruction issued by or pursuant to the direction or authorization of the Secretary pursuant to this part or otherwise under such section.

(b) Attention is also directed to 18 U.S.C. 1001, which provides:

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both.

Subpart H—Procedures

§ 1000.801 **Applications for specific authorizations and exemptions.**

Transactions subject to the prohibitions contained in this part which are not authorized by general authorization may be effected only under specific authorization. Persons subject to the requirements of this part may be exempted from complying with any particular requirement imposed by this part only through a specific exemption.

(a) *General procedure.* Applications for specific authorizations to engage in any transaction prohibited, or for specific exemptions to be exempted or to deviate from any particular requirement imposed, by or pursuant to this part, are to be filed in duplicate with the Director, Office of Foreign Direct Investments, Department of Commerce, Washington, D.C. 20230. Any person affected by the provisions contained in this part may file such an application.

(b) *Information to be supplied.* Applicants must supply all relevant information. Such documents as may be relevant shall be attached to each application as a part thereof, except that documents previously filed with the Director, may, where appropriate, be incorporated by reference. Applicants may be required to furnish such further information as may be requested by the Director. An applicant or other party in interest may furnish additional information or present views concerning the application at any time before a decision has been rendered. Arrangements for oral presentation should be made with the Director.

(c) *Decision.* Prompt notice of action taken on an application shall be communicated to the applicant. Whenever an application is denied, such notice shall be accompanied by a simple statement of the grounds therefor. The decision on the application shall constitute final agency action.

(d) *Effect of denial.* The denial of an application does not preclude the matter from being reopened at the request of the applicant, or the filing of a new application.

(e) *Terms and conditions of specific licenses and exemptions.* Any specific license or exemption is issued subject to all the terms, conditions and special requirements contained therein.

§ 1000.802 **Amendment, modification, or revocation.**

The provisions of this part and any rulings, licenses, exemptions, authorizations, instructions, orders, or forms issued thereunder may be amended, modified, or revoked at any time. In general, the public interest requires that such amendments, modifications, or revocations be made without prior notice.

§ 1000.803 **Rules governing availability of information.**

(a) The information, records, and other material of the Office of Foreign Direct Investments required by 5 U.S.C. 552 to be made available to the public shall be made available in accordance with the provisions of Department Order 64 of the Secretary of Commerce (32 F.R. 9643 of July 4, 1967).

(b) Forms CDFDI—101 and 102 and any other forms used in connection with the Foreign Direct Investment Regulations may be obtained in person from or by writing to the Director, Office of Foreign Direct Investments, Department of Commerce, Washington, D.C. 20230.

§ 1000.804 **Delegations.**

Any function, duty or authority under these regulations may be performed or exercised by the Secretary or by any person, agency or instrumentality designated by him (directly or indirectly by one or more redelegations of authority) and the term "Secretary" as used in these regulations shall include any such designated person, agency, or instrumentality, as applicable.

Signed at Washington, D.C., this 1st day of January 1968.

A. B. TROWBRIDGE,
Secretary of Commerce.

[F.R. Doc. 68-114; Filed, Jan. 1, 1968; 6:44 p.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Department Order 184-A]

ESTABLISHMENT OF OFFICE OF FOREIGN DIRECT INVESTMENTS

SECTION 1. *Purpose*. The purpose of this order is to establish the Office of Foreign Direct Investments, delegate authority to its Director, and describe the general functions of the Office.

SEC. 2. *General*—.01 The Office of Foreign Direct Investments (hereinafter called the "Office") is hereby established as a primary operating unit of the Department of Commerce pursuant to the authority vested in the Secretary of Commerce by Executive Order 11387, dated January 1, 1968, and otherwise by law.

.02 The Office shall be headed by a Director (hereinafter called the "Director") who shall report and be responsible to the Secretary of Commerce (hereinafter called the "Secretary"). The Director shall be assisted by a Deputy Director who shall perform the functions of the Director during the latter's absence, and by such staff as the Director may require to perform the functions and authorities and discharge the responsibilities set forth herein.

SEC. 3. *Delegation of authority*—.01 Pursuant to the authority vested in the Secretary by Executive Order 11387 and otherwise by law, and subject to such policies, limitations and directions as the Secretary may prescribe, the Director is hereby delegated the functions, authorities, and responsibilities given to the Secretary under said Executive order governing certain capital transfers abroad, and under such other Executive orders, laws, regulations, and actions relating thereto as the Secretary shall determine are applicable.

.02 The Director may redelegate, as may be necessary in their performance, any functions, authorities, or responsibilities conferred upon him by this order to any other agency, instrumentality, or official of the United States, subject to such conditions and limitations as the Secretary may deem desirable.

SEC. 4. *General functions*—.01 The Director shall, with respect to the functions, authorities, and responsibilities delegated to him by this order:

a. Provide advice and assistance to the Secretary in such matters.

b. Carry out the provisions of Executive Order 11387, prescribe definitions for any terms used therein, make general or specific exemptions, exceptions, or waivers to the prohibitions thereof, issue such rules and regulations, orders, rulings, licenses, and instructions, and take such other actions, as he determines to be necessary or appropriate to carry out the purposes of said Executive order.

c. Consult and collaborate as necessary and appropriate with other officers and units of the Department, officials of other Federal agencies, including the Secretaries of State and Treasury and the Board of Governors of the Federal Reserve System, and representatives of foreign governments.

d. Administer the regulations issued by the Secretary, and as they may be amended, under Title 15, Code of Federal Regulations, Chapter X, Part 1000.

e. Take such necessary actions as may be necessary to obtain effective compliance with the policies, programs and regulatory system established under this order, to obtain reports and other information, and to conduct investigations to carry them out.

f. Provide a basis for policy formulation of the Department with respect to direct investment abroad and related matters.

g. Utilize the facilities and services of other units of the Department of Commerce, of other Federal or State agencies, and of any of the Federal Reserve Banks, which are available and appropriate.

h. Take such other actions as may be necessary and desirable.

SEC. 5. *Effect on other orders*. To the extent that this order affects any other orders or regulations of the Department, they are accordingly modified.

SEC. 6. *Effective date*. This order shall become effective January 2, 1968.

A. B. TROWBRIDGE,
Secretary of Commerce.

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